

ANNOTATED MINUTES

*Tuesday, April 7, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

EXECUTIVE BUDGET MESSAGE

1. *1992-93 Executive Budget Message Presented by Chair Gladys McCoy.*

**THE EXECUTIVE BUDGET MESSAGE WAS PRESENTED BY
CHAIR GLADYS MCCOY.**

*Tuesday, April 7, 1992 - 10:15 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFINGS

- B-1 *Update on Library Activities - Presented by Ginnie Cooper.*

**LIBRARY DIRECTOR GINNIE COOPER AND LIBRARY
STAFF PRESENTED AN UPDATE ON MULTNOMAH
COUNTY LIBRARY ACTIVITIES.**

- B-2 *Briefing for the Corbett Community Strategy Plan - Presented by Sharon Timko and
Corbett Community Plan Task Force Members.*

**SHARRON TIMKO, STAFF TO CHAIR GLADYS MCCOY,
BRIEFED THE BOARD ON THE CORBETT COMMUNITY
STRATEGY PLAN.**

*Tuesday, April 7, 1992 - 11:15 AM
Multnomah County Courthouse, Room 602*

AGENDA REVIEW

- B-3 *Review of Agenda for Regular Meeting of April 9, 1992*
-

*Tuesday, April 7, 1992 - 1:30 PM
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session to
Discuss Pending Litigation Pursuant to ORS 192.660 (1)(h).*

EXECUTIVE SESSION HELD.

Wednesday, April 8, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

PUBLIC HEARING/BUDGET

1. *Public Hearing and Testimony for the SHERIFF'S OFFICE BUDGET*

**PUBLIC HEARING WAS HELD AND TESTIMONY WAS
HEARD ON THE SHERIFF'S OFFICE BUDGET.**

Wednesday, April 8, 1992 - 1:30 PM
Multnomah County Courthouse, Room 602

PUBLIC HEARING/BUDGET

2. *Public Hearing and Testimony for the DEPARTMENT OF COMMUNITY CORRECTIONS
BUDGET*

**PUBLIC HEARING ON THE DEPARTMENT OF COMMUNITY
CORRECTIONS BUDGET RESCHEDULED TO FRIDAY,
APRIL 17, 1992, 9:30 A.M. TO NOON.**

Thursday, April 9, 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, Rick Bauman and Gary Hansen present.*

CONSENT CALENDAR

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

NON-DEPARTMENTAL

- C-1 *In the Matter of the Appointment of Isadore G. Maney, Jr., term expires 9/95; to the
DEPARTMENT OF COMMUNITY CORRECTIONS CITIZENS BUDGET ADVISORY
COMMITTEE (CBAC)*
- C-2 *In the Matter of the Appointments of Al Armstrong, term expires 3/31/94; and Michael
Zollitsch, term expires 4/30/94; to the CITIZEN INVOLVEMENT COMMITTEE*
- C-3 *In the Matter of the Appointments of Kevin Fitts, term expires 1994; Susan Ziglinski, term*

expires 1992; Linda Reilly, term expires 1994; Sandra Bright-Fish, term expires 1992; and Mary Anne Hannibal, term expires 1994; to the MENTAL HEALTH ADVISORY COMMITTEE

REGULAR AGENDA

NON-DEPARTMENTAL
MANAGEMENT SUPPORT

- R-1 PUBLIC HEARING in the Matter of the Presentation, Discussion and Approval of the 1992-93 Budget for the Dunthorpe Riverdale Sanitary Service District No. 1

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-1. PUBLIC HEARING HELD. THE 1992-93 DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1 BUDGET WAS UNANIMOUSLY APPROVED.

- R-2 PUBLIC HEARING in the Matter of the Presentation, Discussion and Approval of the 1992-93 Budget for the Mid-County Street Lighting Service District No. 14

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. PUBLIC HEARING HELD. THE 1992-93 MID-COUNTY STREET LIGHTING SERVICE DISTRICT NO. 14 BUDGET WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 Ratification of an Intergovernmental Agreement between the Oregon State Highway Division and Multnomah County Transportation Division for the County's Share of the Construction Costs and Other Obligations for an Eight Phase Traffic Signal at SE Stark Street at 202nd under Title II Highway Enhancement System

COMMISSIONER HANSEN MOVED AND COMMISSIONER BAUMAN SECONDED. AGREEMENT WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

- R-4 RESOLUTION in the Matter of the Asian Gypsy Moth Spray Program for North Portland

COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4. PUBLIC TESTIMONY WAS HEARD. RESOLUTION 92-47 WAS UNANIMOUSLY APPROVED.

- R-5 Budget Modification MCHD #3 Authorizing Transfer of \$37,000 Professional Services to Capital within the Inverness Corrections Health Program Budget

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. BUDGET MODIFICATION WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF SOCIAL SERVICES

- R-6 *Budget Modification DSS #64 Authorizing Transfer \$19,899 Earmarked Minority Service Funds from Pass Through within the Aging Services Division/Contracted Services Budget to Temporary Personnel to create 4 to 6 Minority Outreach Community Liaison Positions (\$14,999), Education & Training (\$3,900) and Professional Services (\$1,000) to Cover Costs of Foreign Language Classes and Translation of Agency Materials*

COMMISSIONER BAUMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-6. BUDGET MODIFICATION WAS UNANIMOUSLY APPROVED.

- R-7 *Budget Modification DSS #65 Authorizing Transfer of \$12,000 from Aging Services Division/Public Guardian Savings from Vacant/Late Hire Positions to Professional Services and Supplies to Pay for Increased Court Visitor Fees, Income Tax Preparation, and Administrative Support for the New Positions Approved in the FY 91-92 Add Package*

COMMISSIONER KELLEY MOVED AND COMMISSIONER BAUMAN SECONDED, APPROVAL OF R-7. BUDGET MODIFICATION WAS UNANIMOUSLY APPROVED.

- R-8 *Budget Modification DSS #66 Requesting Authorization to Adjust Housing and Community Services Division/Community Action Program Budget Authority to Reflect Revenue Awards by Adding a net of \$339,619 which are used to Increase Pass Through, Temporary and Related Materials & Services*

COMMISSIONER KELLEY MOVED AND COMMISSIONER BAUMAN SECONDED, APPROVAL OF R-8. BUDGET MODIFICATION WAS UNANIMOUSLY APPROVED.

- R-9 *Budget Modification DSS #67 Requesting Authorization to Reclassify an Office Assistant 2 to an Office Assistant/Senior Position*

COMMISSIONER BAUMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. BUDGET MODIFICATION WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-10 *RESOLUTION in the Matter of Accepting the Corbett Community Strategy Plan*

COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-10. RESOLUTION 92-48 WAS UNANIMOUSLY APPROVED.

- R-11 *Second Reading and Possible Adoption of an ORDINANCE Adding New Chapter 8.75 to*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER BAUMAN SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. TESTIMONY RECEIVED. ORDINANCE NO. 717 WAS UNANIMOUSLY APPROVED.

- R-12 *Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 3.11, Relating to Charitable Fund Raising on County Premises, by Changing the Membership of the Campaign Management Council and the Certification Criteria*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. NO TESTIMONY RECEIVED. ORDINANCE NO. 718 WAS UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 10:30 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON


Carrie A. Parkerson

Thursday, April 9, 1992 - 1:30 PM
Multnomah County Courthouse, Room 602

PUBLIC HEARING/BUDGET

1. *Public Hearing and Testimony for the DEPARTMENT OF ENVIRONMENTAL SERVICES BUDGET*

PUBLIC HEARING WAS HELD AND TESTIMONY HEARD ON THE DEPARTMENT OF ENVIRONMENTAL SERVICES BUDGET.

Friday, April 10, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

PUBLIC HEARING/BUDGET

1. *Public Hearing and Testimony for the DEPARTMENT OF SOCIAL SERVICES BUDGET*

***PUBLIC HEARING WAS HELD AND TESTIMONY HEARD ON
THE DEPARTMENT OF SOCIAL SERVICES BUDGET.***

*Friday, April 10, 1992 - 1:30 PM
Multnomah County Courthouse, Room 602*

PUBLIC HEARING/BUDGET

2. *Public Hearing and Testimony for the DEPARTMENT OF HEALTH BUDGET*

***CAROLE MURDOCK, LUANA SHIPP, BILLI ODEGAARD,
TOM FRONK, MARY LOU HENNRICH, GORDON EMPEY,
JAN SINCLAIR, DWAYNE PRATHER, GLORIA McCLENDON,
JEANNE GOULD AND KATHY PAGE PRESENTATION AND
RESPONSE TO BOARD QUESTIONS. VIRNIN McKELLAR,
DONNA LEE SATHER, KATHY HAMMOCK AND CLINTON
NELSON TESTIMONY IN SUPPORT OF VARIOUS HEALTH
PROGRAMS FUNDING.***



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

April 6 - 10, 1992

Tuesday, April 7, 1992 - 9:30 AM - EXECUTIVE BUDGETPage 2
MESSAGE

Tuesday, April 7, 1992 - 10:15 AM - Board BriefingsPage 2

Tuesday, April 7, 1992 - 11:15 AM - Agenda ReviewPage 2

Tuesday, April 7, 1992 - 1:30 PM - Executive Session. . . .Page 2

Wednesday, April 8, 1992 - 9:30 AM - PUBLIC HEARING/BUDGET. Page 2

Wednesday, April 8, 1992 - 1:30 PM - PUBLIC HEARING/BUDGET. Page 3

Thursday, April 9, 1992 - 9:30 AM - Regular MeetingPage 3

Thursday, April 9, 1992 - 1:30 PM - PUBLIC HEARING/BUDGET .Page 4

Friday, April 10, 1992 - 9:30 AM - PUBLIC HEARING/BUDGET. .Page 5

Friday, April 10, 1992 - 1:30 PM - PUBLIC HEARING/BUDGET. .Page 5

BUDGET DELIBERATIONS SCHEDULEPage 6

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, April 7, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

EXECUTIVE BUDGET MESSAGE

1. 1992-93 Executive Budget Message Presented by Chair Gladys McCoy. 9:30 AM TIME CERTAIN. 30 MINUTES REQUESTED.
-

Tuesday, April 7, 1992 - 10:15 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Update on Library Activities - Presented by Ginnie Cooper. 30 MINUTES REQUESTED.
 - B-2 Briefing for the Corbett Community Strategy Plan - Presented by Sharon Timko and Corbett Community Plan Task Force Members. 10:45 AM TIME CERTAIN FOR REVIEW OF AGENDA ITEM R-10. 30 MINUTES REQUESTED.
-

Tuesday, April 7, 1992 - 11:15 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-3 Review of Agenda for Regular Meeting of April 9, 1992
-

Tuesday, April 7, 1992 - 1:30 PM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session to Discuss Pending Litigation Pursuant to ORS 192.660 (1)(h). 1 HOUR REQUESTED.
-

Wednesday, April 8, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

PUBLIC HEARING/BUDGET

1. Public Hearing and Testimony for the SHERIFF'S OFFICE BUDGET

Wednesday, April 8, 1992 - 1:30 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING/BUDGET

2. Public Hearing and Testimony for the DEPARTMENT OF COMMUNITY CORRECTIONS BUDGET
-

Thursday, April 9, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 In the Matter of the Appointment of Isadore G. Maney, Jr., term expires 9/95; to the DEPARTMENT OF COMMUNITY CORRECTIONS CITIZENS BUDGET ADVISORY COMMITTEE (CBAC)
- C-2 In the Matter of the Appointments of Al Armstrong, term expires 3/31/94; and Michael Zollitsch, term expires 4/30/94; to the CITIZEN INVOLVEMENT COMMITTEE
- C-3 In the Matter of the Appointments of Kevin Fitts, term expires 1994; Susan Ziglinski, term expires 1992; Linda Reilly, term expires 1994; Sandra Bright-Fish, term expires 1992; and Mary Anne Hannibal, term expires 1994; to the MENTAL HEALTH ADVISORY COMMITTEE

REGULAR AGENDA

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

- R-1 PUBLIC HEARING in the Matter of the Presentation, Discussion and Approval of the 1992-93 Budget for the Dunthorpe Riverdale Sanitary Service District No. 1
- R-2 PUBLIC HEARING in the Matter of the Presentation, Discussion and Approval of the 1992-93 Budget for the Mid-County Street Lighting Service District No. 14

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 Ratification of an Intergovernmental Agreement between the Oregon State Highway Division and Multnomah County Transportation Division for the County's Share of the Construction Costs and Other Obligations for an Eight Phase Traffic Signal at SE Stark Street at 202nd under Title II Highway Enhancement System

DEPARTMENT OF HEALTH

- R-4 RESOLUTION in the Matter of the Asian Gypsy Moth Spray Program for North Portland
- R-5 Budget Modification MCHD #3 Authorizing Transfer of \$37,000 Professional Services to Capital within the Inverness Corrections Health Program Budget

DEPARTMENT OF SOCIAL SERVICES

- R-6 Budget Modification DSS #64 Authorizing Transfer \$19,899 Earmarked Minority Service Funds from Pass Through within the Aging Services Division/Contracted Services Budget to Temporary Personnel to create 4 to 6 Minority Outreach Community Liaison Positions (\$14,999), Education & Training (\$3,900) and Professional Services (\$1,000) to Cover Costs of Foreign Language Classes and Translation of Agency Materials
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- R-8 Budget Modification DSS #66 Requesting Authorization to Adjust Housing and Community Services Division/Community Action Program Budget Authority to Reflect Revenue Awards by Adding a net of \$339,619 which are used to Increase Pass Through, Temporary and Related Materials & Services
- R-9 Budget Modification DSS #67 Requesting Authorization to Reclassify an Office Assistant 2 to an Office Assistant/Senior Position

NON-DEPARTMENTAL

- R-10 RESOLUTION in the Matter of Accepting the Corbett Community Strategy Plan
- R-11 Second Reading and Possible Adoption of an ORDINANCE Adding New Chapter 8.75 to the Multnomah County Code in Order to Regulate Refuse Hauling, Dumping and Littering
- R-12 Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 3.11, Relating to Charitable Fund Raising on County Premises, by Changing the Membership of the Campaign Management Council and the Certification Criteria

Thursday, April 9, 1992 - 1:30 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING/BUDGET

1. Public Hearing and Testimony for the DEPARTMENT OF ENVIRONMENTAL SERVICES BUDGET

Friday, April 10, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

PUBLIC HEARING/BUDGET

1. Public Hearing and Testimony for the DEPARTMENT OF SOCIAL SERVICES BUDGET
-

Friday, April 10, 1992 - 1:30 PM
Multnomah County Courthouse, Room 602

PUBLIC HEARING/BUDGET

2. Public Hearing and Testimony for the DEPARTMENT OF HEALTH BUDGET

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
1992-1993 BUDGET DELIBERATIONS SCHEDULE

The 1992-1993 Multnomah County budget deliberations will be held in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, with the exception of an evening hearing on Tuesday, April 14, 1992, which will be held in Multnomah County Sheriff's Office Auditorium, 12240 NE Glisan, Portland.

The public is invited to all sessions. Public testimony will be heard during public hearing sessions. Written testimony will be accepted at any session. Call the Office of the Board Clerk for further information, 248-3277 or 248-5222.

Tuesday, April 7	9:30-10:00 AM	EXECUTIVE BUDGET MESSAGE
Wednesday, April 8	9:30-12:00 PM	<u>PUBLIC HEARING</u>
		SHERIFF
	1:30-5:00 PM	<u>PUBLIC HEARING</u>
		COMMUNITY CORRECTIONS
Thursday, April 9	9:30-12:00 PM	<u>PUBLIC HEARING</u>
		DUNTHORPE-RIVERDALE SERVICE DIST.
		NO. 1 AND MID-COUNTY SERVICE DIST.
		NO. 14
	1:30-5:00 PM	<u>PUBLIC HEARING</u>
		ENVIRONMENTAL SERVICES
Friday, April 10	9:30-12:00 PM	<u>PUBLIC HEARING</u>
		SOCIAL SERVICES
	1:30-5:00 PM	<u>PUBLIC HEARING</u>
		HEALTH
Monday, April 13	9:30-12:00 PM	<u>PUBLIC HEARING</u>
		DISTRICT ATTORNEY AND LIBRARY
		SERVICES
	1:30-5:00 PM	<u>PUBLIC HEARING</u>
		NON-DEPARTMENTAL
Tuesday, April 14	7:00 PM	<u>PUBLIC HEARING</u>
		Sheriff's Office/Auditorium
		12240 NE Glisan, Portland
Wednesday, April 15	7:00 PM	<u>PUBLIC HEARING</u>
		Multnomah County Courthouse
		1021 SW Fourth, Room 602
Friday, April 17	9:30-12:00 PM	WORK SESSION
	1:30-5:00 PM	WORK SESSION
Monday, April 20	9:30-12:00 PM	WORK SESSION
	1:30-5:00 PM	WORK SESSION
Wednesday, April 22	9:30-12:00 PM	WORK SESSION
	1:30-5:00 PM	WORK SESSION
Thursday, April 23	9:30 AM	APPROVE BUDGET
Thursday, April 30	9:30 AM	APPROVE BUDGET (ALTERNATE DATE)

Meeting Date: APR 07 1992

Agenda No.: E-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: EXECUTIVE SESSION

AGENDA REVIEW/
BOARD BRIEFING

4/7/92 1:30 Time Certain Requested
(date) REGULAR MEETING (date)

DEPARTMENT Nondepartmental DIVISION County Counsel

CONTACT H. H. Lazenby, Mike Doyle TELEPHONE X-3138

PERSON(S) MAKING PRESENTATION _____

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 hour

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested,
as well as personnel and fiscal/budgetary impacts, if applicable):

Executive Session pursuant to ORS 192.660(1)(h) to discuss pending
litigation

1992 APR - 2 AM 11:55
CLERK OF
COUNTY COMMISSIONER
MULTNOMAH COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL

Gladys McCarty

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

1 ANGELA SHERBO OSB#82447
RICHARD BALDWIN OSB#77013
2 MICHELLE RYAN OSB#79370
Multnomah County Legal Aid Service
3 310 S.W. 4th Avenue #900
Portland, Oregon 97204
4 Telephone: (503) 224-4086

5 JULIE H. MCFARLANE OSB#80077
Juvenile Rights Project
2325 E. Burnside Street
6 Portland, Oregon 97214
7 Telephone: (503) 232-2540

8
9 Of Attorneys for Plaintiffs

10 LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON
11 J. Michael Doyle, OSB No. 80207
Assistant County Counsel
12 1120 S.W. Fifth Avenue, Suite 1530
P. O. Box 849
13 Portland, Oregon 97207-0849
Telephone: (503) 248-3138

14
15 Of Attorneys for Defendants

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF OREGON

18 ROBYN A., et al.,)	
)	
19 Plaintiffs,)	Civil No. 90-1151-FR
20 vs.)	
)	CONSENT DECREE
21 GLADYS MCCOY, et al.,)	
)	
22 Defendants.)	

23
24 The parties to this class action challenging the constitutionality of the conditions and
25 practices at the Donald E. Long Home have agreed to a judgment which resolves all issues

1 without trial. Therefore, it is ORDERED, ADJUDGED, and DECREED:

2 I.

3 JURISDICTION

4 This court has jurisdiction of the subject matter of this action and of all parties. The
5 court has the authority to grant all relief included in this final judgment.

6 II.

7 PARTIES

8 This judgment shall be binding on all defendants, their officers, employees, agents,
9 successors, and all persons acting in concert with them. It shall apply to all children who
10 were at any time since November 9, 1990, or may be, confined at the Donald E. Long
11 Home (DELH).
12

13 III.

14 PURPOSE

15 All parties to this litigation sincerely desire that children for whom there is no less
16 restrictive placement than secure custody be confined under safe, sanitary and humane
17 conditions, be provided treatment appropriate to their individual needs, and be confined
18 for as short a period as is necessary to achieve the objectives of secure custody.
19

20 During the pendency of this action, defendants have made many positive changes in
21 the physical conditions and programs at the DELH. For example, defendants have
22 conducted extensive repairs to the bathrooms, have increased the opportunity for youth to
23 participate in outdoor exercise, added staff to improve programming, instituted fire drills,
24 and increased hours that medical staff is on-site.

25 Defendants have already begun to implement many of the items covered in this
26

1 Decree and have begun planning the implementation of others. It is the intention of the
2 parties that this judgment serve as a vehicle to enforce the positive course set by defendants
3 and ensure that there are future improvements in the conditions of confinement of the
4 children covered by it.

5
6 IV.

7 CLOSURE OF THE DONALD E. LONG HOME

8 There have been numerous reports and studies by citizens and experts about the
9 condition of the Donald E. Long Home. Among these documents are:

10	1983-1991	Annual Reports of Special Corrections Grand Jury
	1988	Internal Audit
11	1988	Report to Management
	1988	Facilities Requirement Study
12	1989	Five Year Space Study
	1989	Architect's Conceptual Design and Preliminary Report
13	1990	Codes and Statutes Evaluation Report
	1991	Report of the Children and Youth Work Group
14	1991	Report of the Children's Justice Task Force
15	1991	Program Review of the Detention Facility and Practice of the Multnomah County Juvenile Justice Division

16 All of these reports are critical of the conditions and programming in the DELH,
17 and many recommend that the facility be replaced. Defendants have agreed the facility
18 needs to be replaced and have begun the process of replacing it. The parties agree that the
19 DELH should be closed promptly, and the defendants agree to open a replacement facility
20 by October 31, 1993. Therefore:

21
22 1. Defendants shall not confine any child at the DELH after October 31, 1993,
23 except in the event of exigent circumstances relating to the financing or construction of
24 the new facility. Use of the DELH after October 31, 1993 shall not be a basis for plaintiffs
25 to seek contempt sanctions, so long as the monitor (provided for in paragraph 54, below)

1 is satisfied that defendants have used, and continue to use, their best efforts to complete
2 the facility within a reasonable time.

3 2. Defendants shall confine no more than 92 children at the DELH. However,
4 it shall not be a basis for plaintiffs to seek contempt sanctions if the number of children
5 exceeds 92 on fewer than four days in any calendar month. In no event shall defendants
6 confine more than 97 children in the facility.

7
8 V.

9 CONDITIONS AND PROGRAMS
10 AT THE DONALD E. LONG HOME UNTIL CLOSURE

11 1. Defendants shall immediately establish an emergency evacuation plan for the
12 DELH.

13 2. Defendants shall maintain and keep current a fire evacuation plan approved
14 by the City of Portland Fire Marshal and shall make any and all changes to the plan
15 recommended by the City of Portland Fire Marshal.

16 3. Defendants shall require that only staff who have been trained and have
17 demonstrated familiarity with the plan be permitted to work in the DELH.

18 4. Defendants shall require that all children receive instruction on emergency
19 evacuation procedures on admission to a detention unit.

20 5. Defendants shall require that fire drills, as specified by the emergency
21 evacuation plan, be held at least once per week.

22 6. Defendants shall, by May 1, 1992, install electronic locking hardware on all
23 doors to sleeping, holding, and isolation cells, and all interior corridors and exterior exits.
24 All the locks shall have manual override capabilities and shall be operable remotely from
25

1 the main control center, as well as from the unit.

2 7. In wings without water and toilets in detention rooms, defendants shall
3 increase staff levels so that, after an initial three hour lock time at bed time, the detention
4 room doors will be unlocked to allow access to toilets and water. During the day, the doors
5 to the detention rooms will remain unlocked unless a child is on roomlock.

6 8. Defendants shall require that there be at least one staff person on a unit at
7 any time there is a child or children on the unit. Children are never to be left on the unit
8 without staff supervision.

9 9. Defendants shall ensure that fire and safety inspections of the facility are
10 performed at least once per quarter.

11 10. Defendants shall implement all recommendations from the fire and safety
12 inspections within the time required by the inspector.

13 11. Defendants shall provide lighting adequate to permit children to read while
14 in the detention rooms.

15 12. Where circumstances require that maintenance or repair be conducted in
16 order to ensure the safety of the children, e.g., loose and broken tiles or glass, defendants
17 shall require that maintenance or repair be conducted within 24 hours, and no children shall
18 remain in the room or area in which the unsafe condition exists.

19 13. Defendants shall require that the DELH be kept clean and sanitary through
20 employment of, or contract with, professional janitorial services.

21 14. Defendants shall require that bathrooms, kitchens, and all floors, including
22 floors in the detention rooms, be thoroughly cleaned and disinfected by the janitorial service
23 three times per week. Walls and other surfaces in the detention rooms and common areas
24
25
26

1 shall be thoroughly cleaned and disinfected by the janitorial services once per month or
2 more often if needed.

3 15. Defendants shall ensure that an inspection by a health and sanitation official
4 be conducted once per month until and unless the monitor agrees to a reduced inspection
5 schedule.

6 16. Defendants shall implement all recommendations from the health and safety
7 inspections within the time required by the inspector.

8 17. Defendants shall require that, upon admission, children's dirty street clothing
9 will be laundered and stored. Items which require dry cleaning or other specialized
10 cleaning need not be cleaned by defendants but will be stored separately.

11 18. Defendants shall require that upon admission all children will be provided
12 clean clothing, bed linens and towels, and a mattress which has been cleaned and
13 disinfected since its last use.

14 19. Defendants shall require that children be allowed to exchange outer clothing
15 at least twice a week and more frequently if the clothing has become dirty. Children shall
16 receive clean underwear and socks every day.

17 20. Defendants shall require that all children be provided clothing that fits
18 comfortably and is in good repair. All children shall be provided pajamas or nightgowns.

19 21. Defendants shall require that upon admission each child be provided the
20 following individual toiletries: soap, deodorant, comb, toothbrush, toothpaste. Individual
21 portions of petroleum jelly shall be provided on request. On request, defendants shall
22 provide children with sanitary means to shave.

23 22. Defendants shall require that temperatures in the DELH be maintained
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1 within a healthful and comfortable range, no lower than 64 degrees Fahrenheit and no
2 higher than 84 degrees Fahrenheit at all times.

3 23. Defendants shall monitor the temperature in the DELH at places and times
4 to be agreed on with plaintiffs' counsel and shall notify plaintiffs' counsel, guardian ad litem,
5 and the monitor at any time the temperatures fall outside the range. No child shall be
6 required to remain for longer than eight hours in a portion of the facility that is not within
7 the acceptable range of temperature.

8 24. Defendants shall require that any and all broken or cracked windows be
9 repaired immediately and in no event shall children be required to sleep in rooms with
10 broken windows.

11 25. Defendants shall maintain a healthful level of circulating fresh air in the
12 facility at all times.

13 26. Defendants shall provide all children with a bed off the floor.

14 27. Defendants shall permit all children to personalize their living space including
15 decorating the walls of the detention rooms.

16 28. Defendants shall use their best efforts to ensure that when making placement
17 decisions, preference is given to housing children in wings with toilets and water in the
18 detention rooms.

19 29. In order to provide children with sufficient quantities of healthy and
20 appetizing foods at frequent intervals, defendants shall contract with a qualified person
21 jointly selected by plaintiffs and defendants to review and report on the current food
22 service. Defendants shall implement the recommendations of the report as soon as
23 practicable.

1 30. Defendants shall provide second helpings of food at each meal to children
2 who request them.

3 31. Defendants shall provide children a mid-morning and mid-afternoon snack.

4 32. Defendants shall prohibit staff from eating non-institutional food at the facility
5 in the presence of the children.

6 33. Defendants shall post a copy of the menu and substitutions in each of the
7 residential units.

8 34. Defendants shall provide children special diets where medically indicated or
9 where requested for religious reasons.

10 35. Weather permitting, defendants shall provide all children with the opportunity
11 for at least one hour per day of outdoor recreation.

12 36. Defendants shall make their best efforts to ensure that appropriate
13 educational services in a classroom setting are provided to each child at the DELH on
14 every school day.

15 37. Defendants shall provide medical and psychiatric care to each child at the
16 DELH, in accordance with the Standards for Health Services in Juvenile Confinement
17 Facilities promulgated by the National Commission on Correctional Health Care. Within
18 thirty (30) days from the entry of this Consent Decree, or by July 1992, whichever is later,
19 defendants shall request accreditation by the National Commission on Correctional Health
20 Care and will make any and all necessary changes in their policies and practices in order
21 to become and remain accredited.

22 38. Defendants shall provide that there is at least one qualified health
23 professional (physician, registered nurse, physicians assistant, nurse practitioner) on-site at
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1 the DELH 24 hours per day, with a physician on call. If needed, specialty medical and
2 dental care shall be provided with transport for out-of-facility services. The transports shall
3 be recorded and monitored with reports filed quarterly.

4 39. Defendants shall provide that as of July 1, 1992 there is at least one full-
5 time psychiatric nurse-practitioner on-site at the DELH, supervised by Corrections Health
6 Department.

7 40. Defendants shall maintain a health record file on each child containing
8 completed admissions and intake screening forms, and other data, findings, forms and
9 information as required by applicable standards.

10 41. Defendants shall provide a system of daily sick call that causes each child in
11 the DELH to be verbally notified of the availability of non-emergency medical services.

12 42. Defendants shall convert existing space for use as a medical isolation room
13 within ninety (90) days of entry of the Consent Decree.

14 43. Defendants shall provide that children detoxifying from drugs or alcohol are
15 medically supervised.

16 44. Defendants shall require that both admissions and intake health screening be
17 conducted by a qualified health trained staff, who shall request assistance from the health
18 professional on-site whenever necessary.

19 45. Health screening shall include:

20 Inquiry into:

- 21 - current illness and health problems, including venereal diseases
- 22 and other infectious disease
- 23 - dental problems
- 24 - mental health problems
- 25 - use of alcohol and other drugs, which includes types of drugs
- 26 used, mode of use, amounts used, frequency used, date or time
- of last use, and a history of problems that may have occurred

- after ceasing use (e.g., convulsions)
- past and present treatment or hospitalization for mental disturbance or suicide
- other health problems designated by the responsible physician

Observation of:

- behavior, which includes state of consciousness, mental status, appearance, conduct, tremor, and sweating
- body deformities, ease of movement, etc.
- condition of skin, including trauma markings, bruises, lesions, jaundice, rashes and infestations, and needle marks or other indications of drug abuse

46. Defendants shall use criteria for intake adopted by the Chief Judge of the Multnomah County Circuit Court, Juvenile Department, in determining whether to detain a child.

47. Defendants shall revise policies and practice on use of room time, roomlock and isolation to provide for supervisory review of each instance of such discipline or isolation and for an opportunity for a hearing before the supervisor or his or her designee if the effect of the discipline or isolation is that the child misses any activity. Defendants will document the reviews and hearings.

48. Defendants shall provide all staff with minimum mandatory training of 90 hours for the first year of employment and 20 hours per year thereafter for the first year this decree is in effect. For the second and any subsequent years this decree is in effect defendants shall provide all staff with minimum mandatory training of 120 hours per year for new staff and 40 hours per year for ongoing staff. Training shall be given in:

- security procedures
- supervision of juveniles
- signs of suicide risk
- suicide precautions
- use of force regulations and tactics
- report writing
- juvenile rules and regulations

- rights and responsibilities of juveniles
- fire and emergency procedures
- key control
- interpersonal relations
- social/cultural lifestyles of the juvenile population
- child growth and development
- communication skills
- first aid and CPR

49. Defendants shall ensure that there is at least the following staff coverage:

Boys I, II and III: At least 2 group workers at all times and one lead group worker for eight hours five days er week.

Girls: At least one group worker at all times and one lead group worker for eight hours five days per week.

50. Defendants shall also employ 1 full time equivalent (FTE) deputy superintendent for programming and 1 full time equivalent (FTE) "floater" for the graveyard shift.

51. Defendants shall use their best efforts to employ at least one child care worker fluent in Spanish during each shift.

VI.

THE NEW FACILITY

52. Defendants shall not confine children in the new facility until it has been inspected and approved for occupation by state and local fire, health and safety officials and until the consent decree monitor or monitors gives approval.

VII.

MONITORING

53. This court will retain jurisdiction of this matter until defendants no longer detain children in the current Donald E. Long Home.

54. Defendants shall establish and fund a consent decree monitor who shall be

1 selected jointly by defendants and plaintiffs. However, if the parties cannot agree on a
2 single monitor after good faith attempts then defendants shall establish and fund a consent
3 decree monitoring panel consisting of one person selected by plaintiffs, one person selected
4 by defendants and one person selected by the other two panel members. The monitor or
5 monitors will be appointed by July 1, 1992, and will conduct on-site inspections of the
6 DELH at least two times per year, and will make a report of findings and
7 recommendations to the parties after each inspection.
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9 55. Defendants shall provide plaintiffs' counsel, guardian-ad-litem and monitor
10 copies of the following documents, and other documents requested by the monitor, each
11 quarter:

- 12 - Juveniles in Detention Forms
- 13 - Exercise Logs
- 14 - Receiving Ledger
- 15 - Custody Logs
- 16 - Temperature Logs
- 17 - Fire Inspection Reports
- 18 - Health and Safety Inspection Reports
- 19 - Incident Reports
- 20 - Suicide Reporting Forms
- 21 - Director's Reports
- 22 - Transport Logs referred to in ¶138
- 23 - Daily Reports
- 24 - Records of Supervisory Review and Hearings referred to in ¶147.

25 56. Defendants shall provide plaintiffs' counsel, experts, and guardian-ad-litem
26 access to the facility, children, and records, including medical records, at reasonable times
and on reasonable notice throughout the period covered by this Consent Decree.

57. Defendants shall post copies of this Consent Decree in each residential wing
and classroom in the DELH.

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VIII.

ATTORNEY FEES

The parties agree that plaintiffs are the prevailing party and are entitled to attorney fees and costs. The parties will attempt to reach a separate agreement on the issues. If no agreement can be reached within 60 days, plaintiffs will, within 120 days, submit the issue to the court.

ENTERED this _____ day of _____, 1992

UNITED STATES DISTRICT COURT JUDGE

APPROVED:

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