

MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308
PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
RICK BAUMAN • District 3 • 248-5217
• District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
May 22 - 26, 1989

- Tuesday, May 23, 1989 - 9:30 AM - Planning Items . . . Page 2
followed by Informal briefing
- Tuesday, May 23, 1989 - 2:00 PM - Opening of Mid County Service
Center, 2900 SE 122nd Avenue
- Wednesday, May 24, 1989 - 8:30 a.m. - 12:00 noon . . . Page 3
Justice Services Work Session
Blue Lake Park - Lake House
- Thursday, May 25, 1989 - 9:30 AM - Formal Meeting. . . Page 4
- Thursday, May 25, 1989 - 7:00 PM - Public Hearing. . . Page 6
regarding Library Management
Main Library - 801 SW Tenth

Tuesday, May 23, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

PD 1-89 Public Hearing - Review the Decision of the Planning Commission of March 13, 1989, approving, subject to conditions, requested change in zone designation from MR-4, medium density residential district, to MR 4, P-D, planned-development overlay, to allow use of "garden apartment style" apartment structures on a 6.48-acre site and deny requested four-unit density bonus, all for property located at 20255 NE Halsey Street.

Scope of Review will be On the Record with Additional Testimony Limited to Rights-of-Way Analysis and 30 minutes per side

After the Public Hearing, the following Informal Matters will be heard:

1. Informal Review of Bids and Requests for Proposals:
 - a) Agricultural Tractor with Mower
 - b) East County Sidewalk Construction
 - c) Vehicle & Equipment Parts and/or Repairs
 - d) Courier Service
2. Business Recruitment Update - Fred Neal & Judy Boyer
3. Informal Review of Formal Agenda of May 25, 1989 is CANCELLED

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Thursday, May 25, 9:30 AM
Multnomah County Courthouse, Room 602
Formal Agenda

REGULAR AGENDA

BOARD OF COUNTY COMMISSIONERS

- R-1 In the Matter of Recognition of Volunteers who have made contributions of time, energy, and ideas to Multnomah County - TIME CERTAIN: 9:30 AM

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 Resolution for the Purpose of Recognizing National Public Works Week, May 21-27, 1989
- A R-3 In the matter of ratification of an intergovernmental revenue agreement with Tri-Met for reimbursement for improvements to Cleveland Ave. associated with the functioning of the Light Rail and Cleveland Avenue Park and Ride - Term January 1989 - July 1, 1989

PUBLIC CONTRACT REVIEW BOARD

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

- A R-4 In the Matter of Exempting from Public Bidding Contract Work with MacKay Construction, Inc. in excess of the 20% Contract Amendment Limitation
- R-5 In the Matter of Exempting from Public Bidding a Contract with Glisan Street Recreation, Inc. to provide Seasonal Grounds Maintenance Services at Glendoveer Golf Course

DEPARTMENT OF GENERAL SERVICES

- R-6 In the Matter of Exempting from Public Bidding Cellular Air Time and Equipment from Cellular One and it's Agents
- (Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)
- R-7 In the matter of an intergovernmental agreement with State of Oregon Department of Revenue for appraisal services for principal industrial accounts (Palmco & Fujitsu Micro-Electronics Industrial Properties) Term - July 1, 1988- June 30, 1989

ORDINANCES - DEPARTMENT OF GENERAL SERVICES

- A
- R-8 Second Reading - An Ordinance in the Matter of Adoption of Salary Ranges for Fiscal Year 1989-90 for Employees Covered by the Exempt Classification/Compensation Plan; and repealing Ordinance No. 580

DEPARTMENT OF HUMAN SERVICES

- R-9 Budget Modification DHS #53 reflecting an increase in the Amount of \$60,646 from State Mental Health Grant Amendment #34-Revised to Social Services, DD Program (\$45,849), MED Program (\$40,000) and decreasing A & D Programs (\$25,203) affecting various positions and line items
- R-10 Budget Modification DHS #57 making an appropriations transfer in the amount of \$24,000 from Social Services, A & D contracts to Hooper Detox Center to cover budget shortfall
- R-11 Budget Modification DHS #61 making an appropriations transfer in the amount of \$19,000 from Human Services Administration to Social Services Youth Program Office to contract for services to youth at risk of gang involvement

DEPARTMENT OF JUSTICE SERVICES

- R-12 In the matter of ratification of an intergovernmental revenue agreement with the City of Portland whereby County receives funding for fulltime Alternative Community Service Parks (ACSP) crew leader to work in sites maintained by Bureau of Parks and Recreation, and ACSP crews for a maximum of four days per week - Term, July 1, 1989 - June 30, 1990
- A
- R-13 In the matter of ratification of an intergovernmental revenue agreement with the City of Portland Police Bureau whereby County will release inmates to Portland Police Bureau for interview and investigation purposes

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 P.M., Channel 27 for Rogers Multnomah East subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

WORK SESSION

DEPARTMENT OF JUSTICE SERVICES

Wednesday, May 24, 1989

Blue Lake Park Lake House

8:30 AM - 12:00 Noon

PUBLIC HEARING ON COUNTY LIBRARY MANAGEMENT

A Public Hearing on the Proposed New Management Structure of the Multnomah County Public Library has been scheduled for Thursday, May 25, 1989 at 7:00 PM in the Central Library auditorium, 801 SW 10th Avenue.

The Multnomah County Board of Commissioners will hear public testimony on the proposal to transfer management authority from the Library Association of Portland to a new Public Commission which would be appointed by the County.

0499C.41-48

Date 5/25/89

NAME

Olga Meyer

ADDRESS

60224 Skyline Cr

Street

City

St. Hl.

97229

Zip

I wish to speak on Agenda Item # _____

Subject

Library Comm

____ FOR

____ AGAINST

25 May 89
Date _____

NAME

Sarah Lang

ADDRESS

3935 NE Bryce

Street

Portland

OR

97212

City

Zip

I wish to speak on Agenda Item # _____

Subject _____

____ FOR

____ AGAINST

Date 5-25-89

NAME

CHARLES C. FLAKES

ADDRESS

6520 N. O. 6th AVE. # 3

Street

PORTLAND

City

97211-3046

Zip

I wish to speak on Agenda Item # MANAGEMENT
Subject TRANSFER

 FOR

 ✓ AGAINST

Date 5-25-89

NAME

Barbara Harrington

ADDRESS

3923 SE Taylor

Street

Portland OR 97214

City

Zip

I wish to speak on Agenda Item # _____

Subject _____

____ FOR

____ AGAINST

NAME

Arlene Collins

Date

5-25

ADDRESS

2325 E. Buena Vista

Street

Daly City

City

94015

Zip

I wish to speak on Agenda Item # _____

Subject _____

____ FOR

____ AGAINST

25 MAY

Date _____

NAME

JOHN WISH

ADDRESS

1625 NW ASPEN

Street

PORTLAND,

City

97210

Zip

I wish to speak on Agenda Item # _____

Subject _____

FOR

AGAINST

NAME

Gordon Hunter

Date

5/25

ADDRESS

5260 NE 74

Street
PORTLAND

City

97218

Zip

I wish to speak on Agenda Item # _____

Subject _____

_____ FOR

_____ AGAINST

Date 5-25-89

NAME

Catherine Ronconi

ADDRESS

5023 S.W. Dickinson St.

Street
Portland, OR

City

Zip

I wish to speak on Agenda Item #

3 #4, #12

Subject

Audubon Folio

 FOR

 AGAINST



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
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May 25, 1989

Ms. Gladys McCoy, Chair of the Board
1021 SW Fourth, Room 134
Portland, OR

Dear Ms. McCoy:

Be it remembered, that at a meeting of the Board of County Commissioners held May 25, 1989, the following action was taken:

Public Hearing on County Library Management)

Commissioner McCoy welcomed those present, and stated that the purpose of the hearing is to discuss the subject of governance of the library as the Library Association of Portland had decided it no longer wants to govern the library. A commission form has been suggested.

Mike Dolan, Public Information Officer, Commissioner McCoy's staff, said there are handouts available which explain the proposed agreement between Multnomah County and the Library Association of Portland, and the proposed Library Commission of what it would look like in the future. He then reviewed the highlights of the proposed agreements. He also reviewed page 2 of the handout.

Alice Meyers, member of the Task Force looking at options concerning governance, reviewed the two goals of the committee. She then reviewed Attachment 3 which was the matrix of options considered by the committee. Ms. Meyers also reviewed some concerns the committee had concerning this new commission such as being subject to the opening meetings laws of the State, and that the library assets should be considered public assets.

Sarah Long, Director of the Multnomah County Library, reviewed the long history of the Library Association of Portland. She requested that if the governance of the library is going to change, that the decision be made swiftly so there is a strong quick transition, because if the decision is protracted, it will jeopardize the library planning in the future.

Jolinda Osborne, publically appointed member of the Library Association, discussed two concerns she had: status of the endowment fund and the status of gifts and donations that have been donated to the Library Association of Portland over the years. She requested there be further negotiations on these two points. She also expressed concern about the status of the endowment fund should the LAP no longer exist. She also requested that negotiations proceed quickly to implement a new governance program and contract as delay could jeopardize the library system.

Mr. Dolan in reply to Commissioner Bauman's question, stated the endowment fund is not specifically mentioned in the agreement. Right now, the endowment fund is the property of the Library Association of Portland, and not included in the negotiations.

Commissioner McCoy said that she and the president of the Library Association has been negotiating the contract. The endowment fund and the fine money were two pieces that could not be resolved. She would request that the agreement not be held up concerning those two issues.

Charles Flake said he had concerns about Condition #2 of the agreement, as well as the endowment fund, the antiques and art works. He said all the buildings and real estate should remain public facilities.

Barbara Harrington, Library employee, and member at large of the Multnomah County Library Union Executive Board, said the Executive Board is concerned about the library being in a holding pattern. They realize that change is difficult, but supports the change. The union is concerned about the future of their union, as well as the status of all the library resources, including the endowment funds, the rare book and art work collections. The employees are concerned that the union contract will be carried over to the new governing body, and that their negotiations, which is currently going on, will be honored.

Commissioner McCoy said that condition #13 addresses personnel matters, and the plan is that nothing in the contract will have any impact on the labor force or the contract which is now been negotiated.

Arlene Collins, Local 88 representative, said that Local 88 has been concerned for a number of years that the county has provided funds to operate the library, but has not received any accounting on how funds were being spent. The Union supports the replacement of the private board by a nonprofit board, and to require that it be accountable to the voters, taxpayers, library users, and the County. They are also concerned about the endowment fund, and the status of the employees.

John Wish testified that he has been very impressed with the Multnomah County Library and the service it provides to library patrons.

Gordon Hunter said he was concerned about the reverter clause as it creates a cloud on title. The Library as a great set of rare books and art works, which need to be protected for public use, not just for the use of the LAP. Because it is unknown what the status of the Library Association of Portland will be in 20-50 plus years, there needs to be provision made for these collections now. He is also pleased to see that conservation of the collections have been underway.

Catheryn Ranconi, employee of the Multnomah County Library, said she had three questions concerning conditions #3, 4, and 12: what assurances does the public have that the Audubon folio would never leave Library property, and would always remain a legacy to the Ladd Family, which donated the item originally in 1906? In the event that the County could not afford insurance on some of the library items, would they be removed or sold? In the event that the LAP is dissolved, how would that affect the Audubon folio, and Art objects that remain in LAP ownership.

Bruce Ward, Vice President of the Library Association of Portland, said he is pleased by the comments made concerning the quality of service and the quality of the staff. He is disturbed concerning the discussion of the reverter clause, which the LAP felt was needed to protect the library and the property being considered to be transferred to the new commission and the County. He discussed the budget crunch the County was in, in 1983-84, when branches were closed, hours reduced, book budget was cut. As a result of funds from the endowment fund, the library was kept open, and the severe cuts that otherwise would have been required was averted. He reminded the Board that the endowment fund is nothing new; it was in place and operating long before the Library Association of Portland's contract with Multnomah County. It is being proposed that by the end of the year, any gifts made to the Multnomah County Library would go to a new fund administered either by the County or the new commission. However, many of the donations have specifically been made to the Library Association of Portland. He then read portions of the bylaws of the Library Association of Portland dealing with the purpose and use of funds. The Library has been subject to the same budget process the regular county departments have had to follow, and have been responsive to the Board of Commissioners. He discussed the rare book and art collection that the Library Association of Portland has accumulated over the years, and their attempts to conserve and protect it. The endowment fund was discussed. The LAP has done a good job of managing the library, and they recognize

the need for a change of governance. Mr. Ward then answered questions concerning the history of the Association, and what the LAP has done to get serial levies approved, and concerning the endowment fund.

Rosemary Cordello, attorney representing the Multnomah County Library Union, expressed concern that all the rights and obligations of the collective bargaining agreement be continued by the new organization as negotiated, and as outlined in section 8 of the handout.

Commissioner McCoy stated that the handout is not a contract, it is just the basis of the negotiations.

Ms. Cordello continued discussing her concerns about the collective bargaining agreement and that the successor entity needs to also enter into that agreement and then be bound by it, as if they were part of the negotiations.

Commissioner McCoy said that County Counsel and the Library Association of Portland's attorney will get together to come up with language that both sides will approve. It is hopeful the contract can be negotiated and approved by June. No one wants to jeopardize the excellent library system.

Larry Kressel, County Counsel, stated that after discussing this matter with LAP's attorney, a three step process is envisioned to be followed: 1 - creation of a new non-profit corporation; 2 - writing the agreement between the new commission, the Library Association of Portland and Multnomah County for the transfer of the library function to the new commission; and 3) agreement between the County and the new commission about its relationship. At this time, he is unable to discuss the legality of the transfer of the endowment fund, because he has not yet reviewed the conditions of the gifts and donations. This will be a matter for further study.

Neil Gorder expressed concern that the County is trying to limit the Library Association of Portland's involvement in the library. He feels that should still have a role to play in the library.

Commissioner McCoy said this will be considered in the agreement, because they have done a fine job of creating the system that is in existence, and they can have a continuing role to play in the library.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By 
Jane McGarvin
Clerk of the Board

jm
cc: County Counsel

LIBRARY GOVERNANCE HEARING
at the downtown library

May 25, 1989

NOTES

These are not complete. I took down only things I have not heard before.

Gladys gave opening remarks and background. The LAP wanted out of the governance of the library. Another commission will be formed and the public would be part of the decision making.

Mike Dolan briefly described the proposed agreement and proposed commission. The new Commission would be an independent commission and would have eleven members.

Alice Meyer, member of the library task force, remarked that the task force's responsibility was to identify a nonprofit organization to take over for the LAP and eventually be part of a regional library. (See their different findings attached.)

Sarah Long, Director of the library, spoke very highly of the library that there has been no mismanagement and they have been allowed intellectual freedoms. She would like to see the process proceed quickly to be able to make future plans.

Jolinda Osborne, County appointed Library Board member, felt: proposed agreement needs further negotiations; wondered why there was no mention of the endowment fund; felt fine money, gifts and donations should be for library use as there is nothing in the documents stating it would be used for the library; and the reverter clause bothered her. She hopes this process will not jeopardize the library and will be done swiftly.

Bauman question: Why not mention under the control of the LAP and they have ownership of the Endowment Fund? Mike Dolan answered that the endowment fund was not mentioned in the proposed agreement because the LAP wanted it that way.

Speakers:

Hoped Union contract would be carried over to the new governance.

John Wish does not care who runs the library because the library has been run well.

Gordon Hunter felt the reverter clause should have a time limit and was glad there are plans for the conservation of the rare items in the Wilson room.

Katherine Kodak?? - The Audubon Folio was donated by the Lad family to the library. She was wondering how the family would be effected by this.

Bruce Ward, vice president of the LAP - Spoke in rebuttal on some of the points that were brought up. He has been connected with the association for 17 years. He is disturbed by the reverter. The reverter has been done to protect the library. They are willing to transfer assets. During the 1983-1984 year, they had to cut back services due to lack of monies. They kept branches open, but had to cut back on hours the branches were open. The estate of Howard Vollum of \$1 million went to benefit the users. LAP is a tax exempt organization. They do detailed budgets just like other departments of Multnomah County. They want to own the rare books to make sure they are available to the public. They will fight long and hard over the endowment fund. They would like to remain viable to still work with the library to serve the special needs of the library. They want the transaction to be smooth and friendly.

Bauman asked: Bruce Ward, why does the LAP want to give up the governance? His answer: During the 1983/1984 crunch, disfavor arose, finger pointing began, they became suspect. They were put to the voters to throw them out. They won by a close margin. They became offended. They also feel the serial levy is important.

Bruce Ward has been over many fund raisers and feels people will give to a private foundation before they will give to any government. They would like to remain a foundation.

The attorney, Rosemary, felt that collective bargaining should be protected.

Where do they go now. County counsel will come up with language to complete the agreement for both sides to adopt.

Larry Kressel - They will create a new commission, write up agreement and the LAP and Mult Co. will transfer to the new commission, and there will be an agreement between the County and the new commission.

* Endowment: we are limited by the constraints set forth by the contributors, it was mentioned the unrestricted money might be transferred.

Neil Gordon felt there was need for clarification.



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Public Hearing on Library Government
7 p.m. May 25, 1989

The purpose of the meeting tonight is to hear public testimony on the proposed new agreement between the Library Association of Portland and Multnomah County and the proposed new library commission.

This packet contains a brief description of the agreement and the commission. It also contains a chart from the specially appointed Library Task Force, a citizens group which recommended creation of a library commission. That chart lists the characteristics of a variety of government options.

At this time, the county library system is managed by the Library Association of Portland, a private group, which has a contract with the county. The Multnomah County Public Library is funded almost entirely by public money, the county general fund and a three-year serial tax levy.

The proposed agreement with the association provides for a new role for the association that does not include direct management. The proposed library commission, appointed by Multnomah County, would manage the library system. Library funding would continue unchanged.

The final decision on the agreement must be ratified by the full Board of County Commissioners and the governing board of the Library Association of Portland. The new commission must be approved by the Board of County Commissioners.

Your participation is appreciated.

Proposed Agreement between the
Library Association of Portland and
Multnomah County
4/25/89

1. Management authority will pass from LAP to a new non-profit corporation organized to provide library services (referred to as the "commission") if Multnomah County chooses. LAP is expected to be a partner with the library management in providing library services to the public.

2. All real estate used to operate the library (branches and administration) goes to Multnomah County or the commission. These conditions apply:

--LAP retains its right of reverter clause on the main branch which requires the building be used for library purposes or it reverts to the ownership of LAP;

--this right of reverter applies to 12 other branches;

--the Gresham branch is not affected by a right of reverter;

--Sellwood is not affected by right of reverter and Multnomah County pays off the remaining \$55,000 due on the mortgage.

3. The LAP will convey to the county the entire library collection with the exception of the Audubon Folio and other art works and antiques to be inventoried. The Audubon Folio will remain in the Wilson Room.

4. The county or the new commission will provide complete insurance, security and maintenance for all items left on library property. The county or the new commission can refuse to pay for insurance, security or maintenance; in such an event, the LAP may remove the items from public display. The LAP can choose to remove any items.

5. The county or the new commission will take measures to preserve and conserve the rare books in the Wilson Room and other rare and valuable items in a manner determined by the library director.

6. The the county or the new commission will use fine money to maintain the rare items in good condition.

7. LAP will transfer to Multnomah County or the commission all furniture, equipment, shelving and supplies used to operate the library.

8. LAP will transfer to Multnomah County or the commission all rights and obligations in contracts. LAP will supply a comprehensive list of contracts and a copy of all contracts to Multnomah County 90 days before transfer. Multnomah County will hold LAP harmless from all obligations subject to the review of the contracts.

9. All gifts to "LAP" remain property of LAP. All gifts to "Multnomah County Library" executed or made prior to January 1, 1990 will become property of the LAP. All gifts to "Multnomah County Library" beginning January 1, 1990 go to Multnomah County or the new commission.

10. LAP can use meeting space in the administration building. The LAP has the use of clerical support limited to no more than the equivalent of a half-time position.

11. Use of the term "Multnomah County Library" and its variants will go to Multnomah County or the commission. The designee will not chose a name similar to LAP.

12. In the event that the LAP is dissolved, Article II, section 5 will apply. (In summary, this section states that once liabilities are paid, the LAP must dispose of assets under the IRS regulations for a 501(c) (3) organization; assets not disposed by the LAP are disposed by the Circuit Court.)

13. Nothing in this agreement implies a change of management or personnel.

MULTNOMAH COUNTY LIBRARY COMMISSION

May 9, 1989

General Organization

The Multnomah County Library Commission is a private, non-profit corporation which manages the Multnomah County Public Library. It operates with funds from the Multnomah County general fund and Serial Levies. The commission, as an independent corporation, has sole management authority of the library. It reports annually to the Multnomah County Board of Commissioners. Commission members are appointed by the County Chair and ratified by a simple majority of the County Board of Commissioners. Members serve terms of a specified length and can only be removed according to the bylaws of the Library Commission.

Contract

The Commission operates under an annual contract with Multnomah County. While it is the intent of the County to maintain stable management, the contract is subject to cancellation by either the County or the Commission with one year's notice. It remains the long-range goal of the County to participate in a regional library system covering Multnomah, Washington and Clackamas counties.

Board Composition and Activities

The Commission consists of 11 members. It writes and ratifies its own bylaws, selects its own chair and determines the schedule and agenda of its own meetings. Members serve for three-year terms. Terms are staggered. Possible board committees include Executive Committee (agenda setting), Building and Real Estate Management, Human Relations, Finance and Budget, and Development.

page one

Library Commission--page two
May 9, 1989

Specific Duties

The Commission performs the following duties consistent with state law:

1. acts as personnel authority for the Multnomah County Library system;
2. hires and terminates the Library Director (note: not subject to Board of County Commissioners confirmation);
3. prepares and proposes the Library's annual budget to the Multnomah County Board of Commissioners within the timing required by the County Chair;
4. maintains and provides accounting and administrative records as necessary for audit purposes, and submits to the county by September 15 of each year a detailed printed report of the operations and transactions of the Library Commission and all of its receipts and payments for the year ending June 30;
5. manages Library resources and assets for the most effective benefit to the public and operates the entire system for the free use of the inhabitants of Multnomah County, devoting all public funds supplied by the county to such purposes;
6. maintains, operates and manages the central library, all branches and all other library departments with the sole and exclusive power and authority to care for the library buildings and to select plans and sites for the branch library buildings;
7. develops and proposes to the Board of County Commissioners long-term plans for improving library services and recommendations to provide adequate financial support for the appropriate service level;
8. reviews and assures the implementation of an affirmative action plan;
9. directs a community information program;
10. delegates the authority for daily operations to the Library Director;
11. develops recommendations for and participates in the implementation of efforts to expand the Library's financial resources through receipts from gifts, grants, contributions and other sources;
12. acts as parties responsible for carrying out the terms of the Commission's charge and contractual relationship with Multnomah County for the provision of library services; and
13. acts as liaison on behalf of the County to the Library Association of Portland, Friends of the Library, and other community groups whose activities and assets support the delivery of services, entering into a contract when necessary.

#3926G

CHARACTERISTICS

STRUCTURE OPTIONS	GOVERNANCE/ ACCOUNTABILITY	FISCAL STABILITY	PROGRAM STABILITY/ ADVOCACY	REQUIREMENTS TO IMPLEMENT	COSTS + OR -	REGIONAL TRANSITION HELPS OR HURTS	PUBLIC AND POLITICAL* SUPPORT	OTHER
<u>PUBLIC</u> Metro District	Metro Board	Serial Levy	As now a general purpose government can change priorities.	1. Form district boundaries-Mult. Co. 2. Included jurisdictions must agree 3. Vote?	+ Retirement + Other costs?	Helps	S-City Club, Regional Gov't Supporters, Oregonian O-Metro bashers, some cities, libraries	
Metro Contract	County Commission Metro Board	County Tax Base & Serial Levy	As now a general purpose government can change priorities.	Intergovernmental Agreement	+ Retirement + Other costs?	Helps	Same as first, but slightly weaker in both areas.	
County Department	County Commission	County Tax Base & Serial Levy	As now a general purpose government can change priorities.	Ordinance	+ \$1.6 million	Depends on County Board Hurts - Neutral	S-Labor, County Commission?, Oregonian (weak) O-Cities?	Advocacy discouraged if contrary to County Board
Service District - County	County Commission	1. Separate tax base/serial levy 2. Other fees?	Fairly stable separate identity	1. Included jurisdictions must agree 2. Vote 3. Boundary Commission	+ \$1.6 million	?	S-County Commission O-Cities? Oregonian	
- Special	Elected Board	1. Separate tax base/serial levy 2. Contract w/ County	Fairly stable separate identity	1. ORS Chapter 198 2. Included jurisdictions must agree 3. Vote	No change	Hurts	S-County Commission O-City Club, Portland	
- Commission	County Commission & Appt. Board	County Tax Base & Serial Levy	General Purpose gov't ?	Ordinance/County Department Separate municipal corporation??	\$ \$1.6 million No change	Hurts - Neutral Neutral	S-Labor O-? O-?	Failed 1984 vote by small amount.
<u>PRIVATE</u> "Friends"	County Commission & Private Board	County Tax Base & Serial Levy	Established advocacy 700 members - General purpose gov't	1. Change by-laws - Library Managing Board 2. Contract	No change	Neutral	S-Non-represented employees O-Labor	Least antagonistic to current organizations
RFP	County Commission & Private Admin.	County Tax Base & Serial Levy	Questionable advocacy General purpose gov't	1. RFP Process 2. Contract	+ or - No change	Neutral	S-? O-Labor	New - First in United St.
Private/Non-Profit to be formed for that purpose.	County Commission & Private Admin.	County Tax Base & Serial Levy	Questionable advocacy General purpose gov't	1. County helps form corporation 2. Contract	No change	Neutral	S-Non-represented employees O-?	

S=Support
O=Opposition

Library Task Force
/6/88

#4157G
NR FORM

5/25/89
7pm
Library
BOARD OF
COMMISSIONERS
1989 MAY 16 AM 10:11
MULTNOMAH COUNTY
OREGON

Contact: MD
Photo Opp; NO

RELEASE: May 16, 1989

PUBLIC HEARING ON COUNTY LIBRARY MANAGEMENT

A public hearing on the proposed new management structure of the Multnomah County Public Library has been scheduled for 7 p.m. Thursday May 25 in the Central Library auditorium, 801 S.W. 10th Ave.

The Multnomah County Board of Commissioners will take public testimony on the proposal to transfer management authority from the Library Association of Portland to a new public commission which would be appointed by the county.

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Barbara Harrington
Multnomah County Library Union

I am an employee of the Library Association of Portland and a Member-at-Large of the Multnomah County Library Union.

Since 1864 the Library Association of Portland has put much time and effort into what today is also known as the Multnomah County Library. Over the years individuals from both within and without the Library Association have contributed money, books and art works, supporting their belief in the importance of a strong library in the community. We salute the contributions from the Library Association and these individuals. This is part of what has made the library what it is.

The library has changed and grown. Growth comes in surges and plateaus. For many years the library was in a holding pattern, and to its employees it often felt like a regression. Now the time for a surge, in the form of a change of governance, is here.

The employees of the Library Association certainly know that change is difficult. We also know that change just for the sake of change is not always productive. Short term and long term effects are not always easy to see or to handle.

We support a change in governance. We do have concerns about the future of our union, just as we have concerns about the future of the library and the county. If there is a change in the governance, we feel that the new body should have all the resources available to the old body, including all endowment funds, monetary income of any kind, and the rare books and art works which have been given over the years to support and enrich the library.

We want a clear, written statement that our union contract will be carried over to the new governing body, and that our negotiations currently going on will be honored.



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TO: Board of County Commissioners
Gladys McCoy, Chair
Pauline Anderson
Rick Bauman
Gretchen Kafoury
District 4

FROM: John L. Dubay
Assistant County Counsel *JLD*

DATE: May 25, 1989

RE: Library Affairs

Larry Kressel asked that I look at the proposed transfer of library assets and responsibilities and then write a memo setting out the legal parameters for the transaction and some recommendations.

Although time has not permitted in-depth research, some preliminary comments and recommendations can be made now. This memo will discuss three subjects: (1) the structure of the new organization and its relation to the County, (2) the proposed contract for transfer of library assets, and (3) a contract with the new organization for operation of the library system.

New Nonprofit Corporation.

The document entitled Proposed Agreement Between the Library Association of Portland and Multnomah County, dated 4/25/89, copy attached, outlines a proposed agreement with the Directors of the Library Association of Portland (DLAP herein) which specifies a new nonprofit corporation as DLAP's successor. As proposed, the new corporation would acquire some library assets and manage the library. If the intention is for the new corporation to have an identity separate from the County to avoid additional

1989 MAY 25 11 30 AM
COUNTY COUNSEL
LAURENCE KRESSEL

County liability, the new corporation must not only have a separate corporate identity, but must be free from operational control by the County. This will require some careful attention to the details of formation of the new corporation and its agreements with the County.

The "no control" principle is somewhat complicated by the desire of the County to influence the makeup of the new corporation's board of directors to assure a stable and effective organization. While County appointment of directors will affect the composition of the board of directors, this fact by itself should not result in control of the directors' actions, particularly if the County has no say in their removal. The right to appoint directors, coupled with the right to remove them, indicates the County has power to control board actions by granting board membership as long as decisions meet County approval. This argument would not be available if the County does not have the right of removal.

To these ends, I recommend the following:

1. No county officers or employees should act as incorporators of the new nonprofit corporation or serve on its initial board of directors. The County Counsel should not provide legal services to the incorporation or to the new corporation.
2. The incorporator of the new corporation should be advised of the County's requirement that the Board of County Commissioners appoint directors of the corporation.
3. The articles of incorporation should spell out a method for removing directors not involving the County. This will prevent the County's acquisition of the right of removal as proposed in HB 2278 now before the legislature.
4. Other County requirements such as compliance with open meetings and public records laws, annual financial reports and budgeting requirements can be implemented in the management and operations contract with the new corporation. As discussed below, the contract should include a provision prohibiting changes in the articles of incorporation without consent of the County to protect the County's right to appoint directors.

Transfer Contract

The transfer of library assets and assumption of DLAP's liabilities as outlined in the 4/25/89 memorandum should involve participation by all three affected parties: DLAP, Multnomah County, and the new corporation. According to the memo, the County will receive most of the library collection, while real estate, furniture, equipment and supplies will go to either the County or the new corporation. The memo does not mention current assets such as cash, investments and receivables.

There is no legal impediment to a transfer of all assets to the County followed by a second transfer of some of those assets to the new corporation as long as the County never assumes operational control of the library. If liabilities are associated with certain assets, however, a direct transfer from DLAP to the new corporation and assumption of the liability by the new corporation is advisable to avoid constitutional debt limitation problems resulting from assumption of any liabilities by the County. In any event, the new corporation will have an interest in what assets it will have to operate the libraries whether now or later.

Another reason for participation by the new corporation in the transfer contract concerns DLAP's desire to obligate the new library to take certain actions. These include insurance, security, maintenance, conservation and preservation of rare books and use of clerical personnel. If the County contracts with DLAP to assume such obligations, the County would in turn require similar control of the new corporation's operations. This additional control could impair the concept of a separate legal identity. A simpler approach would be a direct assumption of these obligations by the new corporation, leaving the County out of the middle.

These factors all indicate the advisability of including the new corporation in the transfer negotiations and final contract.

One additional point in the 4/25/89 memo deserves comment. Paragraph 2 states in part:

LAP retains its right of reverter clause on the main branch which requires the building be used for library purposes or it reverts to the ownership of LAP.

Rights of reversion on a condition are generally created in a deed when title is transferred. The 1911 deed from DLAP does not create such a reversion right. No language in the 1984 contract between DLAP and the County provides for transfer of title from the County to DLAP if the property is not used for library purposes. In short, at the present time I can find no legal basis for the right of reverter of the main library as mentioned in the above quoted language in the 4/25/89 memo.

The Management Contract

The second contract needed to effect a transfer of library governance is the contract between the County and the new corporation for management and operation of the library system. Given the necessity of keeping the new corporation's legal structure free of County control, any County requirements must be contractually based. A contract along the lines of the existing agreement with DLAP is indicated. The contract can be long term, but probably should include a right of termination upon a year's notice. Possibly the termination could coincide with the County's fiscal year since County financial support will be provided on that basis. The contract should also include a mechanism for revisions, either at stated periods or at the request of either party.

Other contract provisions to be considered are:

1. No changes to the articles of incorporation without County consent.
2. Require compliance with public records and open meetings laws.
3. Financial reports to be submitted annually to the County.
4. Preclusion of County control or influence in internal affairs and operations, except as may be agreed upon or as made a condition of financial support.
5. Compliance with any obligations regarding library operations assumed by the County in the transfer agreement with DLAP.

At this stage, numerous possibilities are available to change from the existing management system. The above recommendations are based only on the 4/25/89 memo. I will be

Board of County Commissioners
May 25, 1989
Page 5

pleased to answer any questions or to give further advice as
events and negotiations develop.

4837R/ac

Attachment

cc: Sarah Long
Mike Dolan

Proposed Agreement between the
Library Association of Portland and
Multnomah County
4/25/89

1. Management authority will pass from LAP to a new non-profit corporation organized to provide library services (referred to as the "commission") if Multnomah County chooses. LAP is expected to be a partner with the library management in providing library services to the public.

2. All real estate used to operate the library (branches and administration) goes to Multnomah County or the commission. These conditions apply:

--LAP retains its right of reverter clause on the main branch which requires the building be used for library purposes or it reverts to the ownership of LAP;

--this right of reverter applies to 12 other branches;

--the Gresham branch is not affected by a right of reverter;

--Sellwood is not affected by right of reverter and Multnomah County pays off the remaining \$55,000 due on the mortgage.

3. The LAP will convey to the county the entire library collection with the exception of the Audubon Folio and other art works and antiques to be inventoried. The Audubon Folio will remain in the Wilson Room.

4. The county or the new commission will provide complete insurance, security and maintenance for all items left on library property. The county or the new commission can refuse to pay for insurance, security or maintenance; in such an event, the LAP may remove the items from public display. The LAP can choose to remove any items.

5. The county or the new commission will take measures to preserve and conserve the rare books in the Wilson Room and other rare and valuable items in a manner determined by the library director.

6. The the county or the new commission will use fine money to maintain the rare items in good condition.

7. LAP will transfer to Multnomah County or the commission all furniture, equipment, shelving and supplies used to operate the library.

8. LAP will transfer to Multnomah County or the commission all rights and obligations in contracts. LAP will supply a comprehensive list of contracts and a copy of all contracts to Multnomah County 90 days before transfer. Multnomah County will hold LAP harmless from all obligations subject to the review of the contracts.

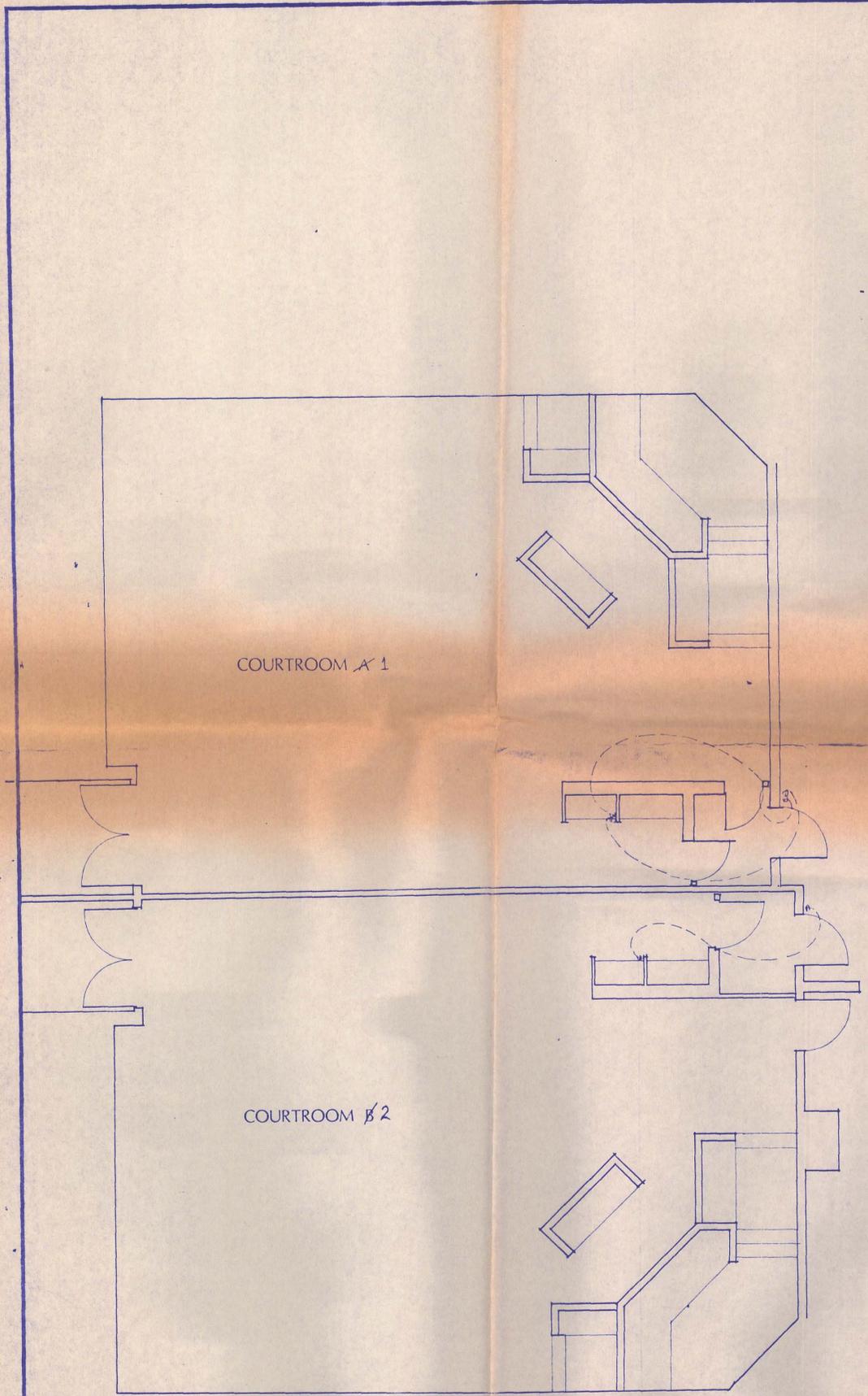
9. All gifts to "LAP" remain property of LAP. All gifts to "Multnomah County Library" executed or made prior to January 1, 1990 will become property of the LAP. All gifts to "Multnomah County Library" beginning January 1, 1990 go to Multnomah County or the new commission.

10. LAP can use meeting space in the administration building. The LAP has the use of clerical support limited to no more than the equivalent of a half-time position.

11. Use of the term "Multnomah County Library" and its variants will go to Multnomah County or the commission. The designee will not chose a name similar to LAP.

12. In the event that the LAP is dissolved, Article II, section 5 will apply. (In summary, this section states that once liabilities are paid, the LAP must dispose of assets under the IRS regulations for a 501(c) (3) organization; assets not disposed by the LAP are disposed by the Circuit Court.)

13. Nothing in this agreement implies a change of management or personnel.



1 FLOOR PLAN

5/22/89
 NOTE: OWNER WILL SUPPLY HARDWARE. HARDWARE TO CONSIST OF:

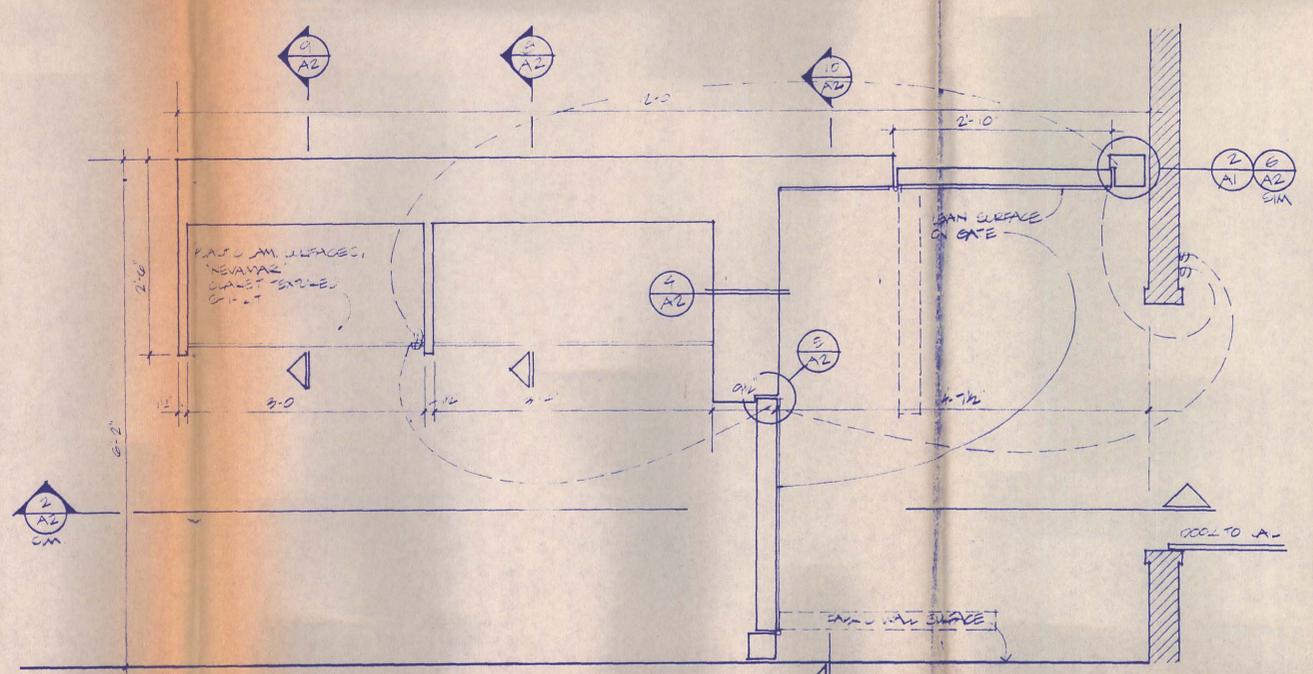
- 1) GATE HINGE - 3PR F88 4 1/2" X 5"
- 2) DEAD LATCH - 3EA SCHLAGE 620 FINISH 2 3/8" BACKSET
- 3) ELECTRIC STRIKE - 3EA FOLGWE - ADAMS 732 3/4"

HARDWARE SCHEDULE - SEE NOTE ABOVE

DESCRIPTION	MFG	QTY	UNIT	QTY
GATE HINGE	STANLEY	PA 2	PR 2	4
DEAD LATCH	3EA	620		
ELECTRIC STRIKE	3EA	FOLGWE	ADAMS	732
SWITCH	POWER NAME	00-503-MOMENTARY	4X	0

FACE OF WALL
 WOOD NEAR ALL EXPOSED SURFACES TO MATCH EXISTING

2 GATE POST DETAIL



3 PLAN DOCK A

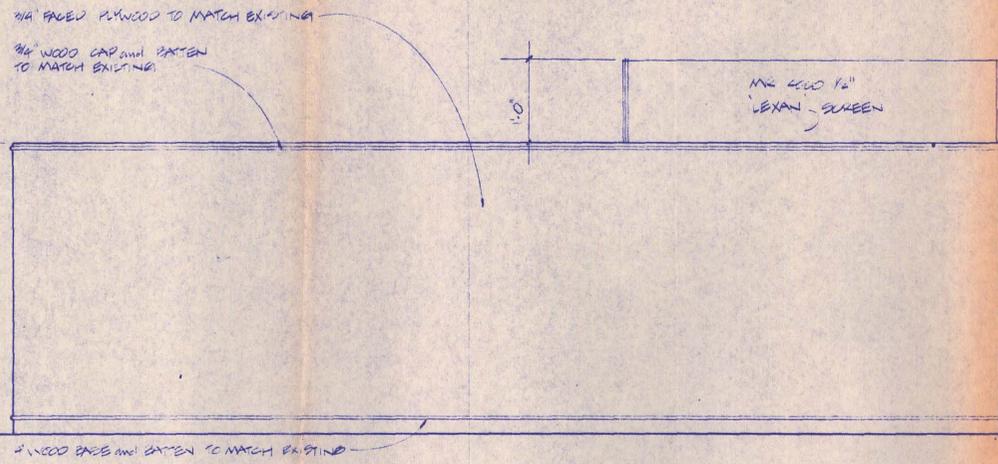
DRAWN: SHAWN
 CHECKED:
 DATE: 4-3-85
 REVISED:

FLOOR PLAN
 PROJECT: JUSTICE CENTER DEFENDANT DOCK
 OWNER: MULTNOMAH COUNTY
 PROJECT NO. JC 8402

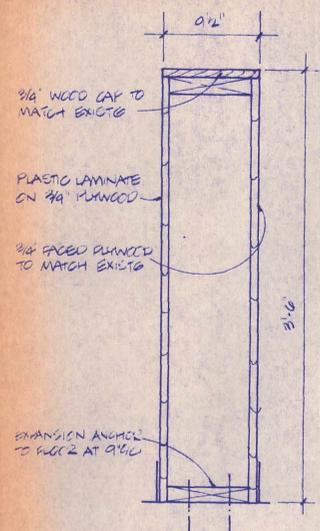
McCARTER BOCKKAI SULLIVAN
 Interior Design and Space Planning
 838 SW First Avenue, Suite 230,
 Portland, Oregon 97204
 503-222-2330



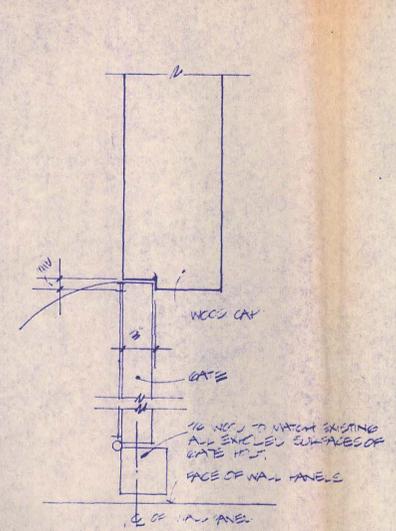
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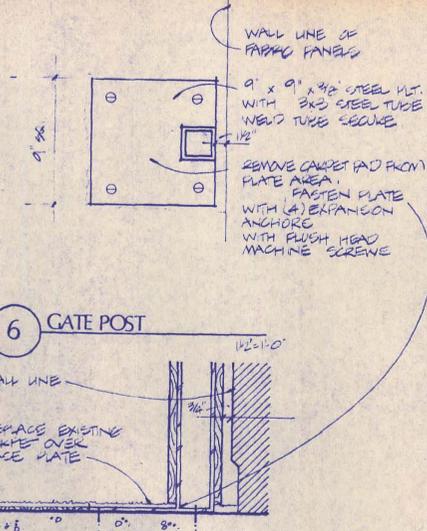
1 FRONT ELEVATION



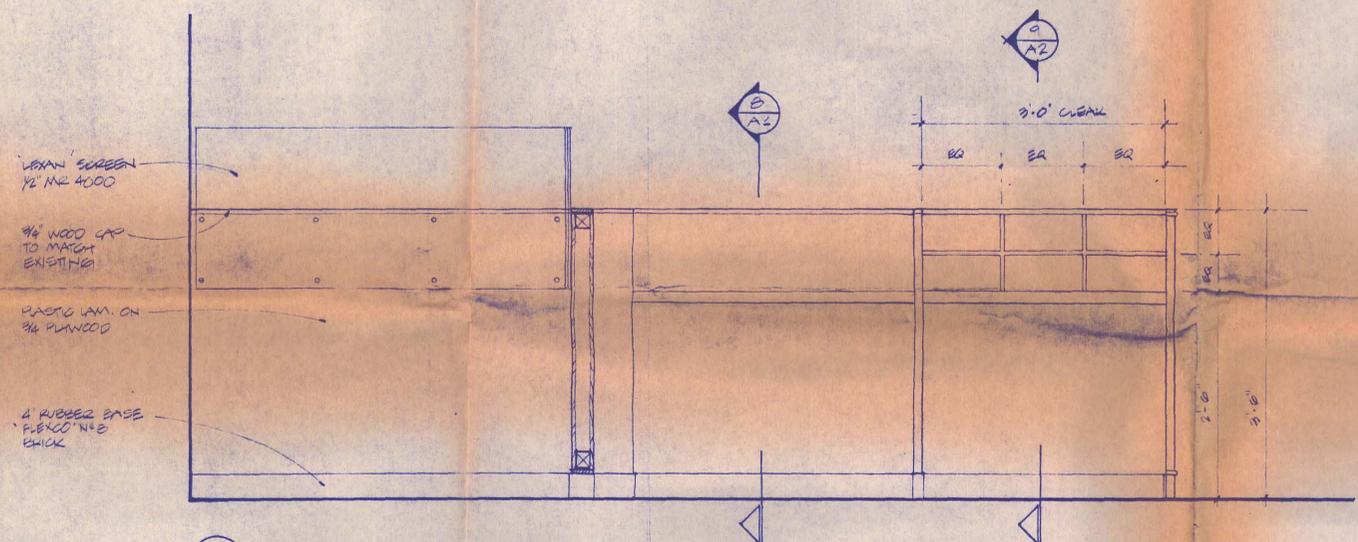
4 WALL SECTION



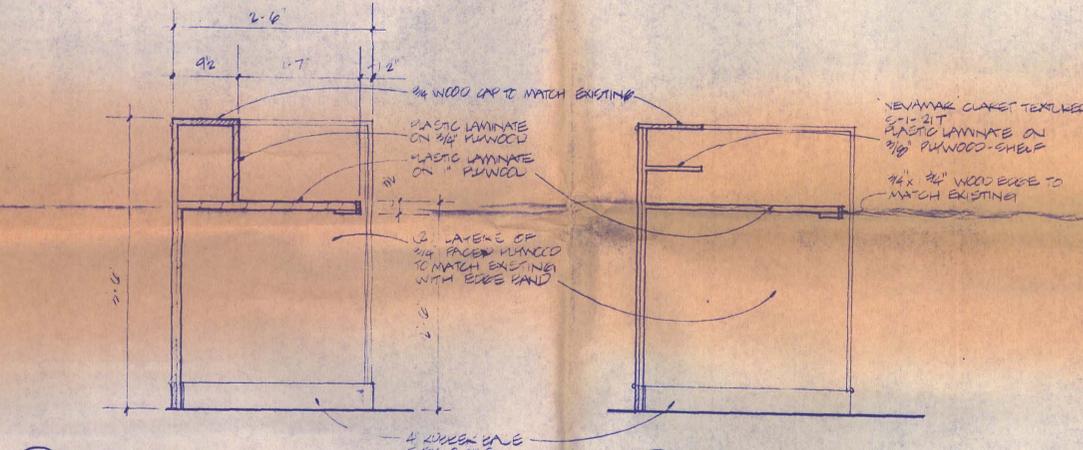
5 GATE



6 GATE POST

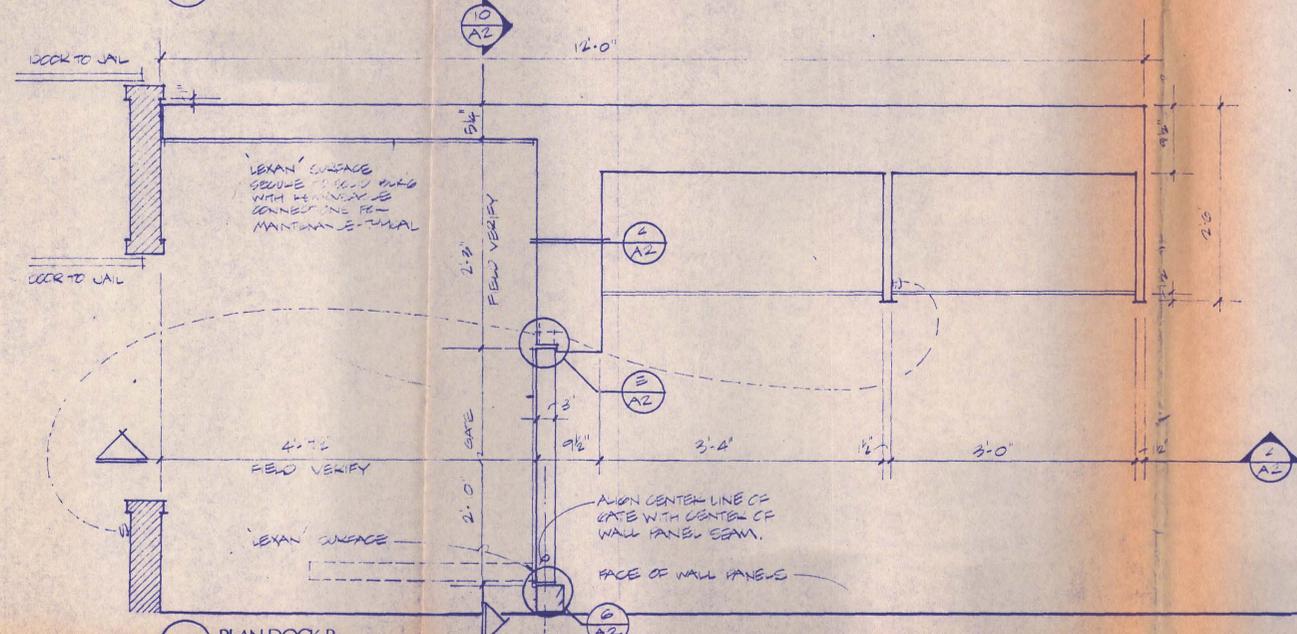


2 SECTION

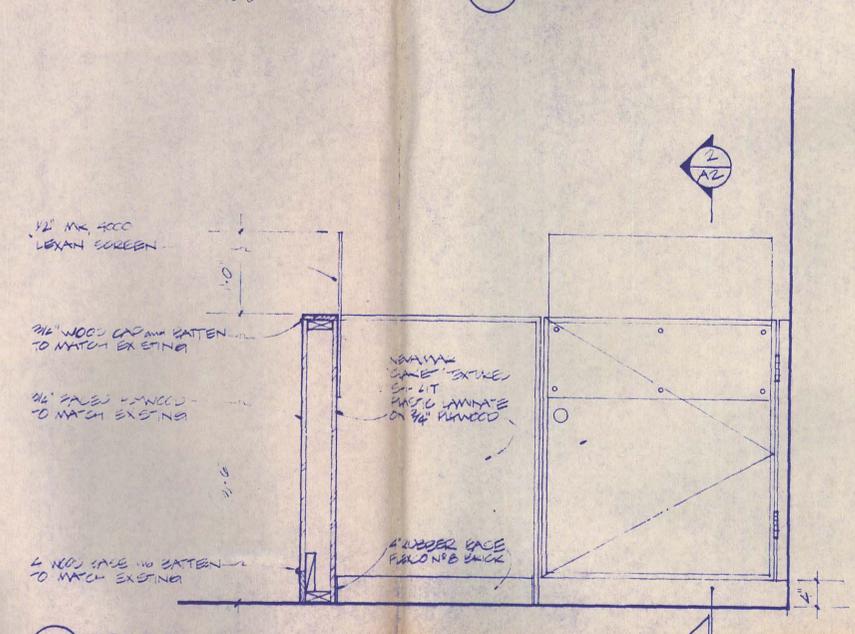


8 SECTION

9 SECTION



3 PLAN DOCK B



10 SECTION

DRAWN: SAWN
 CHECKED:
 DATE: 2-2-85
 REVISED:

TITLE: FLOOR PLAN AND DETAILS
 PROJECT: JUSTICE CENTER DEFENDANT DOCK
 OWNER: MULTNOMAH COUNTY
 PROJECT NO: JC 8402

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A2