

ANNOTATED MINUTES

Thursday, November 7, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:34 a.m., with Commissioners Sharron Kelley, Gary Hansen and Tanya Collier present and Vice-Chair Dan Saltzman excused.

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

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

UC-1 Intergovernmental Revenue Agreement 102907 with the Regional Drug Initiative for Support Staff Dedicated to the Initiative

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, THE AGREEMENT WAS UNANIMOUSLY APPROVED.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-9) WAS UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

C-1 Package Store Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 E CROWN POINT HIGHWAY, TROUTDALE

C-2 Package Store Liquor License Renewal for CORBETT COUNTRY MARKET, 36801 NE CROWN POINT HIGHWAY, CORBETT

- C-3 Retail Malt Beverage Liquor License Renewal for BOTTOMS UP, 16900 NW ST. HELENS ROAD, PORTLAND
- C-4 Retail Malt Beverage Liquor License Renewal for WILD WOOD GOLF COURSE, 21881 NW ST. HELENS ROAD, PORTLAND
- C-5 Restaurant Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 E CROWN POINT HIGHWAY, TROUTDALE

DEPARTMENT OF AGING SERVICES

- C-6 Amendment 2 to Intergovernmental Agreement 400016 with Oregon Senior and Disabled Services to Fund Continued Services for the Elderly

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-7 Amendment 1 to Intergovernmental Agreement 102907 with the Regional Drug Initiative Reducing the Amount of Funding Available for Personnel Expenses

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-8 ORDER Granting a Sewer Easement to the City of Gresham for Construction of the Vance Area II Mid-County Collector Sewer

ORDER 96-197.

- C-9 NSA 22/23-95 Report to the Board the Hearing's Officer Decision Regarding an Appeal of an Administrative Decision for Approval of a Lot Line Adjustment and a Permit for a Manufactured Home on Property Located at 30600 NE LAMPERT ROAD, CORBETT

REGULAR AGENDA

PUBLIC COMMENT

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

NO ONE WISHED TO COMMENT.

NON-DEPARTMENTAL

R-2 RESOLUTION Agreeing to the City of Portland's Request for the Transit Oriented Area Development Tax Exemption Program

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-2. MIKE SABA EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING BOARD REVIEW OF THE EXEMPTION PROGRAM IN ONE YEAR. RESOLUTION 96-198 UNANIMOUSLY APPROVED.

R-3 Intergovernmental Agreement 500337 with Centennial School District Implementing a \$575,000 One Time Only Payment Included in the 1996-97 Adopted Budget

R-4 Intergovernmental Agreement 500347 with Corbett School District Implementing a \$40,000 One Time Only Payment Included in the 1996-97 Adopted Budget

R-5 Intergovernmental Agreement 500357 with David Douglas School District Implementing a \$410,000 One Time Only Payment Included in the 1996-97 Adopted Budget

R-6 Intergovernmental Agreement 500367 with Gresham-Barlow School District Implementing a \$550,000 One Time Only Payment Included in the 1996-97 Adopted Budget

R-7 Intergovernmental Agreement 500377 with Parkrose School District Implementing a \$360,000 One Time Only Payment Included in the 1996-97 Adopted Budget

R-8 Intergovernmental Agreement 500387 with Portland Public Schools Implementing a \$7,650,000 One Time Only Payment Included in the 1996-97 Adopted Budget

R-9 Intergovernmental Agreement 500397 with Reynolds School District Implementing a \$400,000 One Time Only Payment Included in the 1996-97 Adopted Budget

R-10 Intergovernmental Agreement 500417 with Sauvie Island School District Implementing a \$5,000 One Time Only Payment Included in the 1996-97 Adopted Budget

AT THE REQUEST OF CHAIR STEIN, COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF AGREEMENTS R-3 THROUGH R-10. DAVE WARREN EXPLANATION, ADVISING THE RIVERDALE SCHOOL DISTRICT AGREEMENT WOULD BE SUBMITTED AT ANOTHER TIME. CHAIR STEIN, COMMISSIONERS KELLEY, COLLIER AND HANSEN COMMENTS, ADVISING THAT THE ONE TIME FUNDING TO THE SCHOOL DISTRICTS WAS NOT EXTRA, BUT WAS TAKEN FROM COUNTY BUDGET AND PROGRAMS; THAT THE COUNTY GAVE UP ITS FISCALLY PRUDENT 5% GENERAL FUND RESERVE IN ORDER TO ASSIST THE SCHOOLS; THAT THE SCHOOL SUPERINTENDENTS WERE THE ONES WHO ESTABLISHED THE AMOUNTS PORTIONED OUT; AND THAT THE BOARD IS PLEASED TO CONTINUE ITS WORKING PARTNERSHIP WITH THE SCHOOLS. AGREEMENTS UNANIMOUSLY APPROVED.

DEPARTMENT OF SUPPORT SERVICES

R-11 Intergovernmental Agreement 500317 with the State of Oregon Regarding Senate Bill 1145 Facilities Lease and Sublease Documents

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-11 WAS UNANIMOUSLY POSTPONED TO TUESDAY, NOVEMBER 26, 1996.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-12 RESOLUTION Authorizing Acquisition of Certain Property for Construction of the NE 207th Avenue Connector, Between NE Halsey Street and NE 223rd Avenue at NE Glisan Street

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-12. BOB THOMAS EXPLANATION AND REQUEST FOR AMENDMENT DELETING THE LEGAL DESCRIPTIONS OF TWO PARCELS

RECENTLY ACQUIRED BY THE COUNTY. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, EXHIBIT PAGES 4 THROUGH 8 WERE UNANIMOUSLY DELETED FROM RESOLUTION. RESOLUTION 96-199 UNANIMOUSLY APPROVED, AS AMENDED.

R-13 ORDER Authorizing Publication of Notice of Private Sale of Certain Landlocked, Unbuildable Tax Foreclosed Property to Adjacent Property Owner Aurica Manu, Pursuant to ORS 275.225

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-13. KATHY TUNEBERG EXPLANATION. ORDER 96-200 UNANIMOUSLY APPROVED.

R-14 CU 6-96/SEC 18/96 Report to the Board the Hearings Officer Decision Regarding an Approval, Subject to Conditions, of a Conditional Use Permit and an SEC Permit for the Mining of Approximately 250 Acres on Property Located at 14545 NW ST. HELENS ROAD.

CHAIR STEIN ADVISED APPLICANT APPEALED DECISION. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT A DE NOVO HEARING BE SCHEDULED FOR 9:30 AM, WEDNESDAY, NOVEMBER 27, 1996.

There being no further business, the regular meeting was adjourned at 9:55 a.m. and the executive session convened at 10:00 a.m.

Thursday, November 7, 1996 - 10:15 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

EXECUTIVE SESSION

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

EXECUTIVE SESSION HELD.

*There being no further business, the meeting was adjourned at 10:47
a.m.*

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

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

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

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

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

NOVEMBER 4, 1996 - NOVEMBER 8, 1996

Thursday, November 7, 1996 - 9:30 AM - Regular MeetingPage 2

Thursday, November 7, 1996 - 10:15 AM - Executive Session.....Page 4

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

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

AN EQUAL OPPORTUNITY EMPLOYER

Thursday, November 7, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

SHERIFF'S OFFICE

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- C-5 *Restaurant Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 E CROWN POINT HIGHWAY, TROUTDALE*

DEPARTMENT OF AGING SERVICES

- C-6 *Amendment 2 to Intergovernmental Agreement 400016 with Oregon Senior and Disabled Services to Fund Continued Services for the Elderly*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-7 *Amendment 1 to Intergovernmental Agreement 102907 with the Regional Drug Initiative Reducing the Amount of Funding Available for Personnel Expenses*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-8 *ORDER Granting a Sewer Easement to the City of Gresham for Construction of the Vance Area II Mid-County Collector Sewer*
- C-9 *NSA 22/23-95 Report to the Board the Hearing's Officer Decision Regarding an Appeal of an Administrative Decision for Approval of a Lot*

*Line Adjustment and a Permit for a Manufactured Home on Property
Located at 30600 NE LAMPERT ROAD, CORBETT*

REGULAR AGENDA

PUBLIC COMMENT

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

NON-DEPARTMENTAL

R-2 *RESOLUTION Agreeing to the City of Portland's Request for the Transit
Oriented Area Development Tax Exemption Program*

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Implementing a \$575,000 One Time Only Payment Included in the 1996-
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1021 SW Fourth, Portland*

EXECUTIVE SESSION

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



DAN SALTZMAN, Multnomah County Commissioner, District One

1120 S.W. Fifth Avenue, Suite 1500 • Portland, Oregon 97204 • (503) 248-5220 • FAX (503) 248-5440

M E M O R A N D U M

TO: Clerk of the Board
Board of County Commissioners

FROM: Jan Ball, Commissioner Saltzman's Office

RE: November 7, 1996

DATE: October 10, 1996

Please note that Commissioner Saltzman will be unable to attend the BCC meeting on November 7, 1996. He will be at the 1996 Western Regional Symposium on Child Abuse and Sexual Assault in Eugene, Oregon.

BOARD OF
COUNTY COMMISSIONERS
96 OCT 10 PM 3:07
MULTNOMAH COUNTY
OREGON

MEETING DATE: November 7, 1996
AGENDA #: E-1
ESTIMATED START TIME: 10:15 AM

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Executive Session Per ORS 192.660(1)(d)

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, November 7, 1996
AMOUNT OF TIME NEEDED: 45 Minutes

DEPARTMENT: Support Services DIVISION: Labor Relations

CONTACT: Darrell Murray TELEPHONE #: 248-5135, ext. 2595
BLDG/ROOM #: 106/1407

PERSON(S) MAKING PRESENTATION: Darrell Murray

ACTION REQUESTED:

[] INFORMATIONAL ONLY [X] POLICY DIRECTION [] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Possible Labor Negotiations

SIGNATURES REQUIRED:

ELECTED
OFFICIAL:
(OR)
DEPARTMENT
MANAGER:

Peverly Stein

BOARD OF
COUNTY COMMISSIONERS
96 OCT 31 PM 11:34
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

Executive Session Briefing Outline

(November 7, 1996)

A. Introduction

1. Subject is complex; trying to avoid excess detail; main goal is educational today but do need some direction.

2. Figures used today are gross estimates; subject to major revision; will have budget evaluate before package comes forward for any formal action.

A. The Problem

1. Potentially affects all bargaining units.

2. Two 1996 changes involving payroll; pay dates and payroll software

3. This involves the software change, interaction w/K's & FLSA; will discuss only one problem today; others are resolved or on way to resolution

4. Problems of old and new software

a. Compliance with contract and FLSA

b. Retroactive liability for FLSA (2 or 3 years)

1. Liquidated Damages

2. Attorney's Fees

3. Gross estimate of approximately \$200K

4. Any resolution will require individual releases by individual employees

c. Growing contractual liability

d. Complexity of FLSA based check stub/deposit advice (a priority for union)

4. Class Action wage-hour lawsuit by MCCOA/potential for FLSA claim

B. The Potential Solutions:

1. **Liability Cash Out:** Pay FLSA & Contractual Retro liability/Prospectively comply with contract and FLSA giving employee best of both worlds.

- a. Cost \$48,000+ for reprogramming
- b. 3 to 6 months to implement modification
- c. Retro calculations = review of 93,000 time sheets with appropriate recalculations. Would likely require substantial additional staff. Might involve court supervision.
- d. Continues possible 3 OT rates on check stub
- e. Eliminates problem
- f. Leaves lawsuit to deal with if undertaken unilaterally

2. **Eliminate Daily Rate:** Buy out daily rate calculations under the contract, leaving FLSA formula in place

- a. Would require a substantial quid pro quo (maybe lump sum + on-going wage increase.
- b. Continues possible 3 OT rates on check stub
- c. Would require all unions to concur/also individual employees would have to agree.
- d. Would eliminate problem
- e. Would save reprogramming cost

3. **MCCOA Concept**

- a. Calculate OT using an agreed upon daily basic rate
- b. Modify OT rate so it is high enough that we would always pay OT that was not less than we would be required to pay using a weekly formula under the FLSA.
- c. MCCOA initially suggested an OT factor of 1.6 which would cost approximately \$300k per year, although a portion of this is money that we are already obligated to pay.
- d. Our estimate of the OT factor required to make this solution work is approximately rate x 1.528, although we are still trying to determine how this plays out for nurses. The number might work for them but might not.
- e. 1.528 would cost approximately \$85,000 + payroll costs (25%) per year,

although a portion of this is money that we are already obligated to pay. The balance would essentially be a windfall for employees working overtime, or compensation for going through the turmoil of the payroll transition, depending on how you look at it.

f. We think it would eliminate the multiple OT rate problem

g. Might be enough to eliminate problem both retro and prospectively because it is an on-going benefit. (We've had the benefit for 10 years.)

h. All unions would have to agree/also individual employee plaintiffs.

I. Would eliminate reprogramming costs

j. Would require adjustment of the OT factor every time we increase the highest variable premium on which the OT factor is premised (currently weekend & shift differential for nurse practitioners). Would be a county-wide adjustment.

k. A legal question still outstanding

4. Recommendation a very close call.

a. Second option would be potentially the best for County, but MCCOA says simplify check stubs by eliminating the 3 OT rate possibility, or will force us to calculate and pay our FLSA liability. Might be able to buy our way out but on-going price tag likely high.

b. Otherwise, best near term choice probably the last option, although we still have legal questions that need to be addressed. Also, no guarantee as yet that the union will buy off. This recommendation is an extremely close call.

c. Option 1 would be the best long term solution but very expensive in the near term.

d. Recommend we be authorized to pursue option 3.