

# ANNOTATED MINUTES

Tuesday, May 6, 1997 - 9:30 AM  
Portland Building, Second Floor Auditorium  
1120 SW Fifth Avenue, Portland

## MERIT SYSTEM CIVIL SERVICE APPEAL HEARING

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

PH-1 The Board of Commissioners Will Consider the Appeal of the Multnomah County Merit System Civil Service Council Decision Issued March 18, 1997 on the Merit Appeal of James B. Griffith, Jr. At the Conclusion of the Hearing, the Board Options are to: Uphold the Merit System Civil Service Council Decision; Overturn the Decision; or Remand the Case to the Council for Further Proceedings. Presentations by Anna Kanwit, Steve Nemirow and Garvin Reiter.

**BOARD COUNSEL, CITY ATTORNEY ANNA KANWIT, EXPLANATION OF ISSUES, JURISDICTION TO HEAR APPEAL, BACKGROUND INFORMATION BASED ON PERSONNEL RULES, COUNSELS TO BE ARGUING APPEAL, WRIT OF REVIEW ON THE RECORD, AND THREE VOTES NEEDED FOR ACTION. APPELLANT'S ATTORNEY, COUNTY COUNSEL STEVE NEMIROW PRESENTATION AND ARGUMENTS IN SUPPORT OF BOARD OVERTURNING THE COUNCIL DECISION AND ADOPTING HIS FINDINGS REGARDING COUNTY CODE JURISDICTION IN MATTERS PERTAINING TO EXEMPT EMPLOYEES, AND RESPONSE TO QUESTION OF COMMISSIONER SALTZMAN REGARDING WRITTEN WAIVER OF RIGHT TO LOOK AT BACKGROUND FILE. ATTORNEY GARVIN REITER, REPRESENTING JAMES GRIFFITH, PRESENTATION AND ARGUMENTS IN SUPPORT OF COUNCIL DECISION, IN SUPPORT OF BOARD REMANDING DECISION BACK TO COUNCIL IN ORDER FOR COUNCIL TO CONSIDER AN AWARD**

**FOR CONTRACT DAMAGES, AND RESPONSE TO BOARD QUESTIONS REGARDING WRITTEN PROCEDURES PERTAINING TO BACKGROUND CHECKS, AND DECEMBER 23, 1996 CUT OFF DATE FOR HIRING PROCESS. MR. NEMIROW RESPONSE TO QUESTIONS OF COMMISSIONER KELLEY REGARDING RULES FOR UNCLASSIFIED EMPLOYEES, ADVISING COUNTY EXEMPT EMPLOYEES ARE PROTECTED UNDER STATE LAW AND CAN BE FIRED AT WILL. MR. NEMIROW REBUTTAL TO MR. REITER'S PRESENTATION.**

**COMMISSIONER KELLEY ADVISED IT IS HER POSITION THAT THIS CASE IS NOT THE JURISDICTION OF THE MERIT SYSTEM CIVIL SERVICE COUNCIL, BUT IS ADDRESSED IN THE COUNTY CODE, THAT SHE IS CONCERNED ABOUT MR. GRIFFITH'S TREATMENT, AND THAT SHE SUPPORTS MR. NEMIROW'S RECOMMENDATION. COMMISSIONER SALTZMAN AND VICE-CHAIR HANSEN CONCURRED WITH COMMISSIONER KELLEY'S POSITION REGARDING JURISDICTION, CONCERN ABOUT MR. GRIFFITH'S TREATMENT, AND SUPPORT OF MR. NEMIROW'S RECOMMENDATION. FOLLOWING DISCUSSION AND RESPONSE TO BOARD QUESTIONS WITH MS. KANWIT, AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, IT WAS UNANIMOUSLY APPROVED THAT THE MERIT SYSTEM CIVIL SERVICE COUNCIL DID NOT HAVE JURISDICTION TO CONSIDER AN APPEAL OF AN UNCLASSIFIED POSITION, THAT THE DECISION OF THE MERIT SYSTEM CIVIL SERVICE COUNCIL IS OVERTURNED, AND THAT THE APPEAL OF JAMES GRIFFITH IS DISMISSED. [ORDER 97-98] MS. KANWIT RESPONSE TO BOARD QUESTIONS REGARDING OTHER AVENUES OF REDRESS FOR MR. GRIFFITH. COMMISSIONER SALTZMAN SUGGESTED THAT FUTURE POTENTIAL HIRES ARE NOT OFFERED POSITIONS UNTIL BACKGROUND CHECKS ARE COMPLETED.**

*There being no further business, the hearing was adjourned at 10:25 a.m. and the briefings convened at 10:28 a.m.*

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Tuesday, May 6, 1997 - 10:15 AM  
Portland Building, Second Floor Auditorium  
1120 SW Fifth Avenue, Portland

## **BOARD BRIEFINGS**

- B-1 Audit: 1997 Report on the Financial Condition of the County. Presented by Gary Blackmer.

***GARY BLACKMER PRESENTATION OF REPORT  
AND RECOMMENDATIONS. MR. BLACKMER  
INTRODUCED AUDITOR JUDITH DEVILLIERS.***

*Following a short recess, the briefings were reconvened at 10:58 a.m.*

- B-2 Overview of Five Year Financial Forecast and Discussion of Revenue Projections for the 1997-98 Proposed Multnomah County Budget. Presented by Mark Campbell.

***MARK CAMPBELL AND DAVE WARREN  
PRESENTATION AND RESPONSE TO BOARD  
QUESTIONS AND DISCUSSION ON ISSUES  
INCLUDING REVENUE PROJECTIONS; CPI's;  
COLA's; ECONOMIC TRENDS; PROPERTY TAXES;  
AND CONTINGENCY ASSUMPTION FOR MEASURE  
47-50 OUTCOME.***

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

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Thursday, May 8, 1997 - 9:30 AM  
Portland Building, Second Floor Auditorium  
1120 SW Fifth Avenue, Portland

## **REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Gary Hansen and Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.*

## **CONSENT CALENDAR**

***AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSENT CALENDAR ITEMS C-1 THROUGH C-6 AND C-8 THROUGH C-13 WERE UNANIMOUSLY APPROVED.***

## **DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-1 Intergovernmental Agreement 103787 with Oregon Health Sciences University Hospital Providing Inpatient Psychiatric Services for Children and Young Adults Enrolled in Multnomah County CAPCare

## **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-2 CU 1-97/HV 2-97 Report the Hearings Officer Decision Regarding Approval of a Conditional Use Permit and Major Variance from the Side Yard Setback Requirements to Establish a Single Family Dwelling on Lands Designated Commercial Forest Use for Property at 8383 SE RODLUN RD, GRESHAM
- C-3 CU 2-97 Report the Hearings Officer Decision Regarding Approval of a Conditional Use Permit to Establish a Single Family Dwelling on Lands Designated Commercial Forest Use for Property at 43000 SE HAINES RD, CORBETT
- C-4 CU 3-97 Report the Hearings Officer Decision Regarding Approval of a Conditional Use Permit to Establish a Retail Nursery on Lands Zoned Rural Center for Property at 29943 SE ORIENT DR, GRESHAM
- C-5 CU 4-97/SEC 7-97 Report the Hearings Officer Decision Regarding Approval of a Conditional Use Permit and a Significant Environmental Concern Permit for a Single Family Dwelling on Lands Designated Commercial Forest Use for Property at 14625 NW SKYLINE BLVD, PORTLAND
- C-6 SEC 23-96 Report the Hearings Officer Decision Regarding Approval of a Significant Environmental Concern Permit for a Replacement Dwelling and a Detached Accessory Building on Lands Designated Commercial Forest Use for Property at 18600 NW SKYLINE BLVD, PORTLAND

- C-8 ORDER Authorizing Execution of Deed D971480 for Repurchase of Tax Foreclosed Property to Former Owner Tokoyo Akiyama Becker

***ORDER 97-87.***

- C-9 ORDER Authorizing Execution of Deed D971484 Upon Complete Performance of a Contract to James L. Berry

***ORDER 97-88.***

- C-10 Intergovernmental Agreement 301267 with the Oregon Department of Transportation for Phase II of the Westside Transportation System Plan

**DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- C-11 Intergovernmental Revenue Agreement 700727 with Metro Providing a Work Crew and Supervisor for Twice Weekly Litter Pick-up Services in Connection with the Payback Restitution Program for Adjudicated or Diverted Youth
- C-12 Budget Modification DJJS 3 Adding \$93,773 in Office of Justice Program "Weed and Seed" Grant Dollars to the Counseling and Court Services and Department Management and Support Services Division Budgets to Fund a Juvenile Counselor Lead and Contracted Services to Youth through September 30, 1997
- C-13 Budget Modification DJJS 5 Adding \$15,000 Washington County Revenue to the Counseling and Court Services Division Budget to Fund Facilitation of the Save Our Youth Program in Washington County

**REGULAR AGENDA**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-7 FINAL ORDER for Land Use Planning Case CU 7-96/SEC 33-96 Amending the March 5, 1997 Hearings Officer Decision Denying a Conditional Use Permit and a Significant Environmental Concern Permit

***DOROTHY COFIELD, ATTORNEY FOR APPLICANT  
APPELLANT ANDREW MILLER, TESTIMONY IN  
SUPPORT OF A WRIT OF MANDAMUS REMEDY;  
REFUND OF HALF OF APPLICANT'S \$2,270 FEES;  
AND DELETION OF LATIN PHRASE "NUNC PRO  
TUNC APRIL 1, 1997" FROM FINAL ORDER DATE.***

**COUNTY COUNSEL SANDRA DUFFY ADDRESSED MS. COFIELD'S TESTIMONY, EXPLAINING THE COUNTY'S USE OF THE NUNC PRO TUNC PHRASE; ADVISING SHE FEELS THE COUNTY HAS NO LIABILITY FOR RETURN OF THE FEES; AND THAT MS. COFIELD COULD RAISE ISSUE ON APPEAL TO THE LAND USE BOARD OF APPEALS. IN RESPONSE TO A QUESTION OF MS. COFIELD, MS. DUFFY ADVISED THEY HAVE A DIFFERENCE OF OPINION IN CASE LAW INTERPRETATIONS. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF C-7. COMMISSIONER KELLEY COMMENTS IN SUPPORT OF MOTION, ADVISING SHE IS ALSO SYMPATHETIC TO MR. MILLER. FINAL ORDER 97-89 UNANIMOUSLY APPROVED.**

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

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

UC-1 ORDER Authorizing Execution of Deed D971483 Upon Complete Performance of a Contract to Estate of Harry C. Kirkelie, Deceased, and Elaine J. Kirkelie

**COMMISSIONER HANSEN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF UC-1. CHAIR STEIN EXPLANATION. ORDER 97-90 UNANIMOUSLY APPROVED.**

#### **PUBLIC COMMENT**

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

**PAUL FRANK COMMENTS AND WRITTEN TESTIMONY IN OPPOSITION TO PROPOSED REDUCTION OF PAROLE AND PROBATION OFFICERS. CHAIR STEIN ADVISED THE ISSUE**

***WILL BE DISCUSSED DURING UPCOMING  
BUDGET DELIBERATIONS.***

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-2 PROCLAMATION Declaring the Week of May 18 through 24, 1997 as NATIONAL PUBLIC WORKS WEEK, and Recognizing the Contributions of All Multnomah County Public Works Employees

***AT THE REQUEST OF CHAIR STEIN AND UPON  
MOTION OF COMMISSIONER KELLEY, SECONDED  
BY COMMISSIONER COLLIER, R-2 WAS  
UNANIMOUSLY CONTINUED TO THURSDAY, MAY  
15, 1997.***

**SHERIFF'S OFFICE**

- R-3 Intergovernmental Agreement 801007 with the City of Portland Providing Fingerprints and Photographs of Individuals Arrested for Crimes for Fiscal Year 1996-97

***COMMISSIONER COLLIER MOVED AND  
COMMISSIONER HANSEN SECONDED, APPROVAL  
OF R-3. LARRY AAB EXPLANATION. SANDRA  
DUFFY RESPONSE TO QUESTION OF  
COMMISSIONER COLLIER REGARDING LONG  
RANGE RATHER THAN ANNUAL CONTRACTING.  
AGREEMENT UNANIMOUSLY APPROVED.***

- R-4 Intergovernmental Agreement 801027 with Grant County Providing Jail Beds, Custody, Care and Safekeeping for the Detention of Multnomah County Inmates Effective May 1, 1997

***COMMISSIONER COLLIER MOVED AND  
COMMISSIONER KELLEY SECONDED, APPROVAL  
OF R-4. LARRY AAB EXPLANATION AND  
RESPONSE TO BOARD QUESTIONS. AGREEMENT  
UNANIMOUSLY APPROVED.***

**DEPARTMENT OF SUPPORT SERVICES**

- R-5 RESOLUTION Authorizing Issuance and Sale of Short Term Promissory Notes (Tax and Revenue Anticipation Notes, Series 1997) in the Amount of \$11,000,000 to Meet Current Expenses of the County for Fiscal Year 1997-98

***COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. DAVE BOYER EXPLANATION AND RESPONSE TO QUESTION OF COMMISSIONER SALTZMAN. RESOLUTION 97-91 UNANIMOUSLY APPROVED.***

**NON-DEPARTMENTAL**

- R-6 Executive Budget Message and Presentation of Chair Beverly Stein's Proposed 1997-98 Budget

***CHAIR BEVERLY STEIN PRESENTATION, COPIES AVAILABLE.***

**MULTNOMAH COUNTY BUDGET COMMITTEE**

(Recess as the Board of County Commissioners and convene as the Multnomah County Budget Committee)

- R-7 RESOLUTION Approving the Chair's Proposed 1997-98 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by Law

***COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. DAVE WARREN EXPLANATION. RESOLUTION 97-92 UNANIMOUSLY APPROVED.***

(Adjourn as the Multnomah County Budget Committee and reconvene as the Board of County Commissioners)

*There being no further business, the regular meeting was adjourned at 10:15 a.m.*



Thursday, May 8, 1997 - 11:00 AM  
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## **EXECUTIVE SESSION**

*Chair Beverly Stein convened the meeting at 10:30 a.m., with Vice-Chair Gary Hansen and Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.*

E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h) for Consultation with Counsel Concerning Legal Rights and Duties Regarding Current Litigation or Litigation Likely to be Filed. Presented by Jacquie Weber and Sheriff Dan Noelle.

### ***EXECUTIVE SESSION HELD.***

*There being no further business, the meeting was adjourned at 11:07 a.m.*

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*