

**ANNOTATED AGENDA FOR THE
MEETINGS OF THE
BOARD OF COMMISSIONERS**

Tuesday, July 6, 2010 - 9:00 a.m.
Multnomah Building - Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Chair Jeff Cogen convened the meeting at 9:00 a.m. with Commissioners Deborah Kafoury, Barbara Willer and Judy Shiprack present and Vice-Chair Diane McKeel excused.

E-1 The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) (d) and/or (h) regarding the English and Woods cases. Only representatives of the news media and designated staff may attend. News media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session. Final decisions are decided in public board meetings. Presenters: Assistant County Attorneys Stephen Madkour and Jenny Morf.

Executive session was held.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:13 a.m.

Thursday, July 8, 2010 - 9:30 a.m.
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Jeff Cogen convened the meeting at 9:36 a.m. with Vice-Chair Diane McKeel and Commissioners Deborah Kafoury and Judy Shiprack present. Commissioner Barbara Willer excused.

CONSENT CALENDAR

UPON MOTION MADE BY COMMISSIONER SHIPRACK AND SECONDED BY COMMISSIONER KAFOURY THE CONSENT CALENDAR WAS UNANIMOUSLY APPROVED.

C-1 NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration Ryan White Part D Expansion Grant Competition

REGULAR AGENDA
PUBLIC COMMENT

Public testimony was given and received for the record.

R-1 Board Briefing on Potential, Perceived and Actual Conflicts of Interest.
Presenter: Steve March, County Auditor.

Mr. March began by acknowledging Greg Hunt who did the background work on this briefing. He discussed way in which conflict can arise. County employees can have conflicts of interest when their public obligations are at odds with their private interests. In addition to a loss of public trust in the county, conflicts of interest can lead to financial loss, favoritism, and even fraud. The risk of conflicts increase when employees do business with the county, have outside business interests or have secondary employment. Processes to identify and manage conflicts should be improved throughout the county. Potential conflicts must be managed early before they escalate into actual or perceived conflicts. Personnel rules require employees to notify their department director in writing when a potential conflict of interest exists. Current training to aid employees to identify potential conflicts is weak. All potential conflicts don't appear to be disclosed by employees.

Although there is nothing unusual or particularly wrong with current or former employees doing business with the county, owning an interest in a company, or having other outside employment, this does raise the risk of conflicts. The objectives of this audit were to determine if potential conflicts of interest are properly identified and managed; if there are actual or perceived conflicts of interest when the county does business with employees; and, if a clear independent contractor relationship is established when the county contracts with current or former employees. The scope of this work was limited to issues that arose from employees doing business with the county, having outside employment or another business interest. The coverage was also limited to the department level with the exception of the Central Procurement and Contract Administration unit. Only a small, but high risk portion was examined of the county's code of conduct. This work did not attempt to identify employees who may be employed by or on boards of nonprofits, nor did it look at post employment issues. Since this audit was conducted in accordance with generally accepted government auditing standards, the Auditor's office believes that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

Mr. March thanked the participating staff, especially the HR staff and Chair Cogen for his decisive action on bringing this matter forward.

R-2 Report of the Multnomah County Charter Review Committee and Resolution Submitting to the Voters Multnomah County Home Rule Charter Amendments Proposed by the County Charter Review Committee. Presenter: Agnes Sowle, County Attorney.

Commissioner Shiprack moved and Commissioner Kafoury seconded approval of R-2.

Ms. Sowle explained that the Multnomah County Charter requires a review committee to be appointed by state legislators every six years. The Committee began its work in October 2009 and held 13 public meetings, including hearings in county commission districts 3 and 4. It made a comprehensive study of the charter. The report recommends voter approval of six measures that would amend the Charter. The Charter requires that all amendments proposed by the committee be submitted to Multnomah County voters. The measures will be on the November 2, 2010, general election ballot. All of the measures involve policy decisions and may be controversial. The measures are as follows:

Measure A – County Term Limits

Repeals Charter section 4.20(2) restriction on eligibility to serve more than two consecutive four-year terms in any county elective office within a 12-year period. Permits voters to limit terms at elections. Increases experience and expertise of county elected officials. Makes Multnomah County consistent with other counties and cities.

Measure B – Running for Office Midterm

Repeals Charter section 4.20(3) midterm ban on running for another elective office and allows elected official to file for another office without ending their current term and creating a vacancy. Makes Multnomah County consistent with other counties and cities.

Measure C – Salary Commission

Amends Charter section 4.30 to permit salary commission, appointed by the auditor, to set Sheriff and the county paid supplemental salary of the District Attorney, rather than allowing the Board to set Sheriff and DA supplemental salaries.

Measure D – Vacancy in Office

Amends Charter section 4.40 to cause a vacancy in a commission district office if the commissioner ceases to reside within the commissioner's district. Charter now only requires commissioner candidates or appointees to reside in the district for a year and a half prior to taking office.

Measure E – Election to Fill Vacancies

Amends Charter section 4.50 to limit elections to fill vacancies to the general and primary election dates. This measure may reduce County election costs.

Measure F – Multnomah County Library District

Amends Charter to allow the Board to form a county library district using a county-specific formation method as stated in the amendment. The library district would have powers granted by state law and the Charter, including imposing ad valorem property taxes to support its services. The Board would be the governing body of the district. The district would be different from those formed by the two methods available under state law. A separate election would be required to form the library district.

The Board expressed their gratitude to all those on the Charter Committee for their hard work and thanked Ms. Sowle for her presentation.

R-3 PROCLAMATION on the 20th Anniversary of the Americans with Disabilities Act. Presenters: Robert Phillips, EEO/Affirmative Action Officer; David Miller, ADA Technical Specialist; Ann Boss and Lavaun Heaster.

Vice-Chair McKeel moved and Commissioner Kafoury seconded approval of R-3.

Mr. Phillips, Mr. Miller, Ms. Boss and Mr. Heaster provided an explanation and responded to Board questions and comments.

Mr. Phillips read the Proclamation into the record.

Proclamation No. 2010-099 was unanimously approved.

R-4 RESOLUTION Accepting the Portland Children's Levy Allocation Plan and Offering Advice and Counsel to the City of Portland Concerning the Recommendations. Sponsor: Commissioner Deborah Kafoury. Presenter: Meg McElroy, Assistant Director, Portland Children's Levy.

Vice-Chair McKeel moved and Commissioner Shiprack seconded approval of R-4.

Commissioner Kafoury made opening remarks. Ms. McElroy provided the presentation and responded to Board questions and comments.

Resolution No. 2010-100 was unanimously approved.

R-5 NOTICE OF INTENT: National Institute of Corrections and Office of Justice Programs Evidence-Based Decision Making in Local Criminal Justice System Initiative: Phase II Site Selection Technical Assistance. Presenters: Peter Ozanne, LPSCC Executive Director, and Elizabeth Davies, LPSCC Public Safety System Analyst.

Commissioner Shiprack moved and Commissioner Kafoury seconded approval of R-5.

Mr. Ozanne and Ms. Davies provided the presentation and responded to Board questions and comments.

The NOI was unanimously approved.

R-6 SECOND READING OF an Ordinance Relating To County Organization; Concerning The Organization And Functions Of The Office Of Diversity and Equity and the Office of Sustainability; Making Housekeeping Amendments to MCC Chapters 7 and 27 to Move and Consolidate Non-departmental Offices into a New MCC Chapter 25, and Align Departmental Functions and Procedures; and Declaring an Emergency. Presenter: Agnes Sowle, County Attorney.

Commissioner Shiprack moved and Commissioner Kafoury seconded approval of R-6.

Ms. Sowle provided an explanation and responded to Board questions and comments.

The second reading is approved and Ordinance No. 1166 was unanimously adopted.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:50 a.m.

Submitted by:

Lynda J. Grow, Board Clerk,
Marina Baker, Assistant Board Clerk and
Shirley Luo, Intern
Board of County Commissioners
Multnomah County