

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

**Thursday, July 6, 2006 - 9:30 AM**

Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**REGULAR MEETING**

Chair Diane Linn convened the meeting at 9:28 a.m., with Commissioners Lisa Naito and Serena Cruz Walsh present, and Vice-Chair Lonnie Roberts and Commissioner Maria Rojo de Steffey arriving at 9:30 a.m.

**CONSENT CALENDAR**

UPON MOTION OF COMMISSIONER CRUZ, SECONDED BY COMMISSIONER NAITO, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-5) WAS APPROVED, WITH COMMISSIONERS NAITO, CRUZ AND LINN VOTING AYE.

- C-1 Appointment of Len Freiser to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE
- C-2 Government Revenue Contract 0607003 with the US Department of Agriculture, Forest Service, for Summer Patrols of Forest Service Lands
- C-3 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to HARRY A. and SHERYL L. SCHUMACHER

RESOLUTION 06-124

- C-4 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to BIG FINISH LLC

RESOLUTION 06-125

- C-5 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to BCMC PROPERTIES LLC

RESOLUTION 06-126

**REGULAR AGENDA**  
**PUBLIC COMMENT**

No public comments were made.

**R-1 NOTICE OF INTENT to Apply for Edward Byrne Memorial Justice Assistance Grant Program Funds**

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-1. CHIQUITA ROLLINS EXPLANATION.

Vice-Chair Roberts and Commissioner Rojo arrived at 9:30 a.m.

NOTICE OF INTENT UNANIMOUSLY APPROVED.

**R-2 Budget Modification NOND-01 Appropriating Revenue from United Way of the Columbia-Willamette to Operate Project Summer: Everybody Eats**

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-2. WENDY LEBOW EXPLANATION. COMMISSIONER NAITO AND CHAIR LINN COMMENTS IN APPRECIATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

**R-3 NOTICE OF INTENT to Apply for a Banfield Charitable Trust Grant for New Veterinary Equipment**

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-3. MIKE OSWALD EXPLANATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

**R-4 RESOLUTION Declaring a Portion of Certain County Real Property Surplus, Reserving a Temporary Road Purposes Easement; and Authorizing Sale of the Property to Lynnia K. Woods**

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-4. ROBERT MAESTRE AND ASSISTANT COUNTY ATTORNEY MATTHEW RYAN EXPLANATION. RESOLUTION 06-127 UNANIMOUSLY ADOPTED.

**R-5 PUBLIC HEARING to Consider a Measure 37 Claim by Lester and Marvene Lukas for the Right to Construct a Dwelling on an Undeveloped Property Known as T 3N, R 2W, SEC 25C, TL 1200 (Case File T1-05-064). Presented by Tammy Boren-King and Sandra Duffy.**

CHAIR LINN CONVENED THE HEARING, WITH COMMISSIONERS LISA NAITO, SERENA CRUZ WALSH, LONNIE ROBERTS AND MARIA ROJO DE STEFFEY PRESENT. AT CHAIR LINN'S REQUEST FOR DISCLOSURE, NO EX PARTE CONTACTS WERE REPORTED. AT CHAIR LINN'S REQUEST FOR DISCLOSURE, NO CONFLICTS OF INTEREST WERE REPORTED. AT CHAIR LINN'S REQUESTS FOR DISCLOSURE, NO BOARD MEMBER DISCLOSED HAVING A FINANCIAL INTEREST IN THE OUTCOME OF THIS MATTER AND NO BOARD MEMBER

DISCLOSED LIVING WITHIN THE GEOGRAPHICAL AREA ENTITLED TO NOTICE OF CLAIM. AT COMMISSIONER NAITO'S SUGGESTION, STAFF TO PROVIDE CLEARER DETAILS OF PROPERTY LOCATION PRIOR TO FUTURE MEASURE 37 HEARINGS TO AID THE BOARD IN DETERMINING THE GEOGRAPHICAL AREA. CHAIR LINN EXPLAINED THE CONDUCT OF HEARING, THE ORDER OF TESTIMONY AND HOW TO PRESENT TESTIMONY.

PLANNER TAMMY BOREN-KING PRESENTED THE STAFF REPORT AND RECOMMENDATIONS. ASSISTANT COUNTY ATTORNEY SANDRA DUFFY SUBMITTED A DRAFT ORDER WHICH WOULD ADOPT THE RECOMMENDED STAFF DECISION AND ADVISED SHE WOULD PROVIDE DRAFT ORDERS ON MONDAYS PRIOR TO FUTURE MEASURE 37 HEARINGS. CLAIMANTS LESTER AND MARVENE LUKAS PRESENTED TESTIMONY IN SUPPORT OF BUILDING A HOME ON THE PROPERTY THEY'VE OWNED SINCE 1971, AND TESTIMONY REGARDING ROAD EASEMENTS AND MAINTENANCE. IN RESPONSE TO A QUESTION OF COMMISSIONER ROBERTS, MRS. LUKAS ADVISED THEY WOULD RATHER BE ALLOWED THE RIGHT TO BUILD THAN AWARDED COMPENSATION. MS. BOREN-KING AND MR. LUKAS RESPONSE TO QUESTIONS OF CHAIR LINN AND COMMISSIONER CRUZ REGARDING PROPERTY EASEMENTS. MS. BOREN-KING ADVISED AN EASEMENT IS NOT AT ISSUE UNLESS THE BOARD IS GOING TO CONSIDER COMPENSATION TODAY.

REALTOR DONIS MCARDLE TESTIMONY ADVISING THAT AREAS ZONED AS BEING OF SIGNIFICANT ENVIRONMENTAL CONCERN (SEC), RELATING TO HABITAT, SCENIC VIEWS, HILLSIDES AND/OR STREAM CORRIDORS FOR EXAMPLE, DIMINISHES THE OWNER'S PROPERTY VALUE GREATLY. NEIGHBORING PROPERTY OWNER SHERRY CARLSON-DEMOSS SUBMITTED STREAM AND SECTION MAPS AND PROVIDED TESTIMONY REGARDING NEED TO ADDRESS STREAMS AND HABITAT, ACCESS ROADS AND MANAGEMENT PLAN ISSUES. ATTORNEY ERIC SOGGE, REPRESENTING MR. AND MR. CARLSON-DEMOSS, ADVISED HIS CLIENTS LIVE DIRECTLY TO THE EAST OF THE LUKAS PROPERTY AND EXPRESSED CONCERN ABOUT PROVIDING A ROAD EASEMENT TO THE EAST OF THE LUKAS PROPERTY.

COMMISSIONER CRUZ ADVISED THAT THOSE CONCERNS ARE NOT RELEVANT TO THE DECISION BEFORE THE BOARD TODAY; THAT LAND USE SAFETY AND PUBLIC HEALTH STANDARDS ARE NOT EXEMPT FROM MEASURE 37 REGULATION CLAIMS AND THAT THEY WOULD CONTINUE TO APPLY TO LAND USE PERMIT PROCEDURES RELATING TO BUILDING AND ROADWAYS. THERE BEING NO FURTHER TESTIMONY, COMMISSIONERS ROBERTS AND ROJO COMMENTED IN SUPPORT OF THE PROPOSED ORDER. COMMISSIONER NAITO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF AN ORDER TO NOT APPLY LAND USE REGULATIONS TO LUKAS PROPERTY: TL 1200, SEC 25C, T3N, R2W, W.M., UNDER BALLOT MEASURE 37. CHAIR LINN ADVISED SHE SUPPORTS THE ORDER AND WISHES EVERYONE THE BEST IN WORKING

THROUGH THEIR ISSUES, POSSIBLY THROUGH MEDIATION. ORDER 06-128 UNANIMOUSLY ADOPTED.

## **ADJOURNMENT**

There being no further business, the regular meeting was adjourned at 10:13 a.m.

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**Thursday, July 6, 2006 - 10:00 AM**

Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFINGS**

Chair Diane Linn convened the meeting at 10:13 a.m., with Vice-Chair Lonnie Roberts, Commissioners Lisa Naito, Maria Rojo de Steffey, and Serena Cruz Walsh present.

### **B-2 Hansen Building Stakeholders Action Plan. Presented by Doug Butler and Pam Krecklow.**

DOUG BUTLER PRESENTATION AND RESPONSE TO QUESTION OF COMMISSIONER ROBERTS REGARDING HANSEN BUILDING REPAIR. CHAIR LINN COMMENTS IN SUPPORT OF STAFF RECOMMENDATIONS. SHERIFF BERNIE GIUSTO THANKED FACILITIES AND SHERIFF'S PERSONNEL FOR CONTINUING TO LOOK FOR PERMANENT LOCATION FOR SHERIFF'S STAFF.

### **B-1 East County Justice Facility Project Plan. Presented by Doug Butler and Pam Krecklow.**

DOUG BUTLER PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS ON ISSUES INCLUDING THE COST EFFECTIVENESS OF FACILITIES' RECOMMENDATION TO BUILD SHELL FOR SIX COURTROOMS BUT BUILD OUT FOUR; NUMBER OF COURTROOMS; BUILD OUT AND REMODELING COSTS; AND POSSIBLE USE OF SHELL SPACE FOR SHERIFF'S OFFICE STAFF. COMMISSIONER NAITO REQUESTED BREAKDOWN INFORMATION ON THE COSTS OF BUILDING OUT AND THE COSTS OF REMODELING. MR. BUTLER ADVISED THAT FACILITIES WOULD LIKE BOARD CONSENSUS ON THEIR RECOMMENDATIONS AND TO ALLOW FACILITIES THE FLEXIBILITY TO ADJUST AS NEEDED. COMMISSIONER CRUZ ADVISED HER LONG TERM CONCERNS REMAIN; THAT SHE WANTS THE AUDITOR'S RECOMMENDATION THAT THE COUNTY HAVE SPECIFIC REQUIREMENTS BEFORE GOING FORWARD BE FOLLOWED; AND THAT SHE FEELS THERE ARE OTHER OPTIONS THAT COULD HAVE BEEN PRESENTED.

IN RESPONSE TO COMMENTS OF CHAIR LINN, COMMISSIONER CRUZ ADVISED THERE IS NO DISAGREEMENT AND THERE IS SOLID BOARD SUPPORT ON

BUILDING FOUR COURTROOMS. SHERIFF BERNIE GIUSTO STATED THE FACILITY PROJECT NEEDS THE ADDITIONAL SQUARE FOOTAGE; THE COUNTY NEEDS TO HAVE A PRESENCE IN AN EAST COUNTY COURT PUBLIC SAFETY CENTER; AND THE SHERIFF'S OFFICE WILL NEED SPACE IN THAT FACILITY IN ORDER TO WORK TOGETHER WITH THE DISTRICT ATTORNEY AND COURTS TO MEET THE PUBLIC SAFETY NEEDS OF EAST COUNTY. COMMISSIONER ROBERTS COMMENTS IN SUPPORT OF THE COUNTY PROVIDING SPACE FOR THE COURT AND SHERIFF IN AN EAST COUNTY JUSTICE FACILITY.

AT CHAIR LINN'S REQUEST, MR. BUTLER PRESENTED THE FACILITY SITING CRITERIA; POSSIBILITIES AND CHALLENGES OF FOUR POSSIBLE LOCATIONS. COMMISSIONER NAITO EXPRESSED CONCERN THAT POTENTIAL COSTS HAVE NOT BEEN PROVIDED AND STATED THAT THE COUNTY IS NOT STATUTORILY REQUIRED TO PROVIDE COURTHOUSE PARKING AND SUGGESTED THAT SOMEONE OTHER THAN THE COUNTY PAY FOR A PARKING GARAGE. MR. BUTLER RESPONSE TO BOARD QUESTIONS RELATING TO LOCATION OF METRO PROPERTY AND LOCATION OF LIGHT RAIL. CHAIR LINN COMMENTS IN APPRECIATION, ADVISING SHE LOOKS FORWARD TO SEEING THE FINAL REPORT. COMMISSIONER ROBERTS EXPRESSED HIS APPRECIATION FOR THE WORK OF MR. BUTLER AND PAM KRECKLOW AND COMMENTED IN SUPPORT OF THE ROCKWOOD SITE.

AT THE REQUEST OF COMMISSIONER ROBERTS, CHAIR LINN ADVISED SHE WILL SCHEDULE A BOARD BRIEFING REGARDING EMERGENCY MANAGEMENT. COMMISSIONER NAITO EXPRESSED HER APPRECIATION TO COMMISSIONER ROBERTS FOR BRINGING THE ISSUE FORWARD; ADVISED THAT SHE JUST GOT THE REPORT; THAT IT WAS UNFORTUNATE THAT IT WAS SUBMITTED AFTER THE ARTICLE CAME OUT; THAT SHE FELT MANY THINGS WERE OUT OF COMPLIANCE AND THAT IT WAS NOT NECESSARY FOR A CONSULTANT TO POINT THEM OUT. COMMISSIONER NAITO EXPRESSED HER APPRECIATION FOR HEALTH DEPARTMENT DIRECTOR LILLIAN SHIRLEY AND HEALTH OFFICER/MEDICAL EXAMINER DR. GARY OXMAN FOR THEIR EXEMPLARY EMERGENCY PLANNING PROCESS AND COMPETENT STAFF. CHAIR LINN EXPLAINED THAT THE EMERGENCY MANAGEMENT EVALUATION WAS THREEFOLD; TO LOOK AT INTERNAL FUNCTION; ONGOING SUPPORT; AND TO GET THE EXPERTISE OF THE CONSULTANT. CHAIR LINN ADVISED THAT THE HEALTH DEPARTMENT IS A KEY PLAYER AND VERY WELL PREPARED IN EMERGENCY PLANNING AND THAT OTHER DEPARTMENTS ARE WELL COORDINATED. COMMISSIONER NAITO ADVISED SHE PARTICIPATED IN FEDERAL EMERGENCY MANAGEMENT AGENCY TRAINING AND THAT SHE HAS CONCERNS REGARDING THE CHAIN OF COMMAND; THAT SHE FELT CONFIDENT WITH TOM SIMPSON BUT HAS CONCERNS WITH ROB FUSSELL.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:19 a.m.

**Thursday, July 6, 2006 - 10:30 AM**  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

**EXECUTIVE SESSION**

Chair Diane Linn convened the meeting at 11:22 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito, Serena Cruz Walsh and Maria Rojo de Steffey present.

**E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle.**

EXECUTIVE SESSION HELD.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:30 a.m.

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