

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

Tuesday, March 23, 2004 - 9:30 AM

Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Vice-Chair Serena Cruz convened the meeting at 9:35 a.m., with Commissioners Lonnie Roberts and Maria Rojo de Steffey present, and Commissioner Lisa Naito and Chair Diane Linn excused.

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

EXECUTIVE SESSION HELD.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:50 a.m.

Thursday, March 25, 2004 - 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 Vice-Chair Serena Cruz and Commissioners Lisa Naito, Lonnie Roberts and Maria Rojo de Steffey present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER CRUZ, SECONDED BY COMMISSIONER ROBERTS, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-3) WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- C-1 Appointments of Pam Greenough, Monica Ford and Emily Ryan to the Multnomah County COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY
- C-2 Appointment of Commissioner Serena Cruz to the TRI-COUNTY SAFETY NET ENTERPRISE BOARD
- C-3 Appointments of May Lynn Chu and Sandra Spiegel to the MULTNOMAH COUNTY COMMUNITY HEALTH COUNCIL

REGULAR AGENDA **PUBLIC COMMENT**

Public comment was made and received for the record.

DEPARTMENT OF HEALTH

- R-1 NOTICE OF INTENT to Apply for Grant Funding from the US Department of Health and Human Services' Bureau of Primary Health Care to Expand the Capacity to Deliver Primary Health Care Services to Individuals without a Medical Home**

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-1. VANETTA ABDELLATIF EXPLANATION. COMMISSIONER CRUZ COMMENTS IN SUPPORT. NOTICE OF INTENT UNANIMOUSLY APPROVED.

- R-2 NOTICE OF INTENT to Apply for Robert Wood Johnson Foundation's Substance Abuse Policy Research Program Funds**

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-2. MIKE STARK EXPLANATION. COMMISSIONER NAITO AND CHAIR LINN COMMENTS IN SUPPORT AND APPRECIATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- R-3 RESOLUTION Approving First Amendment and Extension of Lease with Watamull Properties Corp. (Watamull), Landlord, for Office Space at 2205 NE Columbia Blvd., Portland, Oregon, and Authorizing County Chair to Execute Lease Amendments and Renewals**

COMMISSIONER ROJO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-3. GREG HERLEAN EXPLANATION. RESOLUTION 04-029 UNANIMOUSLY ADOPTED.

DEPARTMENT OF COUNTY HUMAN SERVICES

R-4 NOTICE OF INTENT to Apply for United Way of Columbia-Willamette Focus Funding

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-4. ANNIE NEAL AND JUDY PHELAN EXPLANATION. COMMISSIONER NAITO AND CHAIR LINN COMMENTS IN SUPPORT AND APPRECIATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY

R-5 NOTICE OF INTENT to Apply for Oregon Community Foundation - The John and Betty Gray Early Childhood Project - Parent Education Grant

COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-5. WENDY LEBOW AND RENEA ARNOLD EXPLANATION. COMMISSIONER NAITO AND CHAIR LINN COMMENTS IN SUPPORT AND APPRECIATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-6 Public Process and Board Appointment to the State Legislature to Fill a Vacancy in the Oregon Legislative Assembly, House of Representatives, District 43, and Consideration of a RESOLUTION Memorializing Same

CHAIR LINN ADVISED THIS IS THE DATE AND TIME DESIGNATED BY THE SECRETARY OF STATE FOR THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS TO CONDUCT A PUBLIC PROCESS AND APPOINTMENT TO THE STATE LEGISLATURE TO FILL THE OREGON HOUSE OF REPRESENTATIVES, DISTRICT 43 VACANCY FROM THE FOLLOWING DEMOCRATIC PARTY PRECINCT COMMITTEE APPROVED NOMINEES: R.P. JOE SMITH; JOANN BOWMAN; AND TOM MARKGRAF. CHAIR LINN EXPLAINED THE BOARD WILL ALLOT UP TO FIVE MINUTES FOR EACH CANDIDATE TO SPEAK PRIOR TO BOARD VOTE. THE COMMISSIONERS MAY ASK QUESTIONS OF EACH NOMINEE AT THAT TIME. CHAIR LINN REQUESTED THAT THOSE WISHING TO TESTIFY, FILL OUT A SPEAKER FORM LOCATED AT THE BACK COUNTER AND HAND IT TO THE CLERK, AND ADVISED THAT PUBLIC TESTIMONY IS LIMITED TO THREE MINUTES EACH. CHAIR LINN EXPLAINED THAT THE BOARD HAS DETERMINED THAT THE VOTE WILL BE TAKEN BY WRITTEN BALLOT; THAT FOLLOWING THE INTERVIEW TESTIMONY PROCESS, THE BALLOTS WILL BE COMPLETED BY EACH COMMISSIONER AND SUBMITTED TO THE CLERK, WHO WILL THEN READ THEM INTO THE RECORD; AND THAT THE PERSON RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE THE APPOINTEE. CHAIR LINN ADVISED THAT IN CASE THERE IS NO MAJORITY, A SECOND (RUN OFF) WRITTEN BALLOT VOTE WILL BE TAKEN. CHAIR LINN

EXPLAINED THAT THE BOARD WILL FORMALIZE THE PUBLIC PROCESS BY RESOLUTION ADOPTION.

R.P. JOE SMITH, JOANN BOWMAN AND TOM MARKGRAF PRESENTED COMMENTS, INCLUDING BACKGROUND INFORMATION AND QUALIFICATIONS IN SUPPORT OF BOARD APPOINTMENT TO THE STATE REPRESENTATIVE DISTRICT 43 POSITION.

MEREDITH WOOD SMITH TESTIMONY IN SUPPORT OF APPOINTMENT OF R.P. JOE SMITH. SKIP ELLIOTT BOWMAN TESTIMONY IN SUPPORT OF APPOINTMENT OF JOANNE BOWMAN. JEFFERSON SMITH TESTIMONY IN SUPPORT OF APPOINTMENT OF R.P. JOE SMITH. BRUCE BROUSSARD TESTIMONY IN SUPPORT OF APPOINTMENT OF JOANNE BOWMAN.

COMMISSIONERS CRUZ, ROJO AND NAITO COMMENTS IN APPRECIATION OF THE EXPERTISE OF ALL THREE CANDIDATES AND COMMENTS IN SUPPORT OF THE CANDIDATE THEY WILL BACK.

UPON COMPLETION OF THE WRITTEN BALLOTS, THE CLERK READ INTO THE RECORD THE FOLLOWING VOTES: CHAIR DIANE LINN - JOANNE BOWMAN; COMMISSIONER MARIA ROJO - MARK MARKGRAF; COMMISSIONER SERENA CRUZ - JOANNE BOWMAN; COMMISSIONER LISA NAITO - R.P. JOE SMITH; COMMISSIONER LONNIE ROBERTS - R.P. JOE SMITH.

AS THERE WAS NO MAJORITY, A SECOND WRITTEN BALLOT VOTE WAS TAKEN. THE CLERK READ INTO THE RECORD THE FOLLOWING VOTES: CHAIR DIANE LINN - R.P. JOE SMITH; COMMISSIONER MARIA ROJO - R.P. JOE SMITH; COMMISSIONER SERENA CRUZ - R.P. JOE SMITH; COMMISSIONER LISA NAITO - R.P. JOE SMITH; COMMISSIONER LONNIE ROBERTS - R.P. JOE SMITH.

CHAIR LINN THANKED ALL THE CANDIDATES AND EXPRESSED HER APPRECIATION AND SUPPORT OF JOANNE BOWMAN AND R.P. JOE SMITH.

UPON MOTION OF COMMISSIONER CRUZ; SECONDED BY COMMISSIONER ROJO, RESOLUTION 04-040 APPOINTING R.P. JOE SMITH TO THE STATE LEGISLATURE TO FILL A VACANCY IN THE OREGON LEGISLATIVE ASSEMBLY, HOUSE OF REPRESENTATIVES, DISTRICT 43 WAS UNANIMOUSLY APPROVED.

The meeting was recessed at 10:16 a.m. and reconvened at 10:21 a.m.

R-7 Public Hearing and Consideration of a RESOLUTION Approving Chair's Decision to Issue Marriage Licenses to Same-sex Persons

COMMISSIONER ROBERTS MOVED AND COMMISSIONER CRUZ SECONDED FOR PURPOSES OF DISCUSSION, APPROVAL OF R-7. COMMISSIONER ROBERTS ADVISED HE WANTS TO AMEND LANGUAGE.

UPON MOTION OF COMMISSIONER CRUZ, SECONDED BY COMMISSIONER ROJO, CONSIDERATION OF SUBSTITUTE RESOLUTION APPROVING CHAIR'S ADMINISTRATIVE DECISION REGARDING MARRIAGE LICENSES WAS APPROVED, WITH COMMISSIONERS NAITO, CRUZ, ROJO AND LINN VOTING AYE, AND COMMISSIONER ROBERTS VOTING NO.

COMMISSIONER ROBERTS MOTION TO AMEND LANGUAGE IN FINDING F OF SUBSTITUTE RESOLUTION FAILED FOR LACK OF A SECOND.

CHAIR LINN WELCOMED ALL AND ADVISED THAT TESTIMONY WOULD BE LIMITED TO TWO MINUTES PER PERSON TO ALLOW EVERYONE THE OPPORTUNITY TO SPEAK. CHAIR LINN REMINDED THE AUDIENCE TO BE RESPECTFUL TO ALL.

STEVE MARCH TESTIMONY IN SUPPORT OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. HELEN LYMAN TESTIMONY IN OPPOSITION OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. SUSAN BAER AND KATHERINE WOLFE TESTIMONY IN SUPPORT OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. RAYMOND SABA, DEAN BENNETT, DAVID HOPKINS, RAY ZEIDA AND CHARLES FISCHER TESTIMONY IN OPPOSITION OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. LORI BUCKWALTER, ROEY THORPE, JENNIE BRICKER, TARA WILKINS, MARK JOHNSON, JOE D'ALLESSANDRO, JERI RIGGS, ANTONY VUKY AND FRANK DIXON TESTIMONY IN SUPPORT OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. NINA RHÉA, DAVID STEVENS, TRACY HOPKINS, CAROL DAGUU, PETER KINNAN AND JAMES LUTHY TESTIMONY IN OPPOSITION OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. NELSON L. JONES AND ELLEN EATON TESTIMONY IN SUPPORT OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. LEA WILLIAMS, KATHLEEN WORMAN AND LOU BERES TESTIMONY IN OPPOSITION OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. STEVE WAGENHOFFER, MITCHELL SANTINE GOULD, BONNIE TINKER AND JENNIFER MONTGOMERY TESTIMONY IN SUPPORT OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS

UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. TREVOR HANCEY TESTIMONY ADVISES HE SUPPORTS THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION, BUT TOTALLY OPPOSES THE PROCESS IN WHICH THE DECISION WAS MADE. KEITH DALY, ARTHUR SAFFIR AND THOMAS WINSTON MORGAN TESTIMONY IN SUPPORT OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. JIMMIE KNODEL TESTIMONY IN OPPOSITION OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION, AND IN OPPOSITION TO THE PROCESS IN WHICH THE DECISION WAS MADE. LAURIE CHILCOTE, ELIZABETH LAVENUE, BERDELL MOFFETT-CHANEY, CASEY MOFFETT-CHANEY, JENNIFER BURLETON AND LYNNE SMOUSE LÓPEZ TESTIMONY IN SUPPORT OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. LAUREL ARNOLD TESTIMONY IN OPPOSITION OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION, AND IN OPPOSITION TO THE PROCESS IN WHICH THE DECISION WAS MADE. MARY BETH BRINDLEY, EVELYN HALL AND CHRISTOPHER MARTIN TESTIMONY IN SUPPORT OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. WOODY BROADNAX TESTIMONY IN OPPOSITION OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. AMBER COYLE AND JASMINE FOX TESTIMONY IN SUPPORT OF THE BOARD'S POSITION TO ADHERE TO THE LEGAL OPINION THAT IT IS UNCONSTITUTIONAL TO DENY MARRIAGE LICENSES BASED ON GENDER OR SEXUAL ORIENTATION. RESOLUTION UNANIMOUSLY CONTINUED TO THURSDAY, APRIL 1, 2004.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:35 p.m.

Submitted by:

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