

# ANNOTATED MINUTES

Tuesday, May 15, 2001 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## BOARD BRIEFING

*Interim-Chair Bill Farver convened the meeting at 9:36 a.m., with Commissioners Serena Cruz and Lonnie Roberts and Interim Commissioner Pauline Anderson present, and Vice-Chair Lisa Naito arriving at 9:38 a.m..*

*Interim Chair Bill Farver read a statement from Laddie Read regarding mental health.*

B-1 Public Affairs Office Update on the 2001 Oregon Legislature. Presented by Gina Mattioda and Stephanie Soden.

**GINA MATTIODA AND STEPHANIE SODEN  
LEGISLATIVE UPDATE PRESENTATION ON  
ISSUES INCLUDING REVENUE FORECAST,  
GOVERNOR'S NEW PROPOSED BUDGET,  
PORTLAND HARBOR CLEAN UP BILL AND  
SCHOOLS. STAFF TO DRAFT FLOOR LETTER  
REFLECTING BOARD POSITION. DIANA BIANCO  
PRESENTATION REGARDING HB 3245A-ENG  
MENTAL HEALTH BILL AND REQUEST FOR  
POLICY DIRECTION. BOARD DISCUSSION WITH  
STEVE WEISS ON OREGON ADVOCACY BILL IN  
RESPONSE TO RECENT SUICIDE AND THE NEED  
FOR THOROUGH, UNBIASED, INDEPENDENT  
INVESTIGATION, NOT BY COUNTY AGENCY  
WHO MONITORS PROGRAM. MS. MATTIODA TO  
TRACK BILL AND KEEP BOARD AND MS. BIANCO  
INFORMED. MS. MATTIODA, MS. SODEN AND  
HAROLD LASLEY PRESENTATION ON ISSUES  
INCLUDING HB 3953A-ENG, REGIONAL  
TRANSPORTATION AUTHORITY HB 3048, PERS  
OMNIBUS BILL AMENDMENTS, DEPARTMENT  
OF HUMAN RESOURCES REORGANIZATION,  
OREGON HEALTH PLAN, MENTAL HEALTH,**

**EARLY CHILDHOOD BUDGET, SCHOOL BASED HEALTH CLINIC, AFFORDABLE HOUSING, COMMUNITY LEARNING CENTER, COLUMBIA RIVER GORGE, COMMUNITY CORRECTIONS, CUSTODY UNITS, DEPARTMENT OF CORRECTIONS BUDGET, BILL TO EXPAND SCHOOLS IN JUVENILE DETENTION FACILITIES, OREGON YOUTH AUTHORITY BUDGET, LIVING WAGES, AND CHRISTMAS TREE BILL.**

*The briefing was adjourned at 10:30 a.m.*

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Tuesday, May 15, 2001 - 10:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**BUDGET DELIBERATIONS**

*Interim-Chair Bill Farver convened the meeting at 10:40 a.m., with Commissioner Lonnie Roberts and Interim Commissioner Pauline Anderson present, Commissioner Serena Cruz arriving at 10:44, and Vice-Chair Lisa Naito excused.*

**B-2 DEPARTMENT OF AGING AND DISABILITY SERVICES** Fiscal Year 2001-2002 Budget Presentation. Presented by Jim McConnell, Director; Mary Shortall, Deputy Director; Rey España, Planning Manager; Tanya McGee, Long Term Care Manager; Nancy Harp, Community Services Manager; Fran Landfair, Elders in Action CBAC; and Steve Weiss, Disability Services CBAC.

- I. Who We Are at ADS
- II. How Services Are Accessed
- III. How We Are Organized
- IV. How Well We Deliver Services
- V. FY 2002 Budget
- VI. Issues and Challenges
- VII. CBAC Report and Recommendations

**JIM MCCONNELL PRESENTATION. STEVE WEISS AND FRAN LANDFAIR PRESENTED CBAC REPORTS AND RESPONSE TO BOARD**

**QUESTIONS. JIM MCCONNELL, MARY SHORTALL, TANYA COLIE MCGEE, NANCY HARP, DON CARLSON AND REY ESPAÑA PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION ON ISSUES INCLUDING FUNDING TO RETAIN MULTIDISCIPLINARY TEAM NURSES, NEED TO WORK WITH LEGISLATORS TO SEE THAT OREGON PROJECT INDEPENDENCE GETS FEDERAL FUNDING, AND BOARD DIRECTION TO THE DIRECT REPORT MANAGERS FOR DEVELOPMENT OF A COUNTYWIDE POLICY FOR THE BOARD'S FUTURE CONSIDERATION, TO ADDRESS STATE FUNDING FORMULA ISSUES SUCH AS GRANTS IN AID AND AGING AND DISABILITY SERVICES EQUITY ISSUES IN COLLABORATION AND PARTNERSHIP WITH THE DEPARTMENT OF HUMAN RESOURCES REORGANIZATION EFFORTS, AND LATINO ELDERS SERVICES SUCH AS ADDITIONAL HOUSING AND MULTI-GENERATIONAL COMMUNITY CENTER.**

*There being no further business, the meeting was adjourned at 11:48 a.m.*

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Tuesday, May 15, 2001 - 2:30 PM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BUDGET DELIBERATIONS**

*Interim-Chair Bill Farver convened the meeting at 2:35 p.m., with Vice-Chair Lisa Naito, Commissioners Serena Cruz and Lonnie Roberts and Interim Commissioner Pauline Anderson present.*

B-3 Discussion on Proposed Direction of Mental Health Redesign. Presented by Jim Gaynor and Staff.

**LOLENZO POE AND JIM GAYNOR  
PRESENTATION OF MENTAL HEALTH SYSTEM  
REDESIGN ACTION PLAN FOR MULTNOMAH**

**COUNTY, PHASE I: RESOLVING THE ACUTE CARE CRISIS, AND RESPONSE TO BOARD QUESTIONS, DISCUSSION AND BOARD DIRECTION ON ISSUES INCLUDING TIMELINE FOR BUDGET DETAILS; PRIMARY ROLE OF PROVIDER; ALTERNATIVES OR TRADE OFFS IF PROPOSAL TOO EXPENSIVE; NEED TO NEGOTIATE PLAN FOR RAPID DEPLOYMENT OF CRISIS STABILIZATION SERVICES WITHIN 60 DAYS, IDENTIFY WHO WILL BE DEPLOYED TO DO THE WORK; COUNTY RISK TO PROVIDE SERVICES; NEED FOR COUNTY TO CONTINUE MANAGING SERVICES AND MAINTAIN GATE-KEEPING CONTROL FOR AUTHORIZING CARE; LANE COUNTY MODEL AND SHARING RISKS; AND NEED FOR THOUGHTFUL PLANNING. STAFF TO SET UP A MEETING WITH COMMISSIONER ANDERSON FOR FURTHER BRIEFING. BOARD DIRECTION FOR STAFF TO CLARIFY DIFFERENCES AND COSTS BETWEEN TODAY'S PLAN AND LANE COUNTY MODEL; ADDRESS BOARD CONCERN WHERE TODAY'S PLAN DOESN'T FOLLOW RESOLUTION CASE MANAGEMENT; COST ANALYSIS CONSISTENT WITH CASE MANAGEMENT FUNCTION; AND PROVIDE A WANTS COLLABORATIVE PROCESS UTILIZING COUNTY EXPERTISE AND THE PROVIDER NETWORKS. STAFF DIRECTED TO COME BACK WITH SPECIFIC CASE MANAGEMENT SCENARIOS WITHIN 30 DAYS. BOARD CONSENSUS ON BUDGET NOTE THAT STAFF COME BACK WITH PACKAGE OF BUDGET AMENDMENTS, OR REVISED MENTAL HEALTH BUDGET ON THE REDESIGN OF THE MENTAL HEALTH SYSTEM. CHAIR DIRECTED STAFF TO COME BACK IN LATE MAY OR EARLY JUNE FOR FURTHER BUDGET DISCUSSIONS.**

*There being no further business, the meeting was adjourned at 3:24 p.m.*

Wednesday, May 16, 2001 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BUDGET DELIBERATIONS**

*Interim-Chair Bill Farver convened the meeting at 9:35 a.m., with Commissioners Serena Cruz and Lonnie Roberts and Interim Commissioner Pauline Anderson present, and Vice-Chair Lisa Naito arriving at 9:40 a.m.*

### **B-4 HEALTH DEPARTMENT Fiscal Year 2001-2002 Budget Presentation**

- 1. Introduction: Lillian Shirley, Department Director**  
Department Mission and three Public Health goals: setting the framework for the Health Department's Budget
- 2. Citizens Budget Advisory Committee Report: Bill Hancock, Community Health Council President and Sonia Manhas, Director's Office**
- 3. Budget Summary: Lillian Shirley**  
Restorations and cuts. How department decisions were made  
Revenues and Expenditure Summaries
- 4. Federal Financial Participation: Tom Fronk, Director's Office**  
Health Department, County, and State work.
- 5. Budget and Operations Review: Dave Houghton, Bonnie Kostelecky, Patsy Kullberg, Gary Oxman, Consuelo Saragoza, and Jane Spence.**
  - Assuring Access To Necessary And Dignified Health Care
  - Promoting The Health Of All County Residents
  - Protecting The Health Of All County Residents
- 6. Addressing Community Health Disparities**
- 7. Final BCC Questions & Answers; Closing: Lillian Shirley**

***CHAIR FARVER CONGRATULATIONS TO CHAIR-ELECT DIANE LINN AND COMMISSIONER-ELECT MARIA ROJO DE STEFFEY ON THEIR SUCCESSFUL ELECTION YESTERDAY AND ADVISED THEY WILL BE SWORN IN ON JUNE 5, 2001.***

**LILLIAN SHIRLEY INTRODUCED SONIA MANHAS, ANNE POTTER AND BILL HANCOCK. BILL HANCOCK PRESENTED THE CBAC REPORT. LILLIAN SHIRLEY, CAROL FORD, TOM FRONK, CONSUELO SARAGOZA AND BONNIE KOSTELECKY PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION ON ISSUES INCLUDING CAREOREGON; FEDERAL FINANCIAL PARTICIPATION; OCHIN TRANSITION; OLDS TEAM FUNDING CONCERNS; OREGON CHILDRENS PLAN; STARS PROGRAM; CARES CHILD CARE GRANT; WORK WITH AGING AND DISABILITY SERVICES TO CONTINUE FUNDING 4 MULTI-DISCIPLINARY TEAM NURSES.**

*The meeting was recessed at 10:55 a.m. and reconvened at 11:07 a.m.*

**DAVE HOUGHTON AND GARY OXMAN PRESENTATION AND RESPONSE TO BOARD QUESTIONS REGARDING VECTOR CONTROL, DISEASE PREVENTION AND TREATMENT SERVICES CAPACITY, HIV/AIDS REPORTING, AND LEAD POISONING EDUCATION AND SCREENING SERVICES. LILLIAN SHIRLEY, GORDON EMPEY, JANE SPENCE, PATSY KULLBERG AND GARY OXMAN PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION ON ISSUES INCLUDING EAST COUNTY SERVICE CENTER; PRIMARY CARE SERVICES AND REDESIGN; OREGON ACTION COALITION; CHARITABLE CARE RULES; LOW INCOME/UNINSURED CLIENTS; CORRECTIONS HEALTH; NEED FOR CORRECTIONS HEALTH STAFF TO BE INVOLVED WITH LOCAL PUBLIC SAFETY COORDINATING COUNCIL; AND MENTAL HEALTH ISSUES. BOARD CONSENSUS TO ADD BUDGET NOTE DIRECTING STAFF TO MONITOR CLIENT FLOW AND ACCESS ISSUES AND TO PROVIDE BOARD UPDATES ON PRIMARY CARE CLINIC REVENUES. BOARD CONSENSUS TO ADD BUDGET NOTES LOCAL**

**PUBLIC SAFETY REVIEW OF COUNTY'S PRE-TRIAL RELEASE SYSTEM FOR INCREASED EFFICIENCIES, EFFECTIVENESS AND POTENTIAL COST SAVINGS. JANE SPENCE, CONSUELO SARAGOZA, JOY BELCOURT AND BONNIE KOSTELECKY PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION ON ISSUES INCLUDING MENTAL HEALTH AND DISABILITY DISCRIMINATION AND LACK OF FEDERAL REIMBURSEMENT FOR VETERANS AND SOCIAL SECURITY CLIENTS WHO ARE INCARCERATED; SCHOOL BASED HEALTH CENTERS; PHARMACEUTICAL COSTS, OUTREACH AND TREATMENT MODELS AND PARTNERSHIPS; EFFORTS TO PARTNER ON MATCHING FUNDS GRANTS TO ADDRESS AFRICAN AMERICAN INFANT MORTALITY AND OTHER HEALTH ISSUES. STAFF DIRECTED TO HAVE COUNTY ATTORNEY PROVIDE BOARD WITH LEGAL OPINION REGARDING VETERANS ADMINISTRATION POSITION NOT TO REIMBURSE COUNTY FOR SERVICES TO INCARCERATED VETERANS.**

*There being no further business, the meeting was adjourned at 12:15 p.m.*

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Wednesday, May 16, 2001 - 1:30 PM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BUDGET DELIBERATIONS**

*Interim-Chair Bill Farver convened the meeting at 1:35 a.m., with Commissioners Serena Cruz and Lonnie Roberts and Interim Commissioner Pauline Anderson present, and Vice-Chair Lisa Naito arriving at 1:40 p.m.*

### **B-5 DEPARTMENT OF COMMUNITY AND FAMILY SERVICES Fiscal Year 2001-2002 Budget Presentation**

- |                                 |                                  |
|---------------------------------|----------------------------------|
| <b>I. Introduction</b>          | Lorenzo T. Poe, Jr., Director    |
| <b>II. CBAC Report</b>          | Doug Montgomery, CBAC Chair      |
| <b>III. Department Overview</b> | Denise Chuckovich & Kathy Tinkle |



Thursday, May 17, 2001 - 9:00 AM  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

## **EXECUTIVE SESSION**

*Interim-Chair Bill Farver convened the meeting at 9:03 a.m., with Commissioners Serena Cruz and Lonnie Roberts and Interim Commissioner Pauline Anderson present, and Vice-Chair Lisa Naito arriving at 9:05 a.m.*

E-1 The Multnomah County Board of Commissioners will meet in executive session authorized pursuant to ORS 192.660(1)(f) to discuss confidential information that is protected under Federal and State housing provisions and other laws from disclosure and therefore exempt under either ORS 192.502(8) or (9) or both. 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.

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

*There being no further business, the executive session was adjourned at 9:25 a.m.*

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Thursday, May 17, 2001 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

*Interim-Chair Bill Farver convened the meeting at 9:30 a.m., with Vice-Chair Lisa Naito, Commissioners Serena Cruz and Lonnie Roberts and Interim Commissioner Pauline Anderson present.*

### **CONSENT CALENDAR**

***UPON MOTION OF COMMISSIONER NAITO,  
SECONDED BY COMMISSIONER CRUZ, THE***

**CONSENT CALENDAR (ITEMS C-1 THROUGH C-6)  
WAS UNANIMOUSLY APPROVED.**

**DISTRICT ATTORNEY'S OFFICE**

- C-1 Renewal of Intergovernmental Agreement 500167 with Tri-Met for the Continued Funding of 1 FTE Deputy District Attorney to the Tri-Met Neighborhood Based Prosecution Office

**SHERIFF'S OFFICE**

- C-2 Budget Modification MCSO 5 Appropriating \$45,000 from Portland Police Bureau Block Grant Revenue to Purchase 7 Mobile Data Centers for County Law Enforcement Vehicles

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-3 Budget Modification CFS 50 Transferring \$15,021 Great Start Revenue from the Commission on Children, Families and Community Budget to Fund a .21 FTE Program Development Specialist Senior Position
- C-4 Budget Modification CFS 51 Adding a .13 FTE Program Development Specialist for the Victims' Panel Coordinator from DUII Victims Panel Fees
- C-5 Budget Modification CFS 52 Adjusting Expenditure and Revenue Budgets in Community Programs and Partnerships to Reflect Additional Unanticipated Low Income Energy Assistance Program Funds from the State
- C-6 Budget Modification CFS 53 Adjusting Expenditures and Revenues for SUN Schools to Reflect Actual Expenditures and Revenue Agreements, and Appropriating a \$1,000 Donation from the Oregon Community Foundation via the City of Portland

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

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

***NO ONE WISHED TO COMMENT.***

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- R-1 PUBLIC HEARING on the 2000 Affordable Housing Development Program Property Transfer Recommendations and Consideration of a RESOLUTION Approving the Transfer of Tax-Foreclosed Properties to Non-Profit Housing Sponsors for Low Income Housing Purposes

**COMMISSIONER NAITO MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-1. HC TUPPER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. LOREA ALBA, REPRESENTING POWERHOUSE, AND DENNY WEST REPRESENTING THE HOUSING AUTHORITY OF PORTLAND, TESTIMONY IN SUPPORT. HC TUPPER AND MATT RYAN RESPONSE TO BOARD QUESTIONS REGARDING MERGER OF NE CDCS AND COUNTY LOAN DOCUMENTS. BOARD COMMENTS IN SUPPORT. RESOLUTION 01-061 UNANIMOUSLY ADOPTED.**

- R-2 NOTICE OF INTENT to Apply for a "Build Mentally Healthy Communities" Grant from the Center for Mental Health Services for the Multnomah County Incredible Years Program

**COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-2. JANICE GRATTON, BARBARA BRADY, MARGIE MCCLOUD AND LINDA CASTILLO EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT. NOTICE OF INTENT UNANIMOUSLY APPROVED.**

### **DEPARTMENT OF HEALTH**

- R-3 PROCLAMATION Designating the Week of May 20 through 26, 2001 as EMERGENCY MEDICAL SERVICES WEEK

**COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-3. BILL COLLINS EXPLANATION AND INTRODUCTION. RANDY LAUER OF AMR READ PROCLAMATION AND INTRODUCED LUCY DRUM IN AUDIENCE. PROCLAMATION 01-062 UNANIMOUSLY ADOPTED.**

**NON-DEPARTMENTAL**

- R-4 RESOLUTION Designating the Multnomah County Public Affairs Office to Coordinate the Public Involvement Processes for Siting of County-Owned and County-Leased Facilities and Repealing Resolution No. 98-164

***COMMISSIONER NAITO MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-4. GINA MATTIODA AND ALTHEA MILECHMAN EXPLANATION. BOARD COMMENTS IN SUPPORT. RESOLUTION 01-063 UNANIMOUSLY ADOPTED.***

**DEPARTMENT OF SUPPORT SERVICES**

- R-5 RESOLUTION Authorizing Issuance and Sale of Short-Term Promissory Notes, (Tax and Revenue Anticipation Notes), Series 2001 in the Amount of \$20,000,000

***COMMISSIONER NAITO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-5. HARRY MORTON EXPLANATION AND RESPONSE TO QUESTION OF COMMISSIONER ROBERTS. RESOLUTION 01-064 UNANIMOUSLY ADOPTED.***

**DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT**

- R-6 RESOLUTION Approving Authorization for Facilities and Property Management Division to Utilize North Portland Health Clinic Project Contingency Funds to Assist the St. Johns Boosters Renovate and Improve Community Neighborhood Sign Adjacent to the North Portland Health Clinic Parking Lot

***COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-6. PETER WILCOX EXPLANATION. JOE BEULLER, VICE-PRESIDENT OF ST. JOHN'S BOOSTERS, EXPLANATION AND COMMENTS IN SUPPORT. BOARD COMMENTS IN SUPPORT. RESOLUTION 01-065 UNANIMOUSLY ADOPTED.***

## AGING AND DISABILITY SERVICES DEPARTMENT

R-7 RESOLUTION: Acceptance of the Report of Contract Policy Team;  
Adoption of Policies Governing Human Service Contracting

**COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-7. JIM MCCONNELL AND FRANNA HATHAWAY EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT. CHAIR FARVER ASKED THAT THE BOARD CONTINUE SUPPORTING THIS EFFORT. RESOLUTION 01-066 UNANIMOUSLY ADOPTED.**

*The regular meeting was adjourned at 10:50 a.m.*

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Thursday, May 17, 2001 - 10:55 AM  
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

### BOARD BRIEFING

*Interim-Chair Bill Farver convened the meeting at 10:55 a.m., with Vice-Chair Lisa Naito, Commissioners Serena Cruz and Lonnie Roberts and Interim Commissioner Pauline Anderson present.*

B-6 Portland Development Commission's Gateway Regional Center Urban Renewal Area Plan. Presented by Kenny Asher and Don Mazzioti.

**ABE VARGAS, KENNY ASHER AND DICK HOOLIE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. STAFF TO PREPARE RESOLUTION FOR BOARD CONSIDERATION ON THURSDAY, MAY 31, 2001.**

*There being no further business, the meeting was adjourned at 11:56 a.m.*

Thursday, May 17, 2001 - 6:00 PM  
North Portland Branch Library, Upstairs Meeting Room  
512 N Killingsworth, Portland

## **PUBLIC HEARING**

*Interim-Chair Bill Farver convened the meeting at 6:03 a.m., with Vice-Chair Lisa Naito and Interim Commissioner Pauline Anderson present, Commissioner Serena Cruz arriving at 6:04 p.m., and Commissioner Lonnie Roberts excused.*

PH-1 Opportunity for Public Input on the 2001-2002 Multnomah County Budget.  
Testimony Limited to Three Minutes Per Person.

**CHAIR FARVER ANNOUNCED CHAIR-ELECT DIANE LINN AND COMMISSIONER-ELECT MARIA ROJO DE STEFFEY WILL BE SWORN IN ON JUNE 5, 2001. DONNA PURDY AND DEANNA LYNN CALEF OF JEFFERSON CARING COMMUNITY TESTIMONY IN SUPPORT OF FUNDING FOR EARLY CHILDHOOD, READINESS TO LEARN, NATIVE AMERICAN AND VIOLENCE PREVENTION PROGRAMS. JACKIE MERCER, GEOFF ROTH, NORREEN SMOKEY-SMITH, SUE ZIGLINSKI AND MISOKE ALEX STONE OF NARA AND NW NATIVE RESPONSE TEAM TESTIMONY IN SUPPORT OF FUNDING FOR SERVICES TO NATIVE AMERICANS, INCLUDING CHILD CARE, NAYA ALTERNATIVE SCHOOL, YOUTH ALCOHOL PROGRAMS AND HEALTH CARE. ROBERT BERNSTEIN PRESENTED STUDENT LETTERS AND TESTIMONY IN SUPPORT OF FUNDING FOR NORTH PORTLAND YOUTH AND FAMILY CENTER PROGRAMS AND SERVICES. LANITA DUKE, LARINDA RODRIQUEZ, MARQUINDA BARBER, SASHA BELL, SANDRA JOHNSON, ANJEANETTE BROWN, LETICIA PERRY, DEANNA BROWN AND CHANTANAY PERRY TESTIMONY IN SUPPORT OF FUNDING FOR THE NORTH PORTLAND COMPONENT OF THE GIFT PROGRAM. CHIP SHIELDS, PATTY KATZ AND ROOSEVELT JOHNSON REPRESENTING BETTER PEOPLE, TESTIMONY IN SUPPORT OF \$40,000**

**BUDGET AMENDMENT FOR TRANSITIONAL EMPLOYMENT SERVICES FOR EX-OFFENDERS. PATRICIA WELCH AND NIA GRAY TESTIMONY IN SUPPORT OF GIFT PROGRAM FUNDING. JAY SWEDBLUM, LARRY JOHNSON, ARWEN BIRD AND ANETTE JOLIN REPRESENTING BETTER PEOPLE, TESTIMONY IN SUPPORT OF \$40,000 BUDGET AMENDMENT FOR TRANSITIONAL EMPLOYMENT SERVICES FOR EX-OFFENDERS. PAMELA TEMBURINO, VALUENT WHITE, DOROTHY CLARK, BARABARA BALSERO TESTIMONY IN SUPPORT OF FUNDING FOR MULTIDISCIPLINARY TEAM NURSES FOR SENIORS. MARILYN MILLER, JOSETTE HERRERA AND DEB MEADOWS-WEST TESTIMONY IN SUPPORT OF FUNDING FOR COMMUNITY AND FAMILY CENTER PROGRAMS. SUSAN MASIN AND JEYLEEN TORANZO TESTIMONY IN SUPPORT OF FUNDING FOR YWCA AND JOLANDA HOUSE. DIANE FELDT TESTIMONY IN SUPPORT OF FUNDING FOR NORTH PORTLAND COMMUNITY AND FAMILY CENTER, GIFT AND TEEN CONNECTIONS PROGRAMS. MS. FELDT READ A LETTER OF SUPPORT FROM MIKE VERBOUT. GAIL ALBERS TESTIMONY IN SUPPORT OF FUNDING FOR EAST COUNTY AGING SERVICES. JANICE BOOKER, CHEKAYA OLIVER, LACONDRA BROWN, DEBRA KNAPPER AND SARA STUMP TESTIMONY IN SUPPORT OF FUNDING FOR YWCA YOUNG FAMILIES PROGRAM. CAROL FORD EXPLANATION IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO. WENDY MATTESON, LAURA LYBRAND, AMBER BARTON, MANI CANNON, TAMMY RAUSCHL, SHELLEY BRADLEY AND KRISTINE ELDRIDGE TESTIMONY IN SUPPORT OF FUNDING FOR COMMUNITY AND FAMILY CENTER PROGRAMS, TEEN CONNECTIONS, YWCA HOMELESS SHELTER PROGRAMS. JEAN DEMASTER EXPLANATION OF STATE BUDGET CUTS IN RESPONSE TO QUESTION OF CHAIR FARVER.**

**WILLIAM ROBINSON TESTIMONY IN SUPPORT OF ADULT COMMUNITY CORRECTIONS PROGRAM FUNDING. IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO, CHAIR FARVER ADVISED THE PROGRAM IS FUNDED IN THE DEPARTMENT BUDGET. CHARLES JENNINGS OF BETTER PEOPLE TESTIMONY IN SUPPORT OF FUNDING FOR AFRICAN AMERICAN PROGRAM WITHIN ADULT COMMUNITY CORRECTIONS. TINA RUSSELL TESTIMONY IN SUPPORT OF FUNDING FOR THE YWCA SAFE HAVEN SHELTER AND COMMUNITY AND FAMILY SERVICE CENTER PROGRAMS. LARISSA WILLIAMS TESTIMONY IN SUPPORT OF FUNDING FOR RICHMOND PLACE AND YWCA PROGRAMS.**

*There being no further business, the meeting was adjourned at 8:25 p.m.*

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

## BOARD OF COMMISSIONERS

### Bill Farver, Interim Chair

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Portland, Or 97214  
Phone: (503) 988-3308 FAX (503) 988-3093  
Email: mult.chair@co.multnomah.or.us

### Pauline Anderson, Interim

#### Commission Dist. 1

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### Serena Cruz, Commission Dist. 2

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### Lisa Naito, Commission Dist. 3

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Email: lisa.h.naito@co.multnomah.or.us

### Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214  
Phone: (503) 988-5213 FAX (503) 988-5262  
Email: lonnie.j.roberts@co.multnomah.or.us

### **ANY QUESTIONS? CALL BOARD**

**CLERK DEB BOGSTAD @ (503) 988-3277**

Email: deborah.l.bogstad@co.multnomah.or.us

**INDIVIDUALS WITH DISABILITIES PLEASE  
CALL THE BOARD CLERK AT (503) 988-3277,  
OR MULTNOMAH COUNTY TDD PHONE  
(503) 988-5040, FOR INFORMATION ON  
AVAILABLE SERVICES AND ACCESSIBILITY.**

## MAY 15, 16 & 17, 2001

## BOARD MEETINGS

### FASTLOOK AGENDA ITEMS OF INTEREST

Pg. 2	9:30 a.m. Tuesday Legislative Update
Pg. 2	10:30 a.m. Tuesday Aging & Disability Services Budget Deliberations
Pg. 2	2:30 p.m. Tuesday Proposed Direction of Mental Health Redesign Briefing
Pg. 3	9:30 a.m. Wednesday Health Budget Deliberations
Pg. 3	1:30 p.m. Wednesday Community & Family Services Budget Deliberations
Pg. 5-7	Thursday: 9:00 a.m. Executive Session; 9:30 Regular Meeting & 10:55 Briefing
Pg. 7	6:00 p.m. Thursday Budget Hearing at North Portland Branch Library

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

Thursday, 9:30 AM, (LIVE) Channel 30  
Friday, 11:00 PM, Channel 30  
Saturday, 10:00 AM, Channel 30  
(Saturday Playback for East County Only)  
Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community  
Television

Tuesday, May 15, 2001 - 9:30 AM  
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501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFING**

B-1 Public Affairs Office Update on the 2001 Oregon Legislature. Presented by Gina Mattioda and Stephanie Soden. 1 HOUR REQUESTED.

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Tuesday, May 15, 2001 - 10:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BUDGET DELIBERATIONS**

B-2 **DEPARTMENT OF AGING AND DISABILITY SERVICES** Fiscal Year 2001-2002 Budget Presentation. Presented by Jim McConnell, Director; Mary Shortall, Deputy Director; Rey España, Planning Manager; Tanya McGee, Long Term Care Manager; Nancy Harp, Community Services Manager; Fran Landfair, Elders in Action CBAC; and Steve Weiss, Disability Services CBAC.

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  - II. How Services Are Accessed
  - III. How We Are Organized
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Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BUDGET DELIBERATIONS**

B-3 Discussion on Proposed Direction of Mental Health Redesign. Presented by Jim Gaynor and Staff.

Wednesday, May 16, 2001 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BUDGET DELIBERATIONS**

### **B-4 HEALTH DEPARTMENT Fiscal Year 2001-2002 Budget Presentation**

- 1. Introduction: Lillian Shirley, Department Director**  
Department Mission and three Public Health goals: setting the framework for the Health Department's Budget
  - 2. Citizens Budget Advisory Committee Report: Bill Hancock, Community Health Council President and Sonia Manhas, Director's Office**
  - 3. Budget Summary: Lillian Shirley**  
Restorations and cuts. How department decisions were made  
Revenues and Expenditure Summaries
  - 4. Federal Financial Participation: Tom Fronk, Director's Office**  
Health Department, County, and State work.
  - 5. Budget and Operations Review: Dave Houghton, Bonnie Kostelecky, Patsy Kullberg, Gary Oxman, Consuelo Saragoza, and Jane Spence.**
    - Assuring Access To Necessary And Dignified Health Care
    - Promoting The Health Of All County Residents
    - Protecting The Health Of All County Residents
  - 6. Addressing Community Health Disparities**
  - 7. Final BCC Questions & Answers; Closing: Lillian Shirley**
- 

Wednesday, May 16, 2001 - 1:30 PM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BUDGET DELIBERATIONS**

### **B-5 DEPARTMENT OF COMMUNITY AND FAMILY SERVICES Fiscal Year 2001-2002 Budget Presentation**

- |  |                                  |
|--|----------------------------------|
| <b>I. Introduction</b>                     | Lorenzo T. Poe, Jr., Director    |
| <b>II. CBAC Report</b>                     | Doug Montgomery, CBAC Chair      |
| <b>III. Department Overview</b>            | Denise Chuckovich & Kathy Tinkle |
| • Vision, Mission and Values               |                                  |
| • Organizational Structure                 |                                  |
| • Expenditures, Revenues and FTE           |                                  |
| • Efficiencies and Other Budget Reductions |                                  |
| • DCFS Services                            |                                  |
| <b>IV. FY 2002 Issues and Challenges</b>   |                                  |
| • Developmental Disabilities               | Howard Klink                     |
| • Behavioral Health                        | Janice Gratton                   |
| • SUN                                      | Kathy Turner                     |
| • Community Programs & Partnerships        | Mary Li                          |
| <b>V. Board Questions</b>                  |                                  |

Thursday, May 17, 2001 - 9:00 AM  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

## **EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners will meet in executive session authorized pursuant to ORS 192.660(1)(f) to discuss confidential information that is protected under Federal and State housing provisions and other laws from disclosure and therefore exempt under either ORS 192.502(8) or (9) or both. 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. 15 MINUTES REQUESTED.
- 

Thursday, May 17, 2001 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM** **DISTRICT ATTORNEY'S OFFICE**

- C-1 Renewal of Intergovernmental Agreement 500167 with Tri-Met for the Continued Funding of 1 FTE Deputy District Attorney to the Tri-Met Neighborhood Based Prosecution Office

### **SHERIFF'S OFFICE**

- C-2 Budget Modification MCSO 5 Appropriating \$45,000 from Portland Police Bureau Block Grant Revenue to Purchase 7 Mobile Data Centers for County Law Enforcement Vehicles

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

- C-3 Budget Modification CFS 50 Transferring \$15,021 Great Start Revenue from the Commission on Children, Families and Community Budget to Fund a .21 FTE Program Development Specialist Senior Position

- C-4 Budget Modification CFS 51 Adding a .13 FTE Program Development Specialist for the Victims' Panel Coordinator from DUII Victims Panel Fees
- C-5 Budget Modification CFS 52 Adjusting Expenditure and Revenue Budgets in Community Programs and Partnerships to Reflect Additional Unanticipated Low Income Energy Assistance Program Funds from the State
- C-6 Budget Modification CFS 53 Adjusting Expenditures and Revenues for SUN Schools to Reflect Actual Expenditures and Revenue Agreements, and Appropriating a \$1,000 Donation from the Oregon Community Foundation via the City of Portland

**REGULAR AGENDA - 9:30 AM**  
**PUBLIC COMMENT - 9:30 AM**

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

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES - 9:30 AM**

- R-1 PUBLIC HEARING on the 2000 Affordable Housing Development Program Property Transfer Recommendations and Consideration of a RESOLUTION Approving the Transfer of Tax-Foreclosed Properties to Non-Profit Housing Sponsors for Low Income Housing Purposes
- R-2 NOTICE OF INTENT to Apply for a "Build Mentally Healthy Communities" Grant from the Center for Mental Health Services for the Multnomah County Incredible Years Program

**DEPARTMENT OF HEALTH - 10:10 AM**

- R-3 PROCLAMATION Designating the Week of May 20 through 26, 2001 as EMERGENCY MEDICAL SERVICES WEEK

**NON-DEPARTMENTAL - 10:15 AM**

- R-4 RESOLUTION Designating the Multnomah County Public Affairs Office to Coordinate the Public Involvement Processes for Siting of County-Owned and County-Leased Facilities and Repealing Resolution No. 98-164

**DEPARTMENT OF SUPPORT SERVICES - 10:30 AM**

R-5 RESOLUTION Authorizing Issuance and Sale of Short-Term Promissory Notes, (Tax and Revenue Anticipation Notes), Series 2001 in the Amount of \$20,000,000

**DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT - 10:35 AM**

R-6 RESOLUTION Approving Authorization for Facilities and Property Management Division to Utilize North Portland Health Clinic Project Contingency Funds to Assist the St. Johns Boosters Renovate and Improve Community Neighborhood Sign Adjacent to the North Portland Health Clinic Parking Lot

**AGING AND DISABILITY SERVICES DEPARTMENT - 10:40 AM**

R-7 RESOLUTION: Acceptance of the Report of Contract Policy Team; Adoption of Policies Governing Human Service Contracting

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Thursday, May 17, 2001 - 10:55 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**BOARD BRIEFING**

B-6 Portland Development Commission's Gateway Regional Center Urban Renewal Area Plan. Presented by Kenny Asher and Don Mazzioti. 30 MINUTES REQUESTED.

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Thursday, May 17, 2001 - 6:00 PM  
North Portland Branch Library, Upstairs Meeting Room  
512 N Killingsworth, Portland

**PUBLIC HEARING**

PH-1 Opportunity for Public Input on the 2001-2002 Multnomah County Budget. Testimony Limited to Three Minutes Per Person.

**2001-2002 Multnomah County Budget Deliberations Schedule**  
**\*All sessions to be in held in the Multnomah Building,**  
**Commissioners Boardroom 100, 501 SE Hawthorne**  
**Boulevard, except as noted\***

Thur, April 26, 2001	9:30 to noon	Executive Budget Overview Presentation to Board and Regular Board Meeting
Tue, May 1, 2001	9:00 to 3:00 p.m.	Board Budget Work Session on Issues
Thur, May 3, 2001	9:30 to noon	Executive Budget Message and Board Approval of Budget for Transmission to Tax Supervising and Conservation Commission, Regular Board Meeting
Tue, May 8, 2001	9:30 to noon	<b>Central Citizen Budget Advisory Committee Report &amp; Department of Library Services Budget Hearing</b>
Tue, May 8, 2001	1:30 to 4:00 p.m.	<b>Department of Sustainable Community Development Budget Hearing</b>
Wed, May 9, 2001	1:30 to 4:00 p.m.	<b>Non-Departmental and Special Service Districts Budget Hearings</b>
*Thur, May 10, 2001	<b>6:00 to 8:00 p.m.</b>	<b>Public Hearing and Testimony on the Multnomah County Budget, Midland Branch Library, 805 SE 122nd Avenue, Portland</b>
Tue, May 15, 2001	9:30 to noon	Public Affairs Office Legislative Update discussion, followed by <b>Department of Aging and Disability Services Budget Hearing</b>

**2001-2002 Multnomah County Budget Deliberations Schedule**  
**\*All sessions to be in held in the Multnomah Building,**  
**Commissioners Boardroom 100, 501 SE Hawthorne**  
**Boulevard, except as noted\***

Tue, May 15, 2001	2:30 to 4:00 p.m.	<b>Mental Health System Briefing</b>
Wed, May 16, 2001	9:30 to noon	<b>Health Department Budget Hearing</b>
Wed, May 16, 2001	1:30 to 4:00 p.m.	<b>Department of Community and Family Services Budget Hearing</b>
*Thur, May 17, 2001	<b>6:00 to 8:00 p.m.</b>	<b>Public Hearing and Testimony on the Multnomah County Budget, North Portland Branch Library, 512 N Killingsworth, Portland</b>
Tue, May 22, 2001	9:30 to noon	<b>District Attorney's Office Budget Hearing</b>
Tue, May 22, 2001	1:30 to 4:00 p.m.	<b>Department of Juvenile and Adult Community Justice Budget Hearing</b>
Wed, May 23, 2001	9:30 to noon	<b>Sheriff's Office Budget Hearing</b>
Wed, May 23, 2001	1:30 to 3:00 p.m.	<b>Department of Support Services Budget Hearing</b>
*Wed, May 23, 2001	<b>6:00 to 8:00 p.m.</b>	<b>Public Hearing and Testimony on the Multnomah County Budget, Gresham Branch Library, 385 NW Miller, Gresham</b>
Tue, May 29, 2001	9:30 to noon	<b>Capital Program Budget Hearing</b>

**2001-2002 Multnomah County Budget Deliberations Schedule**  
**\*All sessions to be in held in the Multnomah Building,**  
**Commissioners Boardroom 100, 501 SE Hawthorne**  
**Boulevard, except as noted\***

Tue, May 29, 2001	1:30 to 4:00 p.m.	<b>Mental Health Council Briefing and Discussion, Follow-up Info, Review Budget Amendments Work Session</b>
Wed, May 30, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Wed, May 30, 2001	1:30 to 4:00 p.m.	Discussion, Follow-up Info, Review Budget Amendments Work Session
Tue, June 5, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Tue, June 5, 2001	1:30 to 4:00 p.m.	Discussion, Follow-up Info, Review Budget Amendments Work Session
Wed, June 6, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Thur, June 7, 2001	<b>1:30 to 3:00 p.m.</b>	<b>Tax Supervising and Conservation Commission Public Hearing and Testimony on Multnomah County Budget (quorum of BCC to attend)</b>
Thur, June 7, 2001	<b>6:00 to 8:00 p.m.</b>	<b>Public Hearing and Testimony on the Multnomah County Budget</b>
Thur, June 14, 2001	9:30 to noon	<b>Public Hearing and Testimony and Adoption of Budget and Amendments and Regular Board Meeting</b>



LISA H. NAITO  
Multnomah County Commissioner, District 3  
501 SE Hawthorne Blvd., Room 600  
Portland, Oregon 97214-3576  
Phone (503) 988-5217 Fax (503) 988-5262

## MULTNOMAH COUNTY OREGON

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### MEMORANDUM

TO: Chair Bill Farver  
Commissioner Pauline Anderson  
Commissioner Serena Cruz  
Commissioner Lonnie Roberts  
Board Clerk Deb Bogstad

FROM: Debbie Kirkland  
Staff to Commissioner Lisa Naito

DATE: May 14, 2001

RE: Board Absence

01 MAY 14 PM 12:56  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS

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Commissioner Naito will not be able to attend the budget hearings on the morning of May 15, 2001. She will be testifying at City Council.



LISA H. NAITO  
Multnomah County Commissioner, District 3  
501 SE Hawthorne Blvd., Room 600  
Portland, Oregon 97214-3576  
Phone (503) 988-5217 Fax (503) 988-5262

## MULTNOMAH COUNTY OREGON

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### MEMORANDUM

TO: Chair Bill Farver  
Commissioner Pauline Anderson  
Commissioner Serena Cruz  
Commissioner Lonnie Roberts  
Board Clerk Deb Bogstad

FROM: Debbie Kirkland  
Staff to Commissioner Lisa Naito

DATE: May 1, 2001

RE: Board Absence

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Commissioner Naito will be leaving the budget briefing on May 15, 2001 between 11:30 – 2:30. She has a previous commitment.

01 MAY -2 PM 12:58  
MULTNOMAH COUNTY  
OREGON

MEETING DATE: May 15, 2001  
AGENDA NO: B-1  
ESTIMATED START TIME: 9:30 AM  
LOCATION: Boardroom 100

(Above Space for Board Clerk's use only)

**AGENDA PLACEMENT FORM**

SUBJECT: Legislative Update

BOARD BRIEFING: DATE REQUESTED: Tuesday, May 15, 2001  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: 1 hour

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Non-Departmental DIVISION: Public Affairs Office

CONTACT: Barb Disciascio TELEPHONE #: (503) 988-6800  
BLDG/ROOM #: 503/6

PERSON(S) MAKING PRESENTATION: Gina Mattioda and Stephanie Soden

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

SUGGESTED AGENDA TITLE:

Legislative Update

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)

DEPARTMENT MANAGER: Gina Mattioda

MULTNOMAH COUNTY  
COMMISSIONERS  
01 MAY 11 AM 8:05

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email  
deborah.l.bogstad@co.multnomah.or.us

Public Affairs Office Legislative Briefing to  
Board of County Commissioners  
May 15, 2001  
Presented by Gina Mattioda and Stephanie Soden

- I. May Economic and Revenue Forecast – Stephanie Soden  
(Information Only)
  
- II. Update on Emerging Issues (Possible Action Items):
  - a. Portland Harbor Clean Up: HB 2010
  - b. Measure 7: Principles and Draft Legislation
  - c. Mental Health: HB 3245A-Eng
  - d. Preemption: HB 3953A-Eng
  - e. Regional Transportation Authority: HB 3048
  - f. PERS
  
- III. Review of Legislative Agenda (Information Only)
  
- IV. Attachment: AOC's 2001-2003 Legislator's Guide to Oregon  
Counties

**May 15, 2001**

**TO:** Board of County Commissioners  
**FROM:** Gina Mattioda and Stephanie Soden  
Public Affairs Office  
**RE:** Update on Multnomah County Legislative Agenda Bills

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Below are specific bills introduced to date that are linked to Multnomah County's 2001 Legislative Agenda.

**Benchmark #1: Improve the Health of the Community**  
**Department of Human Services Reorganization**

- **HB 2294** Reorganizes Oregon's Department of Human Services (DHS) and abolishes current divisions, programs, and offices. The Association of Oregon Counties (AOC) recently developed a list of guiding principles on DHS reorganization that focuses on boundaries, partners, funding, differences, and efficient operations. The complete narrative of these principles can be found in AOC's May 11, 2001 Legislative Report. According to DHS representatives this reorganization establishes integrated clusters including Adult, Families, and Children; Health; and Seniors and People with Disabilities. Along with more aligned central services, organizational restructuring includes Continuous Systems Improvement; Field Operations, and Administrative Support. Creates "a new structure [that] will use a network of specialists to provide services efficiently, holistically, and in a way that involves clients and families in finding solutions." **5-22-01 Work Session Scheduled.**

**Prescription Drugs**

- **SB 819A-Eng.** Directs the Health Services Commission to recommend a co-payment of no more than \$5.00 for prescription drugs. Requires DHS to obtain a federal waiver to allow for co-payments. **5-10-01 Referred to Ways and Means.**
- **SB 860 and HB 3765** Allows Oregonians to pool their collective buying power to address the rising cost of prescription drugs. This strategy would be achieved by developing an Oregon Prescription Drug Access and Cost Containment Board that would develop a plan for bulk purchase of prescription drugs. This concept is one of several bills that have been introduced this session. **SB 860 and HB 3765 remain in original committees.**
- **SB 878 and HB 3300** Establishes what is known as a "formulary." Formulary is a common practice in most private health plans, it creates a priority list of prescription drugs. This concept was introduced at the request of Governor Kitzhaber, but is strongly opposed by the pharmaceutical companies. **SB 878 and HB 3300 remain in original committees.**
- **HB 2896** has roughly 60 legislators as sponsors of this bill, which would create a Prescription Drug Coverage Task Force to study the cost of prescription drugs and access to prescription drugs for senior citizens. **4-25-01 Referred to Ways and Means.**

### Maintain Oregon Health Plan

- **HB 2519A-Eng.** Seeks federal waiver to enhance level of health care services to 200 percent of federal poverty guidelines. According to Mark Gibson, Governor Kitzhaber's Health and Human Services Policy Advisor, the current Oregon Health Plan configuration leaves roughly 350,000 Oregonians uninsured, HB 2519 is the next step in moving Oregon toward the goal of universal health care access. **5-10-01 Third Reading – House Floor.**

### Safety Net Clinics

- **HB 3225** Appropriates money from the General Fund to Health Division for operation of local public health clinics. This legislation is one of several bills aimed at assisting clinics, often referred to as safety net clinics that provide primary health care to the uninsured and underinsured. **4-17-01 Referred to Ways and Means.**

### Mental Health

- **HB 3017** Mental health parity bill, which is sponsored by Rep. Jeff Kruse (R-Roseburg) and Sen. Avel Gordly (D-Portland). An element of the Governor's Mental Health Alignment Workgroup. **5-22-01 Work Session Scheduled.**
- **HB 3024** Direct local mental health authority to develop local plans for mental health services. Also an element of the Governor's Mental Health Alignment Workgroup. **5-17-01 Work Session Scheduled.**
- **Report to the Governor from the Mental Health Alignment Workgroup** Identifies several recommendations. Highlights include:
  - Requires local biennial blueprint plans that use a multi-system team approach to coordinate and deliver services for children, families, and adults.
  - Establishes equal benefits for mental health and physical health, better known as parity. SB 112, HB 2472, and HB 3017 relate to parity.

### Early Childhood Services

- **SB 965** Referred to as the Oregon Children's Plan is supported by Governor Kitzhaber, Senate President Gene Derfler, and Senate Democratic Leader Kate Brown. This legislation is the result of a comprehensive workgroup including policy makers and advocates; it develops a framework to support early childhood education and prevention programs. Specifically this measure directs the State Commission on Children and Families, Superintendent of Public Instruction, and Director of Human Services to jointly establish policies for statewide early childhood system. This legislation does not allocate or identify funding. **5-10-01 Public Hearing Held.**

### School Based Health Clinics

- **HB 2820** requires Oregon Health Division to award grants to county health departments of school-based health centers. Grant criteria focuses on underserved and rural areas. No dollar figure is identified, but the funding stream is Oregon's 1998 tobacco Master Settlement Agreement. Sponsorship includes some Democrats and Republicans as well as Co-Chairs Hannon and Westlund. **2-15-01 Public Hearing Held.**

### Columbia River Gorge Commission

- **HB 5007** appropriates monies to fund the Columbia River Gorge Commission. A reduced budget of \$680,717 (in comparison to the Governor's recommended allocation of \$780,734) **passed out of Ways & Means Committee on 5-4-01.**

## **Benchmark #2: Reduce Crimes**

### **Community Corrections**

- **HB 2942** Modifies the community corrections allocation formula and replaces the 1145 Implementation Committee with an advisory committee. **4-24-01 3<sup>rd</sup> Reading – House floor.**
- **HB 3461** Abolishes custody tracking units during probation. **5-9-01 approved by House Judiciary Committee.**
- **HB 5008** Community corrections funding – Department of Corrections budget. **5-11-01 Public Hearing Held.**

### **Juvenile Justice**

- **HB 3256** Restricts youths entering OYA custody to felonies only, which would partially alleviate the county's burden if the 150 school accountability beds are not restored in OYA's budget. **4-26-01 Public Hearing Held.**
- **HB 3619** Increases the number of school days required in local juvenile detention facilities from 180 to 220. **5-16-01 Public Hearing and Possible Work Session Scheduled.**
- **HB 3832** Creates community accountability programs to manage the alcohol and drug and/or mental health problems of some juvenile delinquents. **4-3-01 Public Hearing Held.**
- **SB 5546** Oregon Youth Authority's budget bill. **4-26-01 Public Hearing Held.**

### **Domestic Violence**

- **HB 2885** Creates Oregon's Domestic and Sexual Violence Services Program. Allocates \$25 million for domestics violence and sexual assault programs, including safety and assistance. Program must develop a plan for the allocation of funds. **4-12-01 Referred to Ways and Means.**
- **HB 2918A-Eng.** Expands stalking law to include electronic communication. **5-15-01 Public Hearing Scheduled in Senate Judiciary.**
- **HB 3375** Creates a Task Force on Domestic Against Immigrant and Migrant Women in Oregon. Requires Department of Justice to provide staff and funds. Sponsored by House Majority Leader Karen Minnis (R-Fairview). **4-27-01 Public Hearing Held.**
- **SB 681** Creates a Domestic Violence Multidisciplinary Intervention Account. This was assigned to the Senate Judiciary Committee, with a subsequent referral to Ways & Means. **2-15-01 remains in original committee.**

## **Benchmark #3: Reduce Poverty**

### **Living Wages**

- **HRJ 32** Declares that this legislature ask the Department of Human Services (DHS) by 2004 to provide sufficient funds, more commonly referred to as living wages, to entities that contract or subcontract with the department.
- **HB 2744A** Prohibits Local Living Wage Requirements. This bill would prohibit local governments from setting minimum wage requirements except for public employers. Local governments are beginning to enact living wage requirements for private sector workers covered under contracts with the public sector. **5-11-01 Referred to Senate Rules Committee.**

### **Affordable Housing**

- **HB 3400** Establishes affordable housing district in metro areas. Provides local option for affordable housing. Authorizes district governing board to impose real estate transfer tax. Distributes tax proceeds to Regional Affordable Housing Fund. **5-09-01 remains in original committee.**
- **HB 3853** Imposes an additional \$5 fee for recording or filing certain documents to be collected by county clerk and transferred to Housing and Community Services Department for specified purposes. Removes sunset on Home Ownership Assistance Account. **3-21-01 remains in original committee.**
- **HJR 65** Establishes a 10-year goal/process to address the need of affordable housing for low-income people. **5-02-01 Re-referred to committee from House floor.**

### **Benchmark #4: Increase Success in School**

#### **Community Learning Centers**

- **HB 2082** Directs a variety of state agencies such as Department of Education, Department of Human Services, State Commission on Children and Families and Oregon Criminal Justice Commission to support the development and implementation of community learning centers. **5-09-01 Referred to Ways and Means Subcommittee on Human Services.**

### **Benchmark #5: Maintain Principles of Good Government**

- The Association of Oregon Counties develops a weekly legislative report, which can be viewed at [www.aoc.web.org/legrpt1.htm](http://www.aoc.web.org/legrpt1.htm)

**General Fund and Lottery Resources  
(Millions of Dollars)**

**1999-2001 Biennium**

	COS 1999 Forecast	March 2001 Forecast	May 2001 Forecast	Change from March		Change from COS	
				Amount	Percent	Amount	Percent
<b>General Fund</b>							
Beginning Balance	261.9	329.4	329.4	-	0%	67.5	26%
Personal Income Tax	8,421.0	8,720.6	8,725.9	5.3	0%	304.8	4%
Corporate Income Tax	798.8	812.1	821.4	9.3	1%	22.5	3%
Other Revenues	691.5	728.6	741.7	13.1	2%	50.3	7%
<b>Total General Fund Resources</b>	<b>10,173.2</b>	<b>10,590.6</b>	<b>10,618.3</b>	<b>27.7</b>	<b>0%</b>	<b>445.1</b>	<b>4%</b>
<b>Proj. Expenditures</b>	<b>10,127.3</b>	<b>10,102.8</b>	<b>10,102.8</b>	<b>-</b>	<b>0%</b>	<b>(24.5)</b>	<b>0%</b>
<b>Ending Balance</b>	<b>45.9</b>	<b>487.9</b>	<b>515.5</b>	<b>27.7</b>	<b>6%</b>	<b>469.6</b>	<b>1023%</b>

**1999-2001 Biennium**

	COS 1999 Forecast	March 2001 Forecast	March 2001 Forecast	Change from March		Change from COS	
				Amount	Percent	Amount	Percent
<b>Lottery</b>							
Beginning Balance	\$0.6	\$0.8	\$0.8	\$0.0	0.0%	\$0.2	33.3%
Transfers and Other Revenues	594.6	600.1	600.0	-0.1	0.0%	5.4	0.9%
<b>Total Lottery Resources</b>	<b>\$595.2</b>	<b>\$600.9</b>	<b>\$600.8</b>	<b>-\$0.1</b>	<b>0.0%</b>	<b>\$5.6</b>	<b>0.9%</b>
<b>Allocations</b>	<b>594.1</b>	<b>595.4</b>	<b>595.7</b>	<b>0.3</b>	<b>0.1%</b>	<b>1.6</b>	<b>0.0</b>
<b>Ending Balance</b>	<b>\$1.1</b>	<b>\$5.5</b>	<b>\$5.1</b>	<b>-\$0.4</b>	<b>-7.4%</b>	<b>\$4.0</b>	<b>363.0%</b>

Lottery allocations include parks and natural resources fund, education endowment fund, debt service, gambling addiction funds, county economic development transfers and sports action transfers.

## General Fund and Lottery Resources (Millions of Dollars)

### 2001-2003 Biennium

	March 2001 Forecast	May 2001 Forecast	<u>Change from March</u>	
			Amount	Percent
<b>General Fund</b>				
Beginning Balance	\$487.9	\$515.5	\$27.7	5.7%
Personal Income Tax	9,264.6	9,288.0	23.5	0.3%
Corporate Income Tax	917.6	869.7	-47.9	-5.2%
Other Revenues	695.0	689.5	-5.5	-0.8%
<b>Total General Fund Resources</b>	<b>\$11,365.1</b>	<b>\$11,362.8</b>	<b>-\$2.3</b>	<b>0.0%</b>

### 2001-2003 Biennium

	March 2001 Forecast	May 2001 Forecast	<u>Change from March</u>	
			Amount	Percent
<b>Lottery</b>				
Beginning Balance	\$5.5	\$5.1	-\$0.4	-7.4%
Transfers and Other Revenues	628.9	659.0	30.1	4.8%
<b>Total Lottery Resources</b>	<b>\$634.4</b>	<b>\$664.1</b>	<b>\$29.7</b>	<b>4.7%</b>
Dedicated Distributions	212.0	222.2	10.2	4.8%
<b>Net Available for Allocation</b>	<b>\$422.4</b>	<b>\$442.0</b>	<b>\$19.6</b>	<b>4.6%</b>

Note: Some totals may not foot due to rounding.

Dedicated distributions include parks and natural resources fund, education endowment fund, county economic development transfers and sports action transfers. Dedicated amounts for debt service and gambling addiction must come from Net Available for Allocation.

# D R A F T

## SUMMARY

Establishes system to provide various types of compensation in specified instances when private real property suffers loss in fair market value as result of land use regulation that restricts use of property.

### A BILL FOR AN ACT

1  
2 Relating to compensation for loss of property value resulting from land use  
3 regulation.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** The provisions of sections 1 to 12 of this 2001 Act shall  
6 be administered by the Oregon Department of Administrative Services.  
7 The department may delegate its authority to perform specific func-  
8 tions to other state agencies as it deems necessary.

9 **SECTION 2.** (1) Except as provided in ORS 197.015 (6) and (7), the  
10 definitions set forth in ORS 197.015 apply to the provisions of sections  
11 1 to 12 of this 2001 Act.

12 (2) In addition to the provisions of subsection (1) of this section, as  
13 used in sections 1 to 12 of this 2001 Act:

14 (a) "Appraiser" means an individual certified or licensed under ORS  
15 chapter 674 or an individual registered pursuant to ORS chapter 308.

16 (b) "Department" means the Oregon Department of Administrative  
17 Services.

18 (c) "Fair market value" means the amount in cash that could rea-  
19 sonably be expected to be paid by an informed buyer to an informed  
20 seller, each acting without compulsion in an arms-length transaction.

21 (d) "Federal requirement" includes a requirement created by stat-  
22 ute, regulation, order or policy adopted by a federal entity, or a permit

1     **SECTION 3.** (1) Sections 4 to 7 of this 2001 Act apply only to land  
2 lying wholly or partially within an urban growth boundary.

3     (2) Sections \_\_\_\_\_ to \_\_\_\_\_ of this 2001 Act apply to all land not  
4 described in subsection (1) of this section.

5     **SECTION 4.** (1) A property owner may file a claim for compensation  
6 with a government entity if the property owner claims the fair market  
7 value of the property was reduced by 25 percent or more as the result  
8 of:

9     (a) A single restriction on the use of real property imposed by a  
10 land use requirement adopted by a government entity after the effec-  
11 tive date of this 2001 Act; or

12     (b) A reinterpretation of a single restriction on the use of real  
13 property imposed by a land use requirement that was made after the  
14 effective date of this 2001 Act.

15     (2) Notwithstanding subsection (1)(a) of this section, if the re-  
16 striction forming the basis of a claim under subsection (1)(a) of this  
17 section was adopted on the same day that the property was rezoned,  
18 and the fair market value of the property increased as a result of the  
19 rezoning, then a property owner may file a claim based on the single  
20 restriction only if the property owner claims the fair market value of  
21 the property was reduced by 25 percent or more after taking into ac-  
22 count both the reduction in value resulting from the single restriction  
23 and the increase in value resulting from the rezoning. For purposes  
24 of this subsection, rezoning includes a change in property's zoning or  
25 comprehensive plan designation, or an expansion of the urban growth  
26 boundary.

27     (3)(a) A property owner may file a claim for compensation with a  
28 government entity if the property owner claims the fair market value  
29 of the property was reduced by 50 percent or more as the result of two  
30 or more restrictions on the use of real property that were imposed by  
31 land use requirements adopted after the effective date of this 2001 Act,

1 tive date of this 2001 Act;

2 (d) The land use requirement prohibits or regulates a use that  
3 constitutes a nuisance; or

4 (e) The restriction on the use of real property was adopted by the  
5 government entity prior to the date the property owner became the  
6 owner of the property.

7 SECTION 5. (1) The state is liable for any claim for compensation  
8 that is based on:

9 (a) A land use requirement enacted by state statute or adopted by  
10 a state agency; or

11 (b) A land use requirement adopted by a local government if the  
12 land use requirement was adopted in order to implement a state land  
13 use requirement.

14 (2) Except for claims described in subsection (1) of this section,  
15 Metro is liable for any claim for compensation that is based on:

16 (a) A land use requirement adopted by Metro; or

17 (b) A land use requirement adopted by a city or county if the land  
18 use requirement was adopted in order to implement a requirement  
19 imposed by Metro.

20 (3) A city or county is liable for a claim for compensation based on  
21 a land use requirement adopted by that local government if the claim  
22 is not described in subsections (1) or (2) of this section.

23 SECTION 6. (1) If a property owner is entitled to compensation  
24 under section 4 of this 2001 Act, the compensation owed shall be equal  
25 to 50 percent of the reduction in fair market value.

26 (2)(a) Compensation under this section may include cash or cash-  
27 equivalent, land or development benefits or a combination of both.

28 (b) Cash or cash-equivalent compensation includes, but is not lim-  
29 ited to:

30 (A) Cash;

31 (B) For claims against the state, income tax credits;

1 (2)(a) If the claim for compensation is based on rezoning the prop-  
2 erty, a claim for compensation must be filed within 21 days of the local  
3 government's adoption of the rezoning action.

4 (b) Notwithstanding any other provision of sections 1 to 12 of this  
5 2001 Act, a property owner may not file a claim for compensation for  
6 rezoning if:

7 (A) The government entity included in the notice provided under  
8 ORS 215.503 or 227.186, or in another individual notice mailed to the  
9 property owner prior to a public hearing on rezoning, a statement that  
10 the property owner must provide written notification of the intent to  
11 file a claim for compensation under sections 1 to 12 of this 2001 Act  
12 based on the rezoning action to the government entity not later than  
13 the close of the public hearing; and

14 (B) The property owner failed to provide written notice of the intent  
15 to file a claim for compensation by the close of the public hearing.

16 (c) Not later than 60 days after a local government's final action  
17 on rezoning, the property owner shall perfect a claim for which notice  
18 was filed under this subsection by submitting a claim for compen-  
19 sation in accordance with subsection (4) of this section.

20 (3)(a) For all claims other than those based on a rezoning action,  
21 a notice of intent to file a claim for compensation may be filed at any  
22 time after the filing of a completed development application and before  
23 21 days after the local government's final decision on the development  
24 application.

25 (b) The filing of a notice of intent to file a claim for compensation  
26 during the local government's consideration of the completed devel-  
27 opment application constitutes a waiver of the 120-day requirement of  
28 ORS 215.427 or 227.178.

29 (c) The filing of a notice of intent to file a claim for compensation  
30 shall stay any appeal to the Land Use Board of Appeals that is based  
31 on the local government's action on the development application.

1 termines is authorized by law, and neither the state, Metro nor a third  
2 party may challenge the local government's response to the claim for  
3 compensation as inconsistent with any substantive requirement  
4 adopted by the state or Metro; or

5 (B) Challenge the state's conclusion that it is not liable by peti-  
6 tioning the Circuit Court of Marion County for a writ of review under  
7 ORS 34.010 to 34.100. A local government may challenge Metro's de-  
8 termination that it is not liable by petitioning the circuit court of the  
9 county in which the property is located for a writ of review under ORS  
10 34.010 to 34.100.

11 (3) Following a resolution of which government entities are liable  
12 for the claim for compensation under section 5 of this 2001 Act, if the  
13 claim is valid, the claim shall be processed in accordance with sections  
14 9 and 10 of this 2001 Act.

15 SECTION 9. (1) A government entity responsible for a claim for  
16 compensation, as concluded under section 8 of this 2001 Act, shall  
17 make an initial determination as provided in this section whether  
18 compensation is due.

19 (2) Within 60 days of the conclusion as to the responsible govern-  
20 ment entity, the government entity shall make an initial determi-  
21 nation as to whether the property owner qualifies for compensation  
22 under section 4 of this 2001 Act.

23 (3) If the government entity agrees that the property owner quali-  
24 fies for compensation under section 4 of this 2001 Act, the government  
25 entity shall hold a public hearing and make a final determination as  
26 provided in section 10 of this 2001 Act.

27 (4)(a) If the government entity initially determines that the prop-  
28 erty owner does not qualify for compensation under section 4 of this  
29 2001 Act, the government entity shall provide the property owner with  
30 a written statement explaining the basis for that initial determination.

31 (b) If the government entity initially determines that it disputes

1 (D) The submittal of any countervailing appraisal presented by a  
2 person appearing orally or in writing at the hearing.

3 (E) If compensation is to be awarded, what form or amount of  
4 compensation should be provided.

5 (2) Within 21 days of the hearing conducted under subsection (1) of  
6 this section, the government entity liable for the claim for compen-  
7 sation shall issue a written final determination that includes:

8 (a) Whether the threshold amount to make a claim has been met.

9 (b) A statement of development action that the property owner can  
10 take under the land use requirement that will not require compen-  
11 sation.

12 (c) Whether the property owner is not injured because other devel-  
13 opment action can be taken that does not result in a loss in fair  
14 market value of the property.

15 (3) The assessor for the county in which the property that is the  
16 subject of the claim is located shall provide information necessary to  
17 allow the government entity to carry out its responsibilities to provide  
18 notice under this section. The failure of an owner of property within  
19 100 feet of the subject property to receive notice as provided in this  
20 section shall not invalidate the proceedings. The notice provisions of  
21 this section shall not restrict the giving of notice by other means, in-  
22 cluding posting, newspaper publication, radio and television.

23 (4) The local government jurisdiction in which the property that is  
24 the subject of the claim is located shall provide hearing facilities to  
25 the responsible government entity to carry out its responsibilities un-  
26 der this section.

27 (5) The final determination issued by the government entity under  
28 subsection (2) of this section is a final decision of the government en-  
29 tity and is not subject to any internal appeal process of the govern-  
30 ment entity.

31 (6) Within six months of the final determination, the property

1 shall be referred to the magistrate division under ORS 305.501.

2 **SECTION 12.** (1) Any person who appeared orally or in writing at  
3 the public hearing conducted under section 10 of this 2001 Act may  
4 appeal the final determination of a government entity under section  
5 10 (2) of this 2001 Act by applying to the circuit court of the county in  
6 which the property is located for a writ of review under ORS 34.010 to  
7 34.100.

8 (2) Any person who appeared orally or in writing at the public  
9 hearing conducted under section 10 of this 2001 Act may appeal under  
10 ORS 197.805 to 197.855 a decision in a final determination under section  
11 10 of this 2001 Act of a government entity over which the Land Use  
12 Board of Appeals has jurisdiction, as set forth in ORS 197.825.

13 **SECTION 13.** (1) This 2001 Act shall not become effective unless the  
14 electors of this state approve:

15 (a) A ballot measure providing a funding source to cover the costs  
16 to the state created by this 2001 Act; and

17 (b) A ballot measure repealing and replacing the amendment to the  
18 Oregon Constitution by Ballot Measure 7 (2000).

19 (2) This 2001 Act takes effect on the effective date of the ballot  
20 measure required by subsection (1)(a) of this section or the effective  
21 date of the ballot measure required by subsection (1)(b) of this section,  
22 whichever is later.

23

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REVENUE: No revenue impact

FISCAL: No fiscal impact

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Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	10 - 0 - 1
Yeas:	Ackerman, Backlund, Dingfelder, Krieger, Lowe, Ringo, Shetterly, Walker C, Walker V, Williams
Nays:	0
Exc.:	Wilson
Prepared By:	Andrea Shartel, Counsel
Meeting Dates:	4/16, 5/2, 5/7

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**WHAT THE BILL DOES:** Requires the Mental Health and Developmental Disability Division to ensure that the designee conducting an investigation of alleged abuse has the training and experience to conduct a thorough and unbiased investigation.

**ISSUES DISCUSSED:**

- Nature of "impartial" investigation.
- Concerns about fiscal impact of original bill.

**EFFECT OF COMMITTEE AMENDMENTS:**

- Remove provision relating to contractual relationship between the investigator and the facility being investigated.
- Replace "impartial" with "thorough and unbiased".

**BACKGROUND:** The Oregon Advocacy Center (OAC) is empowered by state and federal law to investigate complaints of abuse or neglect of people with developmental disabilities or mental illness. According to the OAC, it generally refers such investigations to the appropriate state or local agency. The OAC has found that the state delegates its investigatory responsibility to the counties and that the quality of county investigations varies widely. This bill would require the Mental Health and Developmental Disability Division to ensure that the investigator conducting an investigation of alleged abuse has the training and experience to conduct a thorough and unbiased investigation.



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
501 SE Hawthorne, Suite 600  
PORTLAND, OREGON 97214  
(503) 988-3308  
(503) 988-5440 (FAX)

BILL FARVER • CHAIR  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
SERENA CRUZ • DISTRICT 2 COMMISSIONER  
LISA NAITO • DISTRICT 3 COMMISSIONER  
LONNIE ROBERTS • DISTRICT 4 COMMISSIONER

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April 19, 2001

Dear Legislators:

The Multnomah Board of County Commissioners is writing in firm opposition to HB 3953 as it would preempt local communities from taking measures to combat the serious public health implications of tobacco use.

While members of the Board have varying degrees of interest in the issue of tobacco control legislation, we share a concern about a bill that threatens an already existing ordinance in our community as well as ordinances in other communities around the state. We also assert that any attempt to reduce a local jurisdiction's control over enhancing such a local law goes beyond the purview of the legislature.

In Oregon we have a shared state and local responsibility to assure public health. In the absence of a high statewide standard around this or any public health issue it is imperative that local communities take on this responsibility.

Local communities must retain the right to develop their own policies in order to address not only tobacco use but also other issues related to the public health.

We believe that the minority report for HB 3953 is a reasonable compromise. We believe that the legislature should adopt policies that create a floor on these matters rather than a ceiling. **Therefore will support the minority report and strongly urge a NO vote on the majority bill.**

Sincerely,

Bill Farver  
Interim Board Chair

Pauline Anderson  
Interim Commissioner  
District 1

Lisa Naito  
Commissioner  
District 3

Lonnie Roberts  
Commissioner  
District 4



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MATTHEW O. RYAN  
KATHRYN A. SHORT  
AGNES SOWLE  
JOHN S. THOMAS  
JACQUELINE A. WEBER  
Assistants

MEMORANDUM

TO : Gary Oxman, M.D.  
Public Health Officer  
  
Wendy Rankin, Program Manager  
Tobacco Prevention & Education Program

FROM : Katie Gaetjens   
Assistant County Attorney

DATE : April 20, 2001

RE : HB 3953-3

**Issue:**

You asked that I analyze the impact HB 3953-3, if passed, would have on Multnomah County's "Smokefree Workplace Ordinance." (MC Ord. 937). HB 3953-3 amends the Oregon Indoor Clean Air Act, ORS 433.835 to 433.875 and 433.990(5). (OICAA).

**Discussion:**

1. Preemption: HB 3953-3 repeals ORS 433.870, which states that the provisions of the OICAA are "in addition to and not in lieu of any other law regulating smoking." ORS 433.870 makes clear that no conflict exists between the OICAA and MC Ord. 937 or other more inclusive local regulations. Its repeal creates a conflict between the OICAA and local regulations applicable to the same entities. Because protecting the public from the hazards of secondhand smoke is a matter of both state and local concern, the courts would likely hold that the state provisions preempted local regulations where they overlapped.

As a result, those provisions of MC Ord. 937 that overlap the OICAA, specifically the prohibitions on smoking in workplaces that are also "public places" under the OICAA, would likely be preempted. The OICAA defines "public place" as including but not limited to restaurants, bowling centers, retail stores, banks, commercial establishments,

educational facilities, nursing homes, auditoriums, arenas, meeting rooms and grocery stores. ORS 433.835(1). As a result, smoking would be permissible in many workplaces in which it is now prohibited under MC Ord. 937.<sup>1</sup>

HB 3953-3 also specifically precludes local regulations prohibiting smoking in (1) restaurants or areas of restaurants posted as off limits to minors by OLCC rule, (2) bowling centers, and (3) bingo operations, unless the regulations were passed before January 1, 1999. MC Ord. 937 was passed in December 1999. Therefore, it does not fit within this exception, and the portions of MC Ord. 937 that applied to those three areas are expressly invalid. The net result is that bowling centers are now exempt from regulation and that OLCC posted portions of restaurants and bingo operations continue to be exempt from regulation.

Although Section 4 of HB 3953-3 affects only a portion of the entities currently covered under MC Ord. 937, it also provides evidence of the Legislature's intent to deal with the issue of preemption. In other words, opponents of local regulation will argue that the Legislature considers the OICAA to preempt local regulation of smoking because the Legislature specifically exempted some, but not all, local regulations from the OICAA's scope. This argument, combined with the Legislature's express repeal of ORS 433.870, will make any existing local regulation or future attempts at regulation more vulnerable to legal challenge.

2. Comparison of HB 3953-3 and MC Ord. 937. If the OICAA and MC Ord. 937 were substantially the same, the preemption of MC Ord. 937 might have only a minor impact from a public health perspective. The same individuals would be protected. The issue then would be whether the local jurisdictions had enough remaining flexibility to address local concerns within the structure of the state statute. A comparison of HB 3953-3 and MC Ord. 937, however, reveals more significant differences.

The focus of the two sets of provisions underscores the differences between the OICAA, as amended by HB 3953-3, and MC Ord. 937. The OICAA is aimed at allowing members of **the public** to avoid secondhand cigarette smoke when they are frequenting public places. It requires that most places frequented by the public have non-smoking areas, and allows an owner or operator to designate a facility as a non-smoking facility. It permits a few public places, such as cocktail lounges and taverns, to allow smoking anywhere in the facility. Maximum fines for violations of the OICAA may not total more than \$100 in any 30 day period.

MCC Ord. 937, on the other hand, is aimed at preventing exposure to second hand smoke **in the workplace**. It applies to all businesses within the county, whether or not open to the public, if the business operates in an enclosed area. Smoking is prohibited in all businesses, with a few exceptions (MCC §21.503). All workers in those businesses are

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<sup>1</sup> HB 3953, as introduced, prohibited a local government from prohibiting smoking in any area where smoking is not prohibited by state law (Lines 29 and 30). If reintroduced, this version would entirely preempt MC Ord 937.

protected from exposure to second hand smoke (MCC §21.502), as well as members of the public who might frequent the businesses.

An employer may establish a smoking break room, if the room is not accessible to minors, is adequately ventilated, is exhausted directly outside and is located in an area where no one is required to enter to perform work duties (MCC §21.501). The employer must make sufficient non-smoking break rooms available to accommodate nonsmokers.

The penalty scheme in response to complaints first involves education and remediation, before any monetary penalties can be imposed. For repeated, substantiated violations, however, the maximum penalty is currently \$500 in a 12-month period, as set by Department rule (MCC §21.999(D)(3)). These fines can be changed by Department administrative rule. In summary, MC Ord. 937 is more comprehensive, prohibits smoking in all workplaces, and ultimately can result in the imposition of more significant penalties.

3. Exceptions to HB 3953-3 and MC Ord. 937. Both the OICAA and MC Ord. 937 permit certain businesses to allow smoking without limitation. These lists are similar; both include bingo operations, facilities posted to prohibit minors by the OLCC (i.e., cocktail lounges, bars) and retail tobacco stores. There are some differences; MC Ord. 937 specifically exempts private residences unless used for certain health related business purposes, rented rooms, and truck stops (MCC §21.503). The OICAA exempts "offices or rooms occupied exclusively by smokers," which presumably covers rented rooms, as well as individual offices within larger businesses, and rooms or halls being used for private social functions. In sum, however, the business entities open to the public in which smoking is allowed are quite similar under both sets of provisions.

HB 3953-3 also proposes to prohibit smoking in all restaurants except in areas where OLCC rules prohibit the presence of minors. Under the existing OICAA provisions smoking is permitted in restaurants, subject to Oregon Health Division rules requiring non-smoking areas and posting. This amendment, prohibiting smoking in restaurants, makes the OICAA consistent with MC Ord. 937 in regard to restaurants. It is the only change in HB 3953-3 that increases protection to either the public at large or the workforce.

### **Conclusions**

HB 3953-3 would preempt portions of MC Ord. 937 and make the ordinance as a whole more subject to legal challenge. Many Multnomah County workers currently protected from second hand smoke in the workplace by MC Ord. 937 will lose those protections. Those who work in public places will have only the more limited protections of the OICAA, which does not prohibit smoking outright. Those working in places not open to the public could arguably still be covered, although a legal challenge based on state preemption is more likely. HB 3953-3 will increase protection from second hand smoke statewide only in restaurants, while invalidating existing, more extensive protections in local jurisdictions.

HB 3408-6  
(LC 3673)  
5/14/01 (BHC/ps)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3408**

1 On page 1 of the printed bill, line 2, after "transportation" insert a period  
2 and delete the rest of the line.

3 Delete lines 4 through 30 and delete pages 2 through 4 and insert:

4 **"SECTION 1. As used in sections 1 to 6 of this 2001 Act:**

5 **"(1) 'Agency account' means an account of a regional transporta-**  
6 **tion authority used to hold funds derived from a revenue-raising**  
7 **measure passed by the electors of a regional transportation authority**  
8 **district or subdistrict or other income or receipts of an authority.**

9 **"(2) 'Authority' means a regional transportation authority organ-**  
10 **ized under section 2 of this 2001 Act.**

11 **"(3) 'Board' means the board of directors of a regional transporta-**  
12 **tion authority.**

13 **"(4) 'District' means the territorial jurisdiction of a regional trans-**  
14 **portation authority.**

15 **"(5) 'Local government' means a city, county, mass transit district,**  
16 **metropolitan planning organization, metropolitan service district or**  
17 **port authority.**

18 **"(6) 'Revenue-raising measure' means a ballot measure referred by**  
19 **the board to the electors of an authority district or subdistrict to im-**  
20 **pose, issue or change a fee, toll, excise tax, assessment, general obli-**  
21 **gation or revenue bond, property tax or other tax to fund regional**  
22 **transportation projects or programs.**

23 **"(7) 'Subdistrict' means an area within the district that is estab-**  
24 **lished under section 2 (6) of this 2001 Act.**

1       **“(8) ‘Transportation project or program’ means a project or pro-**  
2 **gram:**

3       **“(a) To finance, acquire, engineer, plan, operate, install, construct,**  
4 **repair or maintain facilities, equipment and rolling stock for travel**  
5 **by road, transit, bicycle, air, water or passenger or freight rail or pe-**  
6 **destrian travel;**

7       **“(b) For transportation demand management; or**

8       **“(c) To inform the public about or to promote or discourage the use**  
9 **of the facilities, equipment and associated services.**

10       **“SECTION 2. (1) Local governments may form a regional transpor-**  
11 **tation authority and a regional transportation authority district by an**  
12 **intergovernmental agreement under ORS 190.003 to 190.130. The parties**  
13 **to the intergovernmental agreement must include each of the follow-**  
14 **ing jurisdictions if the proposed district is located, in whole or in part,**  
15 **within the boundaries of the jurisdiction:**

16       **“(a) A metropolitan planning organization or, if different from the**  
17 **metropolitan planning organization, a metropolitan service district;**

18       **“(b) A county;**

19       **“(c) A port authority;**

20       **“(d) A mass transit district;**

21       **“(e) A city with a population of at least 400,000 people; and**

22       **“(f) A majority of all cities.**

23       **“(2) The territorial jurisdiction of an authority is limited to the**  
24 **geographic boundary of the district. The geographic boundary of the**  
25 **district:**

26       **“(a) Must be identified in the intergovernmental agreement; and**

27       **“(b) May be limited to a proposed service area but may not extend**  
28 **beyond the aggregate boundary of the local governments that form or**  
29 **become party to the intergovernmental agreement.**

30       **“(3)(a) The board of directors shall govern the authority.**

31       **“(b) Board members shall be appointed or elected as at-large mem-**

1 bers.

2       “(c) The intergovernmental agreement must describe the manner  
3 and terms of appointing or electing members of the board, the method  
4 for scheduling board meetings, the selection of a board chairperson  
5 and other officers and the creation of board committees and advisory  
6 committees.

7       “(4) The board may not:

8       “(a) Conduct business unless a quorum, as established by the  
9 intergovernmental agreement, is present.

10       “(b) Exercise a power granted under section 4 of this 2001 Act unless  
11 a majority of the board members in attendance at the time of the vote  
12 approves.

13       “(5) The intergovernmental agreement forming an authority must  
14 include provisions that:

15       “(a) Ensure the payment of operating costs of the authority, in-  
16 cluding the reasonable costs of professional and support services, of-  
17 fice space, utility and telecommunications services and related  
18 operating costs;

19       “(b) Ensure coordination between the board and the participating  
20 local governments;

21       “(c) Establish a process for determining which transportation  
22 projects or programs to fund with a proposed revenue-raising measure  
23 and when the measure will be voted on by the electors of the district  
24 or subdistrict;

25       “(d) Specify the source of funds or the process for determining the  
26 source of funds to pay the cost of placing a revenue-raising measure  
27 on the ballot;

28       “(e) Relate to monitoring and auditing the expenditure of funds;

29       “(f) Establish how the authority will coordinate with the partic-  
30 ipating local governments to ensure compliance with applicable fed-  
31 eral, state, regional and local transportation planning, environmental,

1 development and construction requirements;

2 “(g) Provide for and govern the dissolution of the authority, or a  
3 subdistrict of the district, but the agreement may not allow dissolution  
4 unless a majority of the parties to the intergovernmental agreement  
5 approves of the dissolution; and

6 “(h) Govern the process and requirements for amending the inter-  
7 governmental agreement.

8 “(6)(a) A subdistrict of the district may be established:

9 “(A) In the intergovernmental agreement by which the authority  
10 is formed; or

11 “(B) After the authority is formed, by a resolution or order of the  
12 board if the board receives a request for the establishment of a sub-  
13 district by all signatories to the intergovernmental agreement and the  
14 board determines that a subdistrict is needed to address transportation  
15 project or program needs of the subdistrict. A request for the estab-  
16 lishment of a subdistrict must include a proposed boundary for the  
17 subdistrict.

18 “(b) A subdistrict may be dissolved by a resolution or order of the  
19 board if the board receives a request for the dissolution of a subdistrict  
20 from the signatories to the intergovernmental agreement and the  
21 board determines that a subdistrict is no longer needed.

22 “(7) A local government that was not a party to the formation of  
23 the authority or an area that was not included within the boundary  
24 of the district described in the intergovernmental agreement may be  
25 added by an amendment to the intergovernmental agreement.

26 “(8) The board shall maintain a separate agency account for the  
27 district and for each subdistrict.

28 **SECTION 3.** (1) A regional transportation authority may by board  
29 resolution or order refer to electors residing in the district or in a  
30 subdistrict a revenue-raising measure that complies with section 4 (3)  
31 of this 2001 Act to fund, in whole or in part, transportation projects

1 or programs within the district or subdistrict.

2 “(2) Before referring a revenue-raising measure to the electors, an  
3 authority shall hold at least ~~one~~<sup>THREE</sup> public hearing<sup>s</sup> related to the proposed  
4 measure. Procedures and conditions shall be established through the  
5 intergovernmental agreement entered into under section 2 of this 2001  
6 Act.

7 **“SECTION 4. (1) The powers of the board of directors of a regional  
8 transportation authority include:**

9 “(a) Notwithstanding ORS 190.080 (2), the issuance of general obli-  
10 gation bonds. Outstanding general obligation bonds may not exceed in  
11 the aggregate two and one-half percent of the real market value of all  
12 taxable property within the district or subdistrict, as appropriate. The  
13 board shall cause the issuance of general obligation bonds authorized  
14 by the electors from time to time, and the general obligation bonds  
15 must mature within a term not to exceed 30 years from issue date and  
16 bear interest at a rate determined by the board.

17 “(b) The adoption of a resolution or order that allows the authority  
18 to issue notes, warrants or other obligations in anticipation of taxes  
19 or other revenues or to refund obligations authorized under this sub-  
20 section; secure obligations by pledging as security for the obligations  
21 the taxes and other revenues in anticipation of which the obligations  
22 are issued; establish any reserves deemed necessary by the board for  
23 the payment of the obligations; enact covenants and provisions for  
24 protection and security of the holders of obligations, which shall con-  
25 stitute enforceable contracts with the holders, or issue and sell reve-  
26 nue bonds and pledge as security therefor all or any part of the  
27 unobligated net revenue of the authority in accordance with ORS  
28 288.805 to 288.945.

29 “(c) Notwithstanding ORS 190.080 (2), the power to levy taxes.

30 “(d) The establishment of an election date for a revenue-raising  
31 measure or other matters to be voted on by electors of the district or

1 a subdistrict.

2 “(e) The identification of transportation projects or programs that  
3 comply with subsection (3) of this section to be financed with the  
4 proceeds of a revenue-raising measure or other obligations to be repaid  
5 with proceeds of a revenue-raising measure.

6 “(f) The power to contract or enter into an agreement to accom-  
7 plish the purposes of section 3 of this 2001 Act with a government  
8 agency or a private entity to obtain legal, financial, technical or other  
9 necessary information or services.

10 “(g) The power to contract or enter into an agreement with a gov-  
11 ernment agency or a private entity that sponsors a transportation  
12 project or program and to make a multiyear commitment, not to ex-  
13 ceed 30 years, of funds derived from a revenue-raising measure for the  
14 support of a transportation project or program. A contract or agree-  
15 ment may contain covenants and provisions for the protection and  
16 security of the holders of obligations issued by the transportation  
17 project or program sponsors and to be repaid with revenues from such  
18 contracts.

19 “(h) The disbursement of funds from agency accounts to a govern-  
20 ment agency, a nonprofit entity or a private entity that sponsors a  
21 transportation project or program on a formula allocation or project  
22 or program basis.

23 “(i) The performance of other acts that are necessary or convenient  
24 for the proper exercise of the powers granted to an authority by  
25 sections 1 to 6 of this 2001 Act.

26 “(2) An authority may not impose, issue or change a tax, fee, toll,  
27 assessment or general obligation or revenue bond without approval by  
28 a majority of electors voting on the revenue-raising measure in the  
29 district or subdistrict that is subject to the revenue-raising measure.

30 “(3) Moneys from a tax, fee, toll, assessment, general obligation or  
31 revenue bond, obligation or other encumbrance must be deposited into

1 an agency account and may be used only to fund, in whole or in part,  
 2 a transportation project or program or to pay the administrative costs  
 3 of the authority. A transportation project or program may be funded  
 4 only if the project or program:

5 “(a) Is included in and consistent with the financially constrained  
 6 version of an adopted regional transportation plan or, in an area  
 7 without a metropolitan planning organization or a metropolitan ser-  
 8 vice district, is included in an adopted local transportation plan; and

9 “(b) Complies with federal statutes and regulations, state laws and  
 10 rules and regional and local regulations, ordinances and comprehen-  
 11 sive plans, including those related to the environment, air quality,  
 12 transportation and land use.

13 “(4) The board may by resolution or order determine methods to  
 14 fairly allocate the responsibility to pay administrative and financing  
 15 costs of the authority among the district and subdistrict agency ac-  
 16 counts.

17 “SECTION 5. Before referring a revenue-raising measure to electors  
 18 in a regional transportation authority district or subdistrict, the board  
 19 of directors of the authority must:

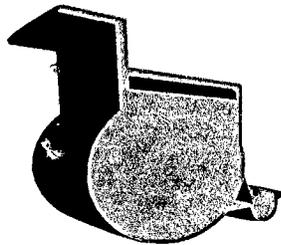
20 “(1) Consult with the parties to the intergovernmental agreement  
 21 forming the authority; and

22 “(2) If funds derived from a revenue-raising measure are to be used  
 23 for improvements on state-owned facilities, receive approval from the  
 24 Department of Transportation or the Oregon Department of Aviation.

25 “SECTION 6. A regional transportation authority is subject to laws  
 26 relating to public records, public meetings and tort claims.”  
 27

1000  
 Friends

**LADDIE'S SELF-ADVOCATE SITE**



Laddie Read  
President and Founder

[http://communities.msn.com/  
LaddiesSelfAdvocateWebSite](http://communities.msn.com/LaddiesSelfAdvocateWebSite)

**A statement by Laddie Read:**

I have been following this process since day one. I have to say that I have become disillusioned. Since the beginning I have held out hope that we could see some **real** results. Instead there were committees and councils and work groups with little change in the system. I would like to know what I can do to help the process move along. If you want me to do **anything**, I am willing. I want to advocate for people with all kinds of disabilities. I get frustrated when I hear bureaucratic mumbo-jumbo. Please note that when I yell out it is not to offend people. I just have to express my passion. I am available through email. I have developed my own web-site. I would like to help redesign the system so it meets the needs of those it is supposed to serve. I don't want to offend people. If I have offended anyone, I apologize. If my passion has offended the group, I am sorry.

Thank you,

LaddieRead@msn.com