

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

Tuesday, December 9, 2008 - 10:00 AM

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

WORK SESSION

Chair Ted Wheeler convened the meeting at 10:10 a.m., with Vice-Chair Jeff Cogen and Commissioners Lonnie Roberts and Maria Rojo de Steffey present, and Commissioner Lisa Naito excused.

WS-1 2009 State and Federal Legislative Priorities Recommendations. Presented by Phillip Kennedy-Wong.

INTERGOVERNMENTAL RELATIONS STAFF PHILLIP KENNEDY-WONG PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS ON POTENTIAL PRIORITIES INCLUDING: RESTORING LOCAL CONTROL; REFORMING PROPERTY TAX LIMITATION; FUNDING STATE MANDATES; REINVESTING IN TRANSPORTATION INFRASTRUCTURE; CLOSING GAPS IN THE MENTAL HEALTH SYSTEM; REDUCING THE UNINSURED POPULATION; REMOVING BARRIERS TO SUSTAINABILITY INITIATIVES; ENSURING THAT STATE CUTS DO NOT LEAD TO FURTHER JOB LOSS IN MULTNOMAH COUNTY; AND THAT STATE CUTS DO NOT CREATE UNFUNDED MANDATES FOR LOCAL GOVERNMENT. CHAIR WHEELER SUGGESTED ADDING PROTECTION FOR THE DISABLED AND CHILDREN AND GETTING A COMMITMENT FROM LEGISLATORS TO PROTECT THE MOST VULNERABLE.

PHILLIP KENNEDY-WONG PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS ON APPROPRIATIONS AND POLICY PRIORITY ISSUES INCLUDING: THE SELLWOOD BRIDGE; BEAVER CREEK CULVERTS; SANDY RIVER TRAIL CONNECTIONS; MENTAL HEALTH COURT SUPPORTIVE HOUSING; SECOND CHANCE ELDER ABUSE ACT; ENERGY INDEPENDENCE; REINSTATEMENT OF ENROLLMENT FOR MEDICAID ELIGIBILITY OF DISADVANTAGED YOUTH ACT; RESTORING THE PARTNERSHIP FOR COUNTY HEALTH CARE COSTS ACT OF 2008; AND THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

COMMUNITY SERVICES DIRECTOR CECILIA JOHNSON RESPONSE TO QUESTION OF CHAIR WHEELER REGARDING INCREASE ON THE GAS TAX, ADVISING IT WOULD REQUIRE REMOVAL OF STATE RESTRICTIONS ON TOLLING PORTLAND AREA WILLAMETTE RIVER BRIDGES. IN RESPONSE TO A QUESTION OF CHAIR WHEELER, LAND USE TRANSPORTATION MANAGER KAREN SCHILLING ADVISED THERE IS CONSENSUS IN THE REGION

REGARDING THE 50/30/20. IN RESPONSE TO A QUESTION OF CHAIR WHEELER, COMMUNITY JUSTICE DIRECTOR SCOTT TAYLOR EXPLAINED HOW THEY WILL ADVOCATE TO THE LEGISLATORS REGARDING MEASURE 57. IN RESPONSE TO A QUESTION OF COMMISSIONER-ELECT SHIPRACK, MR. SCOTT ADVISED DUE TO MEASURE 57 THE NUMBER OF INCARCERATED WOMEN WILL BE GREATLY INCREASED.

AGING AND DISABILITY SERVICES MANAGER MARY SHORTALL, ADVISED THE GOVERNOR'S BUDGET CUTS IN LONG TERM CARE AND ELIGIBILITY FOR SERVICES MEANS THAT ONE THIRD OF COUNTY CLIENTS WILL NOT HAVE SUPPORT IN ADULT CARE HOMES OR ASSISTED LIVING FACILITIES; THAT BECAUSE OF A TIGHTENING IN MEDICAID THEY WON'T HAVE ANY OPTIONS FOR CARE AND THAT 650 INDIVIDUALS WILL NOT RECEIVE HOME CARE IN MULTNOMAH COUNTY.

COUNTY HUMAN SERVICES PUBLIC RELATIONS COORDINATOR DAVID AUSTIN DISCUSSED THE GOVERNOR'S BUDGET CUTS IN ALCOHOL AND DRUG TREATMENT AND MENTAL HEALTH TREATMENT FUNDING.

DEPUTY HEALTH DIRECTOR KARIN JOHNSON ADVISED THAT THE HEALTH DEPARTMENT WILL SEE AN INCREASE IN UNINSURED CLIENTS. CHAIR WHEELER STATED IT IS UP TO THE COUNTY TO FIGHT HARD FOR ITS CLIENTS AND THAT ONCE WE HAVE DETERMINED OUR PRIORITIES AND THE FINANCIAL IMPLICATIONS TO THE COUNTY WE CAN ENGAGE THE COMMUNITY IN THIS PROCESS.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:50 a.m.

Thursday, December 11, 2008 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Ted Wheeler convened the meeting at 9:35 a.m., with Vice-Chair Jeff Cogen and Commissioner Lonnie Roberts present, Commissioner Lisa Naito participating via speakerphone, and Commissioner Maria Rojo de Steffey excused.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER COGEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-4) WAS UNANIMOUSLY APPROVED. [4-0]

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-1 BUDGET MODIFICATION DCHS-19 Reclassifying One Program Development Specialist Position to a Program Development Specialist Senior Position in the Aging and Disability Services Division, as Determined by Class/Comp Unit of Central Human Resources
- C-2 Amendment No. 1 to Intergovernmental Agreement 4600007218 with the Housing Authority of Portland to Add Additional State of Oregon, Oregon Housing and Community Services Low-Income Rental Housing Fund Award for the Current Fiscal Year
- C-3 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

ORDER 08-157

SHERIFF'S OFFICE

- C-4 RESOLUTION Recognizing the Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees of Multnomah County Sheriff's Office

RESOLUTION 08-158

REGULAR AGENDA

PUBLIC COMMENT

No public comments were made.

DEPARTMENT OF LIBRARY SERVICES

- R-1 RESOLUTION Adopting a Memorandum of Understanding between the Multnomah County Library and The Library Foundation**

COMMISSIONER COGEN MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-1.

LIBRARY DIRECTOR MOLLY RAPHAEL INTRODUCED ASSISTANT COUNTY ATTORNEY BERNADETTE NUNLEY, MERRIS SUMRALL, CHIEF EXECUTIVE

OFFICER, THE LIBRARY FOUNDATION, ELISABETH LYON, VICE-CHAIR, BOARD OF TRUSTEES AND DEPUTY LIBRARY DIRECTOR VAILEY OEHLKE. MS. RAPHAEL EXPLANATION, ADVISING THE LIBRARY FOUNDATION AND MULTNOMAH COUNTY LIBRARY HAS AN ONGOING PUBLIC PRIVATE PARTNERSHIP AND THIS MEMORANDUM OF UNDERSTANDING ESTABLISHES THAT RELATIONSHIP AND FORMALLY RECOGNIZES THE LIBRARY FOUNDATION AS A PRIVATE ENTITY. IN RESPONSE TO QUESTIONS OF COMMISSIONER ROBERTS, MS. SUMRALL AND MS. LYON EXPLAINED THAT THE FOUNDATION'S 501C3 IRS STATUS IS DEPENDENT ON THE FOUNDATION, INCLUDING ITS PRIVATE FUNDERS AND THE ACTIONS OF THE FOUNDATION'S 24 VOTING MEMBERS, BEING TOTALLY INDEPENDENT. MS. LYON AND MS. SUMRALL DISCUSSED THE FOUNDATION'S FUNDRAISING EFFORTS; IT'S FOCUS ON CHILDREN'S LITERACY AND EXPRESSED APPRECIATION FOR THE LEADERSHIP AND SUPPORT OF THE COUNTY BOARD, LIBRARY DIRECTOR AND STAFF.

COMMISSIONER NAITO THANKED THE PRESENTERS AND EXPRESSED HER SUPPORT FOR THE MEMORANDUM OF UNDERSTANDING. FOLLOWING DISCUSSION BETWEEN COMMISSIONER NAITO, CHAIR WHEELER, COUNTY ATTORNEY AGNES SOWLE AND MS. RAPHAEL, COMMISSIONER NAITO MOVED, AND COMMISSIONER COGEN SECONDED, TO AMEND THE FIRST SENTENCE ON PAGE 1, ITEM 2, COLLABORATIVE FUNDRAISING AGREEMENT, TO READ: "MCL RECOGNIZES THE FOUNDATION AS ~~IT'S~~ THE PRIMARY, PRIVATE FUNDRAISING ORGANIZATION TO PROVIDE CHARITABLE FUNDS FOR LIBRARY SERVICES."

COMMISSIONER NAITO PLACED HER LEGISLATIVE INTENT THAT THE POLICIES OF THE MEMORANDUM OF UNDERSTANDING BE REVIEWED ANNUALLY.

AMENDMENT CHANGING THE FIRST SENTENCE OF PAGE 1, ITEM 2 TO READ: "MCL RECOGNIZES THE FOUNDATION AS THE PRIMARY, PRIVATE FUNDRAISING ORGANIZATION TO PROVIDE CHARITABLE FUNDS FOR LIBRARY SERVICES." UNANIMOUSLY APPROVED. [4-0]

COMMISSIONER COGEN EXPRESSED HIS APPRECIATION FOR THE THOUGHTFUL MEMORANDUM AND FOR THE MONEY THE LIBRARY FOUNDATION HAS RAISED TO MAKE IT POSSIBLE FOR THE LIBRARY TO PROVIDE GOOD SERVICES.

CHAIR WHEELER ACKNOWLEDGED AND EXPRESSED HIS APPRECIATION FOR THE WORK OF THE LIBRARY AND FOUNDATION LEVERAGING COMMUNITY SUPPORT AND FOR THE INVALUABLE ASSISTANCE OF THE LIBRARY FOUNDATION IN GETTING THE LEVY PASSED. CHAIR WHEELER THANKED MS. RAPHAEL FOR HER DEVELOPMENT OF CLEAR PROTOCOLS. IN RESPONSE TO A QUESTION OF CHAIR WHEELER, MS. RAPHAEL ADVISED THE MEMORANDUM STATES THAT THE LIBRARY MAINTAINS THE RIGHT TO REFUSE FOUNDATION

RAISED FUNDS IF THE FUNDS ARE DESIGNATED FOR PURPOSES THAT ARE INCONSISTENT WITH THE LIBRARY'S MISSION.

RESOLUTION 08-159 UNANIMOUSLY ADOPTED, AS AMENDED. [4-0]

DEPARTMENT OF HEALTH

R-2 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 21 Relating to Smokefree Places of Employment and Public Places

COMMISSIONER COGEN MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION.

COMMUNITY HEALTH PROMOTION PROGRAM DEVELOPMENT SPECIALIST SENIOR, RACHAEL BANKS, WITH PROGRAM MANAGER SONIA MANHAS, EXPLANATION, ADVISING THE ONLY REQUIREMENT MORE STRINGENT THAN THE STATE'S 2007 LEGISLATION IS THE COUNTY'S SMOKING BAN WITHIN 20 FEET OF HOSPITAL ENTRANCES AND EXITS, RATHER THAN THE STATUTORY 10 FEET.

NO ONE WISHED TO TESTIFY. COMMISSIONER COGEN EXPRESSED HIS APPRECIATION AND SUPPORT.

ORDINANCE 1124 UNANIMOUSLY ADOPTED. [4-0]

DEPARTMENT OF COMMUNITY SERVICES

R-3 Second Reading and Possible Adoption of an ORDINANCE Amending the Multnomah County Code Chapter 38, National Scenic Area, to Make Technical Corrections for Consistency with the Columbia River Gorge NSA Management Plan and to Update NSA Approval Criteria for Horse Boarding

COMMISSIONER COGEN MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION.

PLANNER LISA ESTRIN EXPLANATION, ADVISING THE FRIENDS OF THE GORGE AND COLUMBIA RIVER GORGE PLANNING AND LAND USE PLANNING STAFF WORKED TOGETHER TO CLARIFY CODE LANGUAGE, INCLUDING SECTION 26 REGARDING BOARDING OF HORSES OR NON-PROFIT HORSE RESCUE FACILITY. MS. ESTRIN RESPONSE TO QUESTIONS OF COMMISSIONER ROBERTS REGARDING WHETHER GUIDELINES ARE FOR NEW OR EXISTING BUSINESSES (NEW) AND WHETHER EXISTING BUSINESSES WILL BE AFFECTED (NOT IF OPERATING LAWFULLY). NATHAN BAKER FROM FRIENDS OF THE GORGE TESTIMONY REGARDING SECTION 26.

ORDINANCE 1125 UNANIMOUSLY ADOPTED. [4-0]

R-4 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 37 Administration and Procedures, Chapter 29 Building Code, and Land Use Regulations Chapters 11.15, 33, 34, 35, 36, 38 Relating to Land Use Code Enforcement

COMMISSIONER ROBERTS MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION.

CODE ENFORCEMENT PROGRAM DEVELOPMENT SPECIALIST MICHAEL GRIMMETT EXPLANATION. BOB LEIPPER AND NATHAN BAKER TESTIMONY IN APPRECIATION FOR ELIMINATING A CAP ON NONCOMPLIANCE FINES.

COMMISSIONER NAITO EXPRESSED HER APPRECIATION FOR THE WORK OF LAND USE STAFF, FRIENDS OF THE GORGE AND MR. LEIPPER; COMMISSIONER NAITO SUGGESTED THAT BEFORE A NONCOMPLIANCE FEE EXCEEDS A CERTAIN AMOUNT, LAND USE STAFF CAN ALERT THE CHAIR. CHAIR WHEELER EXPRESSED HIS APPRECIATION FOR THE WORK OF LAND USE STAFF, COUNTY ATTORNEY AND COMMUNITY.

ORDINANCE 1126 UNANIMOUSLY ADOPTED. [4-0]

SHERIFF'S OFFICE

R-5 NOTICE OF INTENT to Submit a Request for the United States Department of Homeland Security Vulnerability Reduction Purchasing Plan Grant

COMMISSIONER COGEN MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-5.

PROGRAM MANAGER WANDA YANTIS INTRODUCED LT. MIKE SHULTS. LT. SHULTS EXPLANATION. IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO REGARDING WHETHER GRANT WILL BE ABLE TO BE USED FOR EXTRA PATROLS, LT. SHULTS ADVISED THE GRANT IS JUST FOR THE PURCHASE OF EQUIPMENT. LT. SHULTS RESPONSE TO QUESTIONS OF CHAIR WHEELER REGARDING PERFORMANCE, SAFETY AND SECURITY OF THE BONNEVILLE DAM INFRASTRUCTURE, AND ADVISED THAT AS FIRST RESPONDERS, THE GRANT FUNDS WILL SUPPORT MCSO ONE-TIME-ONLY PURCHASES INCLUDING COLD WATER SAFETY GEAR FOR BIG WATER RESCUE AND ROPE RESCUE, COMMUNICATIONS UPGRADES AND A BOAT HOUSE TO BE LOCATED AT THE BONNEVILLE DAM.

NOTICE OF INTENT UNANIMOUSLY APPROVED. [4-0]

R-6 BUDGET MODIFICATION MCSO-04 Appropriating \$194,006 from the United States Department of Homeland Security Vulnerability Reduction Purchasing Plan Grant

COMMISSIONER NAITO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-6.

PROGRAM MANAGER WANDA YANTIS EXPLANATION.

BUDGET MODIFICATION UNANIMOUSLY APPROVED. [4-0]

COUNTY ATTORNEY'S OFFICE

R-7 Authorization to File Amicus Brief

COMMISSIONER COGEN MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-7.

COUNTY ATTORNEY AGNES SOWLE EXPLANATION.

AUTHORIZATION UNANIMOUSLY APPROVED. [4-0]

R-8 Authorizing the Settlement of a Claim for Damages Against the County

COMMISSIONER ROBERTS MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-8.

ASSISTANT COUNTY ATTORNEY STEPHEN MADKOUR EXPLANATION.

AUTHORIZATION UNANIMOUSLY APPROVED. [4-0]

R-9 Authorizing Settlement of Wrongful Death Claim, Estate of Samantha Garnica

COMMISSIONER COGEN MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-9.

ASSISTANT COUNTY ATTORNEY JACQUIE WEBER EXPLANATION AND IN RESPONSE TO CHAIR WHEELER'S REQUEST, ADVISED IT IS IN SETTLEMENT OF A WRONGFUL DEATH CLAIM BASED ON MEDICAL MALPRACTICE DUE TO ADMINISTRATION OF A PRESCRIPTION DRUG INAPPROPRIATELY FILLED WHICH RESULTED IN THE STILLBORN DEATH OF SAMANTHA GARNICA. MS. WEBER REPORTED THIS CASE WAS MEDIATED BY A WELL KNOWN JUDGE.

CHAIR WHEELER ADVISED HE SUPPORTS THE SETTLEMENT AND FEELS IT IS IN THE BEST INTEREST OF THE FAMILY.

AUTHORIZATION UNANIMOUSLY APPROVED. [4-0]

DEPARTMENT OF COUNTY HUMAN SERVICES

R-10 BUDGET MODIFICATION DCHS-18 Increasing Aging and Disability Services Division Federal/State Appropriation by \$22,400 in One-time Supplemental Grant from Oregon Senior Health Insurance Benefits Assistance Program

COMMISSIONER COGEN MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-10.

ADMINISTRATIVE SERVICE OFFICER DANA LLOYD EXPLANATION.

CHAIR WHEELER EXPRESSED HIS APPRECIATION TO THE DEPARTMENT FOR APPLYING FOR AND OBTAINING THIS GRANT.

BUDGET MODIFICATION UNANIMOUSLY APPROVED. [4-0]

BOARD COMMENT

No board comments were made.

ADJOURNMENT

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

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