

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

**Thursday, January 31, 2002 - 9:30 AM**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**REGULAR MEETING**

Chair Diane Linn convened the meeting at 9:36 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito and Maria Rojo de Steffey present, and Commissioner Serena Cruz excused.

**CONSENT CALENDAR**

UPON MOTION OF COMMISSIONER NAITO, SECONDED BY COMMISSIONER ROJO, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-4) WAS UNANIMOUSLY APPROVED.

**SHERIFF'S OFFICE**

C-1 ORDER: Acknowledgement of Found Unclaimed Property and Authorization of Transfer for Sale or Disposal

ORDER 02-012

C-2 Intergovernmental Revenue Agreement 0210040 with the Port of Portland, Temporarily Providing 3 Full-time Deputy Sheriffs Capable of Performing Bicycle Patrol to the Port of Portland Police Department through June 30, 2002

**DEPARTMENT OF MANAGEMENT AND BUSINESS SERVICES**

C-3 Budget Modification 02\_MBS\_02 Appropriating \$292,000 Federal Weed and Seed Grant Revenue to the Finance Division, Fiscal Agent for the Albina Community Weed and Seed Organization

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

C-4 Intergovernmental Revenue Agreement 0210231 with the City of Portland Office of Sustainable Development, Providing \$125,000 Funding for the Block By Block Weatherization Program for Fiscal Year 2001/02

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

Public Comment was made and received for the record.

**DEPARTMENT OF MANAGEMENT AND BUSINESS SERVICES**

**R-1 Recognition of Dave Warren in Appreciation of His 28 Years of Service to Multnomah County. Presented by Chair Diane Linn and Cecilia Johnson.**

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, RECOGNITION AND APPRECIATION OF DAVE WARREN. CHAIR LINN AND CECILIA JOHNSON COMMENTS IN SUPPORT AND PRESENTATION OF PLAQUE. DAVE WARREN RESPONSE. BOARD COMMENTS IN APPRECIATION. MOTION UNANIMOUSLY APPROVED.

**R-2 Budget Modification 02\_MBS\_03 Allocating \$2,647,619 General Fund Contingency Transfer and \$798,803 from the Public Safety Levy Fund to Provide Cost of Living Adjustments (COLA) and Class/Comp Studies Outlined in Labor Contracts**

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-2. MARK CAMPBELL EXPLANATION BUDGET MODIFICATION UNANIMOUSLY APPROVED.

**R-3 Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and County Zoning Code Chapters to Adopt Troutdale's Zoning Code, Comprehensive Plan and Maps and Community Plans**

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF SECOND READING AND ADOPTION CHAIR LINN EXPLANATION NO ONE WISHED TO TESTIFY. ORDINANCE 973 UNANIMOUSLY ADOPTED.

**R-4 First Reading of an ORDINANCE Adopting an Amendment to Multnomah County Code Chapters 11.15, 33, 34, 35, and 38 Providing for a Wildlife Habitat Conservation and Management Plan as an Allowed Use on Lands Zoned for Exclusive Farm Use**

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF FIRST READING. PLANNER KIM PEOPLES AND APPRAISER BOB ALCANTARA EXPLANATION AND RESPONSE TO BOARD QUESTIONS. MR. PEOPLES SUBMITTED WILDLIFE HABITAT CONSERVATION AND MANAGEMENT

ORDINANCE ERRATUM OUTLINING PROPOSED AMENDMENTS ADDING "STREAM, RIPARIAN" TO THE ALLOWED USES OF PAGE 3, SECTION 38.220(A)(1) AND (B)(1); AND THE REVIEWED USES OF PAGE 3, SECTION 38.2225(A)(1) AND (B)(9).

CLAIR KLOCK OF CORBETT, TESTIMONY IN SUPPORT OF ORDINANCE. STUART SANDLER OF SAUVIE ISLAND, TESTIMONY IN SUPPORT OF ORDINANCE, ADVISING IT WILL BE A GREAT BOON, WIN-WIN SITUATION FOR FARMERS. CHAIR LINN COMMENTS IN SUPPORT. AT THE REQUEST OF COUNTY ATTORNEY SANDRA DUFFY, COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF AMENDMENTS ADDING "STREAM, RIPARIAN" TO THE ALLOWED USES OF PAGE 3, SECTION 38.220(A)(1) AND (B)(1); AND THE REVIEWED USES OF PAGE 3, SECTION 38.2225(A)(1) AND (B) (9). AMENDMENT UNANIMOUSLY APPROVED. COMMISSIONER NAITO COMMENTS IN SUPPORT. FIRST READING UNANIMOUSLY APPROVED, AS AMENDED. SECOND READING THURSDAY, FEBRUARY 7, 2002.

### **SHERIFF'S OFFICE**

**R-5 NOTICE OF INTENT to Apply for State Criminal Alien Assistance Program (SCAAP) Funding, and Requesting Approval to Register the County as a Jurisdiction Eligible to Receive Funds through its Chief Executive Officer, with the Sheriff's Office being the Jurisdictional Point of Contact**

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-5. BARBARA SIMON EXPLANATION AND RESPONSE TO QUESTION OF COMMISSIONER ROJO. CHAIR LIMN COMMENTS IN SUPPORT. NOTICE OF INTENT UNANIMOUSLY APPROVED.

**R-6 First Reading and Possible Adoption of an ORDINANCE Amending MCC §§ 15.813 & 15.999 and Adding §§ 15.335 & 15.820 Relating to Unlawful Bridge Use and Speed Racing, and Declaring an Emergency**

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF FIRST READING.

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, AMENDMENT REMOVING THE EMERGENCY CLAUSE. IN RESPONSE TO A QUESTION OF COMMISSIONER ROBERTS, COMMISSIONER NAITO EXPLAINED SHE WANTED THE EMERGENCY CLAUSE REMOVED SO THERE WOULD BE TWO READINGS OF THE PROPOSED ORDINANCE. MOTION UNANIMOUSLY APPROVED.

SHERIFF DAN NOELLE INTRODUCED SGT. DAN RADER AND SMOKEY AND SMOKEY AND SHARON MAINWARING. SHERIFF NOELLE EXPLAINED THAT FIVE

PEOPLE HAVE DIED BECAUSE OF STREET RACING ACCIDENTS, MOST RECENTLY ON JANUARY 18, 2002, WHEN THE MAINWARING'S DAUGHTER PATRICIA WAS KILLED. SMOKEY MAINWARING TESTIMONY IN SUPPORT OF PROPOSED ORDINANCE, STATING THAT HE AND HIS WIFE HAD NO KNOWLEDGE OF STREET RACING OR SPECTATOR ACTIVITIES UNTIL THEY RECEIVED THE EARLY MORNING PHONE CALL ABOUT THEIR DAUGHTER. MR. MAINWARING URGED ADOPTION OF THE ORDINANCE FOR THE SAFETY OF CHILDREN AND OTHERS. SHERIFF NOELLE ADVISED THAT THE SHERIFF'S OFFICE IS BEING PROACTIVE WITH THIS PROPOSED ORDINANCE, AND EXPLAINED THEY WILL TOW THE CARS OF SPECTATORS AND THOSE CAUGHT PARTICIPATING IN STREET RACING ACTIVITIES. SGT. DAVE RADER REPORTED ON THOSE HE HAS OBSERVED PARTICIPATING AND WATCHING STREET RACING; AND URGED BOARD SUPPORT AND ADOPTION OF THE PROPOSED ORDINANCE. JIM OUTLAW TESTIMONY IN SUPPORT OF PROPOSED ORDINANCE. SALVADOR CONTRERAS TESTIMONY IN SUPPORT OF ORDINANCE AND IN SUPPORT OF SPEED RACING ON SPEEDWAYS OR RACETRACKS. JERRY AUVIL TESTIMONY IN SUPPORT OF PROPOSED ORDINANCE. COMMISSIONER ROBERTS STATEMENT IN SUPPORT OF STRICTER SANCTIONS FOR STREET RACING AND IN SUPPORT OF SEPARATING THE UNLAWFUL BRIDGE USE PORTION OF THE LEGISLATION FROM THE PROPOSED ORDINANCE.

COMMISSIONER ROBERTS ADVISED HE WANTS CLARIFICATION OF THE SPEED RACING SPECTATOR AND IMPOUNDMENT PORTION OF THE LEGISLATION, AND ADVISED HE IS OPPOSED TO INNOCENT BYSTANDERS HAVING THEIR CARS TOWED. COMMISSIONER ROJO ACKNOWLEDGED AND THANKED THE MAINWARINGS FOR COMING OUT AND SHARING THEIR GRIEF. COMMISSIONER ROJO ADVISED SHE AGREES WITH COMMISSIONER ROBERTS, ADVISING THAT SHE WANTS TOUGHER SANCTIONS AND THAT THE UNLAWFUL BRIDGE USE PORTION OF THE LEGISLATION SHOULD BE REMOVED FROM THE PROPOSED ORDINANCE. COMMISSIONER ROJO SUGGESTED THAT THE UNLAWFUL BRIDGE USE PORTION COULD BE ADDRESSED AT A LATER DATE. COMMISSIONER ROJO SUGGESTED THAT THE SPEED RACING SPECTATOR AND IMPOUNDMENT LEGISLATION OF THE PROPOSED ORDINANCE COME BACK NEXT WEEK FOR SECOND READING AND POSSIBLE EMERGENCY ADOPTION COMMISSIONER ROBERTS RESPONDED TO A CLARIFICATION QUESTION OF SHERIFF NOELLE. COMMISSIONER NAITO STATED THAT SHE LOOKED AT THE PROPOSED ORDINANCE AS AN ATTORNEY AND AS A MOTHER; THAT FOLKS AIDING AND ABETTING NEED TO BE HELD ACCOUNTABLE; AND THAT WARNINGS OR TICKETS WON'T BE ENOUGH TO GET THE ATTENTION OF YOUTH, BUT TAKING AWAY THEIR CARS WILL. COUNTY ATTORNEY JACQUIE WEBER ADVISED THAT LAW ENFORCEMENT WILL HAVE TO PROVIDE PROOF OF SPEED RACING AND/OR SPECTATING SO THE SANCTION WILL BE DEFENSIBLE IN ANY SUBSEQUENT COURT PROCEEDINGS. CHAIR LINK ADVISED THAT SHE WAS PREPARED TO VOTE FOR THE PROPOSED ORDINANCE AS SUBMITTED BY SHERIFF NOELLE, AND

ADOPTION BY EMERGENCY CLAUSE TODAY;MTHAT SHE SUPPORTS THE PROPOSED LEGISLATION; AND THAT SHE RELIES ON THE EXPERTISE OF THE DEPUTIES WHO ARE OUT THERE EVERY NIGHT, BUT WILL DEFER TO HER COLLEAGUES. SHERIFF NOELLE ADVISED HE IS FRUSTRATED WITH THE DELAY. COUNTY ATTORNEY SANDRA DUFFY EXPLAINED THAT THE BOARD'S ACTION REMOVING THEEMERGENCY CLAUSE WILL RESULT IN THE ORDINANCE BECOMING EFFECTIVE THIRTY DAYS AFTER BOARD ADOPTION AT A SUBSEQUENT READING. IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO, MS. DUFFY ADVISED THAT THE BOARD COULD ADOPT THE ORDINANCE TO BECOME EFFECTIVE IMMEDIATELY AT IT'S SECOND READING NEXT WEEK IF AN EMERGENCY CLAUSE IS ADDED AND THE VOTE IS UNANIMOUSLY APPROVED. IN RESPONSE TO COMMENTS AND DISCUSSION BY SHERIFF NOELLE, CHAIR LINN AND COMMISSIONER ROBERTS, SGT. RADER PROVIDED AN EXPLANATION ON THE UNLAWFUL BRIDGE USE PORTION OF THE ORDINANCE, EXPLAINING IT IS A SAFETY ISSUE, AND THAT THE STARK STREET BRIDGE DOES NOT HAVE A PEDESTRIAN WALKWAY.

FOLLOWING BOARD DISCUSSION, THE FIRST READING WAS UNANIMOUSLY APPROVED, AS AMENDED. SECOND READING THURSDAY, FEBRUARY 7, 2002. BOARD DIRECTED COUNTY ATTORNEYS TO DRAFT TWO VERSIONS OF THE PROPOSED ORDINANCE FOR CONSIDERATION AND POSSIBLE EMERGENCY ADOPTION AT THE SECOND READING.

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

##### **R-7 Intergovernmental Expenditure Agreement 4600002886 Designating Oregon Health Sciences University as a Primary Provider for Child and Adult Outpatient Mental Health Services**

COMMISSIONER NAITO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-7. JIM MCCONNELL EXPLANATION AND RESPONSE TO QUESTION OF CHAIR LINN REGARDING THE OREGON HEALTH SCIENCES UNIVERSITY NURSES STRIKE, ADVISING THE CONTRACT IS NOT AFFECTED BY THE STRIKE AND THAT THE DEPARTMENT IS MONITORING THE SITUATION. AGREEMENT UNANIMOUSLY APPROVED.

#### **NON-DEPARTMENTAL**

##### **R-8 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 23 and 3 and Deleting MCC Chapter 25 to Establish the Department of Human Services by Consolidating and Abolishing the Department of Aging and Disability Services and the Department of Community and Family Services, and Declaring an Emergency**

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ROBERTS MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF

SECOND READING AND ADOPTION. CHAIR LINN EXPLANATION, ADVISING FOLKS HAVE EXPRESSED CONCERN WITH THE PROPOSED DEPARTMENT NAME AND THEREFORE SHE IS RECOMMENDING AN AMENDMENT CHANGING IT TO THE DEPARTMENT OF COUNTY HUMAN SERVICES. COMMISSIONER NAITO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF AMENDMENT CHANGING NAME TO THE DEPARTMENT OF COUNTY HUMAN SERVICES. MOTION UNANIMOUSLY APPROVED. JAN CAMPBELL, CHAIR OF THE DISABILITY SERVICES ADVISORY COMMITTEE, TESTIMONY IN SUPPORT OF ACCESS TO SERVICES FOR ADVOCATES AND OTHERS. ORDINANCE 974 UNANIMOUSLY ADOPTED, AS AMENDED.

**R-9 Second Reading and Possible Adoption of an ORDINANCE Amending MCC to Add Chapter 25, School and Community Partnerships, and Declaring an Emergency**

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF SECOND READING AND ADOPTION. JOHN RAKOWITZ AND LOLENZO POE AVAILABLE FOR EXPLANATION. NO ONE WISHED TO TESTIFY. ORDINANCE 975 UNANIMOUSLY ADOPTED.

**R-10 RESOLUTION Consenting to Chair Appointment of Lorenzo T. Poe as Director of the Office of School and Community Partnerships**

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-10. CHAIR LINN EXPLANATION AND COMMENTS IN SUPPORT AND APPRECIATION FOR LOLENZO POE. LOLENZO POE COMMENTS IN RESPONSE. RESOLUTION 02-013 UNANIMOUSLY ADOPTED.

**R-11 RESOLUTION Establishing Fees and Charges for Chapter 23, Human Services, of the Multnomah County Code and Repealing Resolution No. 98-89**

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-11. SANDRA DUFFY EXPLANATION AND REQUEST FOR AMENDMENT. UPON MOTION OF COMMISSIONER ROJO, SECONDED BY COMMISSIONER NAITO, AMENDMENT CHANGING CHAPTER NAME TO THE DEPARTMENT OF COUNTY HUMAN SERVICES WAS UNANIMOUSLY APPROVED. RESOLUTION 02-014 UNANIMOUSLY ADOPTED, AS AMENDED.

**R-12 RESOLUTION Establishing Fees and Charges for Chapter 7, Management and Business Services, of the Multnomah County Code and Repealing Resolutions 00-192 and 00-197**

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-12. CHAIR LINN EXPLANATION RESOLUTION 02-015 UNANIMOUSLY ADOPTED.

**R-13 Board Approval of a MOTION to Direct the County Attorney to Prepare a Resolution to Send a "Local Option" Library Levy to the May 21, 2002 Ballot, Containing the Library Ballot Title and Explanatory Statement. [The Levy will be for 75.5 cents per \$1000 Assessed Valuation. The Board Intends to Adopt the Resolution at its February 14, 2002 Meeting.]**

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF MOTION TO DIRECT THE COUNTY ATTORNEY TO PREPARE A RESOLUTION TO SEND A "LOCAL OPTION" LIBRARY LEVY TO THE MAY 21, 2002 BALLOT, CONTAINING THE LIBRARY BALLOT TITLE AND EXPLANATORY STATEMENT. EXPLANATION, ADVISING THE RESOLUTION WILL BE CONSIDERED AT THE BOARD MEETING SCHEDULED THURSDAY, FEBRUARY 14, 2002. CHAIR LINN EXPLANATION AND COMMENTS IN SUPPORT. MOTION UNANIMOUSLY APPROVED.

#### **ADJOURNMENT**

There being no further business, the regular meeting was adjourned at 11:25 a.m.

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**Thursday, January 31, 2002 - 11:00 AM**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**BOARD BRIEFING, IF NEEDED**

Chair Diane Linn convened the meeting at 11:31 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito and Maria Rojo de Steffey present, and Commissioner Serena Cruz excused.

**B-1 Legislative Briefing, Discussion and Update on Governor's Budget Rebalance Proposal. Presented by Gina Mattioda and Stephanie Soden.**

GINA MATTIODA AND STEPHANIE SODEN PRESENTATIONS AND RESPONSE TO BOARD DISCUSSION ON ISSUES INCLUDING FEBRUARY 1, 2002 E-BOARD MEETING; BUDGET ADJUSTMENT PLAN; POSITIONS OF EAST COUNTY LEGISLATORS; LPSCC LETTER TO LEGISLATORS IN SUPPORT OF HEALTH CARE ACCESS FOR THOSE COMING OUT OF INCARCERATION AND WITH MENTAL ILLNESS.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:52 a.m.

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