

**Minutes of the Board of Commissioners
Multnomah County, Oregon
February 24, 2011
Multnomah Building, Commissioners Board Room 100
501 SE Hawthorne Blvd., Portland, OR**

REGULAR MEETING

Chair Jeff Cogen convened the meeting at 10:08 a.m. with Vice-Chair Deborah Kafoury and Commissioners Diane McKeel, Barbara Willer and Judy Shiprack present.

I. CONSENT AGENDA

- C.1 Appoint Julie Snelling and Jim Kessinger to the Multnomah County Planning Commission.
- C.2 Intergovernmental Agreement (IGA) 1011119 with the City of Wood Village to Allow County to Provide Administrative Support for City's Alarm Ordinance.

Upon motion made by Vice-Chair Kafoury and seconded by Commissioner Shiprack, the consent calendar was unanimously approved.

II. PUBLIC COMMENT

- PC.1 Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer.**

Public testimony was given and received for the file.

III. REGULAR AGENDA

- R.1 Informational Board Briefing on the Kyron Horman Investigation Task Force. Presenters: Sheriff Dan Staton, District Attorney Rod Underhill, Lieutenant Ned Walls & Chief Deputy Jason Gates.**

Sheriff Staton introduced the presenters, and then gave the Board a progress report on the Kyron Horman case. The Task Force was created to allow a fresh perspective from a multi-agency view and includes members of the Sheriff's Office, Multnomah County District Attorney's Office, the Portland Police Bureau, Washington and Clackamas County Sheriff's Departments, FBI and Department of Justice.

Sheriff Staton said that to date, this Task Force has developed and followed up on 4,318 investigative leads, conducted 3,500 interviews, completed and filled 66 4-inch thick binders. Investigators identified a total of 490 people and 54 vehicles at the school

that day and have accounted for each. Partnering agencies have contributed 4,200 hours to this investigation. Search and rescue volunteers have contributed 19,783 hours in targeted areas that have assisted in this investigation.

The Sheriff's Office has assigned one part-time Sergeant and two full-time detectives to this investigation. Monies provided by the Board in October pay for one part-time technician to do data entry from all 66 binders and another one part-time coordinator is utilized as needed when targeted areas are identified. Also coming out of the Sheriff's budget, are the costs for experts and technologies to research materials obtained through the search warrants. They have subpoenaed more than 300 sets of emails, cellular phone and computer records, and hired an expert cellular phone engineer to assist in their review. A behavioral psychologist has been hired to lend consult and advice in this case. He stated that he would not be seeking additional funds today for the ongoing criminal investigation, which has cost \$1.42 million to date.

Sheriff Staton advised that as a result of the work done by FBI profilers from the agency's Behavioral Analysis Unit earlier this year, the local FBI office have dedicated up to six FBI agents to the ongoing criminal investigation to complete tasks identified by its profilers. This Task Force, with assistance from the FBI, is moving this investigation ahead very strongly and will stay intact through June and then its status will be re-evaluated. He closed by stating that everyone involved has worked diligently on this case.

District Attorney Underhill said the role of his office is to advise, offer guidance and provide investigative support to the ongoing investigation. He said it requires a tremendous amount of work to bring to justice the individual or individuals responsible and that they will continue this work until the matter is resolved.

Commissioner Smith asked if the Task Force is on the right track by continuing to go forward with this investigation. DA Underhill replied that it absolutely is, and emphasized the importance of proving the case in a court of law beyond a reasonable doubt.

Vice-Chair Kafoury asked for a definition of what it means to have the FBI's stepped-up involvement to the investigation. Sheriff Staton said the FBI brings added resources and expertise unavailable at the local level and that he was grateful they've offered to help and they are doing so without cost to the County.

The Chair and Commissioners thanked the Sheriff for their presentation.

R.2 PUBLIC HEARING for Tenly Jackpot Food Mart's Off Premises Sales Liquor License Renewal. Presenters: Rebecca Child, Sheriff's Office.

Vice-Chair Kafoury moved and Commissioner Shiprack seconded approval of R-2.

Ms. Child said the Sheriff's office advises that Tenly Jackpot Food Mart is now in compliance on the one outstanding issue pertaining to land use management.

Therefore, the Sheriff's office recommends renewal and is requesting a motion to substitute an updated letter from the Sheriff's office recommending a favorable approval of the renewal of their OLCC liquor license.

The Chair requested a motion to consider the substitution. Commissioner McKeel moved and Vice-Chair Kafoury seconded the motion to consider the substitution.

Ms. Child responded to Board questions and comments. The Board Clerk confirmed that there was no public testimony in this matter.

It was unanimously voted to approve the motion to substitute.

It was unanimously voted to approve the Tenly Food Mart Liquor License renewal.

R.3 PUBLIC HEARING and First Reading of an ORDINANCE Amending MCC Chapters 33-36 Relating to Variances and Adjustments and Alternative Energy Systems; and Housekeeping Amendments to MCC Chapters 11.15, 11.45 and 33-38 to Update the Zoning Code. Presenter: Don Kienholz, Land Use Planner.

Commissioner Shiprack moved and Commissioner McKeel seconded approval of the first reading.

Mr. Kienholz provided the explanation and responded to Board questions and comments.

The Board Clerk confirmed that there was no public testimony in this matter. Chair Cogen asked if there had been feedback from the public, which Mr. Kienholz confirmed.

The first reading was unanimously approved, and the second reading is Thursday, March 3, 2011.

R.4 Approval of NOTICE OF INTENT (NOI) to Apply for an ODOT Transportation and Growth Management Grant. Presenter: Jane McFarland, Principal Planner , LUT.

Vice-Chair Kafoury moved and Commissioner McKeel seconded approval of R-4.

Ms. McFarland provided the explanation and responded to Board questions and comments.

The NOI was unanimously approved.

R.5 RESOLUTION Authorizing the County to Enter into an Intergovernmental Agreement (IGA) for Participation in the Blue Lake Regional Park Trail Project. Presenters: Jane McFarland & Assistant County Attorney Matt Ryan.

Commissioner Shiprack moved and Vice-Chair Kafoury seconded approval of R-5.

Ms. McFarland provided the explanation and responded to Board questions and comments, verifying that the County is not obligated for any of the funding for the construction of this trail.

Resolution No. 2010-017 was unanimously adopted.

R.6 AFSCME Local 88 Board Briefing. Presenter: Michael Hanna, President, AFSCME Local 88.

Mr. Hanna updated the Board on the Local 88. He gave a historical perspective and discussed how their group is prioritizing resources, expanding diversity and adopting healthier lifestyles for its members, and working to run as efficiently as possible. He emphasized the right to collective bargaining and the importance of working collaborative to serve the public.

The Board members commended Mr. Hanna and thanked him for his report.

R.7 BUDGET MODIFICATION FPM11-04 Reallocation of Capital Project Funds to Justice Center Cooling Tower Project. Presenters: John Lindenthal, Capital Improvement Program Mgr., & Larry Whitney, Project Mgr., FPM.

Commissioner Shiprack moved and Vice-Chair Kafoury seconded approval of R-7.

Messrs. Lindenthal and Whitney provided the explanation and responded to Board questions and comments.

BudMod FPM11-04 was unanimously approved.

R.8 BUDGET MODIFICATION HD-11-10 Request Approval to Appropriate \$70,700 in Revenue from the State of Oregon Department of Human Services Tobacco Prevention and Education Program. Presenter: Rachel Banks, Community Wellness & Prevention Program Supervisor, CHS.

Commissioner McKeel moved and Commissioner Shiprack seconded approval of R-8.

Ms. Banks provided the explanation and responded to Board questions and comments.

BudMod HD-11-10 was unanimously approved.

R.9 BUDGET MODIFICATION NOND-13 Adding \$19,000 FEMA Grant Award to the Emergency Management Budget. Presenters: Luis Hernandez & Joe Partridge, Emergency Management.

Commissioner Shiprack moved and Vice-Chair Kafoury seconded approval of R-9.

Messrs. Hernandez and Partridge provided the explanation and responded to Board questions and comments.

BudMod NOND-13 was unanimously approved.

R.10 RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 3, in the Event of a Vacancy. Presenter: Assistant County Attorney Jenny Morf.

Vice-Chair Kafoury moved and Commissioner McKeel seconded approval of R-10.

Assistant County Attorney Morf provided the explanation and responded to Board questions and comments. Commissioner Shiprack informed the Board of Brian Heron's background and experience and her reasons for recommending him as her designee.

Resolution No. 2010-018 was unanimously adopted.

R.11 RESOLUTION to Support Prevention and Wellness Efforts Aimed at Improving Health of all Americans. Sponsor: Commissioner McKeel. Presenters: Rachel Banks, MCHD & Other Invited Guests.

Commissioner McKeel moved and Vice-Chair Kafoury seconded approval of R-11.

Ms. Banks provided the explanation and responded to Board questions and comments.

Resolution No. 2010-019 was unanimously adopted.

IV. BOARD COMMENT

BC.1 Opportunity as time allows, for the Commissioners to provide comment on non-agenda items.

Chair Cogen advised the audience that the CIC Budget Forum had been cancelled due to the anticipation of bad weather.

V. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:35 a.m.

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