

Board of County Commissioners Business Meeting Minutes – APPROVED 08/03/2023

A complete video copy and packet including staff reports of this meeting can be viewed at <https://www.clackamas.us/meetings/bcc/business>.

Thursday, July 27, 2023 – 10:00 AM

In person and via virtual technology (Zoom)

PRESENT: Chair Tootie Smith
Commissioner Mark Shull
Commissioner Paul Savas
Commissioner Martha Schrader (Joined at III)
Commissioner Ben West

CALL TO ORDER

I. CONSENT AGENDA

A. Elected Officials

1. Approval of Previous Business Meeting Minutes – *BCC*
2. Approval of a Personal Services Contract with Everhealth, LLC for comprehensive correctional medical, dental, pharmaceutical, and mental health services at the Clackamas County Jail. Total value is \$32,758,411.32 for 5 years. Funding through Public Safety Local Option Levy funds and \$23,586,056.15 in budgeted County General Funds. – *ccso*

B. Human Resources

1. Approval of a Personal Services Contract with Businessolver.com, Inc. for benefits administration. Contract value is \$1,654,725 over 5 years. Funding through contributions and fees paid by county departments, employees, retirees, COBRA beneficiaries, and other agencies contracting with Clackamas County for employee benefits administration including \$479,870 in budgeted County General Funds.

C. Juvenile

1. Approval to an Intergovernmental Agreement with Marion County for access to utilize Marion County Juvenile Detention Facility for emergency Juvenile Detention services. Agreement value is \$500,000 for 2 years. In the event services are necessary, the department may request contingency County General Funds.

D. Transportation & Development

1. Approval of a Guaranteed Maximum Price Contract with P&C Construction for construction of Oak Lodge Library. Amendment value is \$15,314,232, total value is \$15,461,232. Funding through County ARPA, State ARPA, Oak Lodge Library Funds and \$5.7MM in budgeted County General Funds.

E. Finance

1. Approval of a Personal Services Contract with Language Line Services, Inc. for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.
2. Approval of a Personal Services Contract with Lingperfect Translations, Inc. for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.

3. Approval of a Personal Services Contract with Linqava Interpreters, Inc. for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.
4. Approval of a Personal Services Contract with the Immigrant and Refugee Community Organization for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.
5. Approval of a Personal Services Contract with Multilingual Technologies, Inc. for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.
6. Approval of a Personal Services Contract with Verbio for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.
7. Approval of a Personal Services Contract with Language Link for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.
8. Approval of a Personal Services Contract with Languages Translation Services for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.
9. Approval of a Personal Services Contract with English 2 Spanish, LLC for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.
10. Approval of a Personal Services Contract with Homeland Language Services, LLC for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.
11. Approval of a Personal Services Contract with National Interpreting Service, Inc. for As Needed Interpreter Services. Contract value not to exceed \$1.25MM over 5 years. Funding is through Beginning Fund Balance, Taxes, Federal and State Funds, Charges, Fees, Fines, and Assessments, other revenues, and budgeted County General Funds.

F. Health, Housing, & Human Services

1. Approval to Accept the Community Development Block Grant award. Grant value is \$2,203,585 for 1 year. Funding is through the U.S. Department of Housing and Urban Development. No County General Funds are involved.
2. Approval to accept the HOME Investment Partnerships Grant award. Grant value is \$1,088,143 for 8 years. Funding is through the U.S. Department of Housing and Urban Development. No County General Funds are involved
3. Approval to accept the Emergency Solutions Grant award. Grant value is \$193,644 for 1 year. Funding is through the U.S. Department of Housing and Urban Development. No County General Funds are involved.

4. Approval of Amendment #18 updating program language to revenue agreement #7642 with CareOregon, Inc. for Updates to the Shared Accountability Model. Estimated revenue of the amendment is \$500,000 for 2 years, agreement value is approximately \$4,068,430 over 9 years. Funding is through CareOregon, Inc. No County General Funds are involved.
5. Approval to Apply for a Community Benefit Initiatives Small Grant from Trillium Community Health Plan for the All: Ready Network to address health inequities for children. Agreement value up to \$200,000 for 1 year. Funding through Trillium Community Health Plan. No County General Funds are involved
6. Approval of a grant agreement with Kaiser Permanente for Medical Respite Care Program. Grant value is \$250,000 for Two Years. Funding is through Kaiser Permanente. No County General Funds are involved.
7. Approval of Revenue Agreement with Oregon Network of Community Health Centers Accountable Care Organization, LLC for participation in a Medicare Accountable Care Organization. Agreement value is \$375,000 for 5 years. Funding is through Oregon Network of Community Health Centers Accountable Care Organization, LLC. No County General Funds are involved.
8. Approval of an Amendment to Purchase and Sale Agreement waiving conditions to purchase for the facility and property located at 6605 SE Lake Road, Milwaukie and approval of a Board Order approving sale and delegating signing authority to the Chair and/or County Administrator.

Clerk to the Board Tony Mayernik read the consent agenda.

Chair Smith asked if any Commissioner wished to remove any item from the consent agenda. No requests were received.

Commissioner Shull: "I move to approve the consent agenda." Commissioner Savas seconded the motion.

Chair Smith asked if there was any further discussion. None was heard.

Clerk called the poll

Commissioner West Aye

Commissioner Savas Aye

Commissioner Shull Aye

Chair Smith Aye; motion passes 4-0.

Chair Smith recessed the Board of County Commissioners and convened the North Clackamas Parks & Recreation District Board of Directors.

I. NORTH CLACKAMAS PARKS & RECREATION DISTRICT CONSENT AGENDA

- A. Approval of a Board Order authorizing the North Clackamas Parks and Recreation District to apply for the Oregon Department of Transportation and Department of Land Conservation and Development Transportation and Growth Management Program grant for the Trails System Plan. Grant value is \$264,000 with a \$36,000 match. Funding through the Oregon Department of Transportation and Department of Land Conservation and Development with match funded by NCPRD Capital Asset Fund. No County General Funds are involved.

Clerk Mayernik read the consent agenda.

Chair Smith asked if any Director wished to remove any item from the consent agenda. No requests were heard. Commissioner Savas made comments related to the work at the Concord project.

Director Savas: "I move to approve the consent agenda for NCPRD." Director Shull seconded the motion.

Clerk called the poll

Director West Aye

Director Shull Aye

Director Savas Aye

Chair Smith Aye; motion passes 4-0.

Chair Smith adjourned the North Clackamas Parks & Recreation District Board of Directors and convened the Water Environment Services Board of Directors.

II. WATER ENVIRONMENT SERVICES CONSENT AGENDA

- A. Approval of Amendment #5 extending duration and adding funding to a Contract with Tyler Technologies, Inc., for billing system software and maintenance. Amendment value is \$217,788.73 over 2 years, increasing Total contract value to \$629,392.63 over 23 years. Funding is through Water Environment Services Sanitary Sewer and Surface Water Operating funds. No County General Funds are involved.

Clerk Mayernik read the consent agenda.

Chair Smith asked if any Director wished to remove any item from the consent agenda. No requests were heard.

Director Shull: "I move for approval of the Water Environment Services consent agenda." Director Savas seconded the motion.

Clerk called the poll

Director West Aye

Director Schrader Aye

Director Savas Aye

Director Shull Aye

Chair Smith Aye; motion passes 5-0.

Chair Smith adjourned the Water Environment Services Board of Directors and reconvened the Board of County Commissioners.

III. PUBLIC COMMUNICATION

Chair Smith opened the meeting for public testimony.

John Sieling – Support for the Office of Equity and Inclusion

Cris Waller – Support for the Office of Equity and Inclusion

Marie Karns – Support for the Office of Equity and Inclusion

Alexa Latten – Support for the Office of Equity and Inclusion

Tyler King – Support for the Office of Equity and Inclusion

John Mullen – Support for the Office of Equity and Inclusion

Maraline Karty – Support for the Office of Equity and Inclusion

Milwaukie City Councilor Adam Khosroabadi – Support for the Office of Equity and Inclusion

Elvis Clark – Opposition to the Office of Equity and Inclusion

Bonnie Hayman – Support for the Office of Equity and Inclusion

Grover Bornefeld – Appreciation for progress on the Oak Lodge Library; Support for the Office of Equity and Inclusion

Jan Carothers – Appreciation for progress on the Oak Lodge Library; Support for the Office of Equity and Inclusion

Thelma Haggemiller – Appreciation for progress on the Oak Lodge Library, Milwaukie Boulevard and Concord Road Improvements, and the planning for an inclusive park at the Concord site

Patrick Clasen – Support for higher Cost of Living Adjustment for AFSCME-WES represented employees

County Administrator Gary Schmidt addressed Patrick's concerns about communication regarding the negotiation on the cost of living adjustment and addressed the Board's upcoming discussion on the Office of Equity and Inclusion.

Monamarie McCreary – Support for the Office of Equity and Inclusion

Bill Wehr – Opposition to the Office of Equity and Inclusion

Tim Smith – Opposition to the Office of Equity and Inclusion

Chair Smith closed the meeting for public testimony.

IV. COUNTY ADMINISTRATOR UPDATE

County Administrator Schmidt recognized Veterans Service Office staff for their work with a constituent.

V. COMMISSIONER COMMUNICATION

Commissioner Savas made comments on homelessness, camping regulations, and shelter capacity.

Commissioner West made comments on his trip to the National Association of Counties conference and tours of recovery centers in Texas.

Commissioner Schrader made comments on her trip to the National Association of Counties conference and tour of recovery centers in Texas, diversity, equity, and inclusion, and libraries.

Commissioner Shull made comments on forest resource management, fire safety, the economy, and government spending.

Commissioner Savas made comments on diversity, equity, and inclusion, and libraries.

Chair Smith made comments on libraries, recovery centers, and homelessness.

Chair Smith adjourned the meeting at 11:35 AM.

A few weeks ago, Commissioner Shull said, "I take exception to equity, inclusion and diversity; what I've seen is it foments tension."¹

Putting aside the obvious issue here- it isn't DEI that foments tension, it's systematic inequality- what is Commissioner Shull afraid of? What is driving the recent surge of pushback against DEI by far right-wing individuals?

Fear and denial.

Gartner, an organization that advises many of the top companies in the US, said about pushback to DEI efforts, "Denial is when [people] don't acknowledge the existence of structures like race, class or caste and ignore the resulting discrimination or bias. [Those] who react with a denial response do not acknowledge the different, often negative, experiences of marginalized employees in the workplace. Deniers also fail to recognize the underlying reasons why marginalized groups are underrepresented in the workplace and push back on initiatives that aim to address the root causes of underrepresentation...A lack of empathy for marginalized groups often enhances the threat perceptions that drive pushback."²

A Harvard Business review study³ found that some "may also fear that DEI initiatives imply that their achievements are not the result of their skills and qualities but rather their group membership." They called this "merit threat," in which advantaged-group members feel that recognizing the existence of bias, discrimination, and inequality "explains away" their own successes.

Truth is, you've supported DEI, Commissioner Shull. You recognize its importance and necessity even as you parrot right-wing talking points and rage against it. Just a couple of examples.

Last week, you unanimously approved an Intergovernmental Agreement with Portland State University National Policy Consensus Center for Phase II of the Clackamas County Local Public Safety Coordinating Council equity plan. Note that word "equity."

In 2022, you all (except for Commissioner West, who was not on the board) raved about and unanimously approved Clackamas County joining the Construction Careers Pathway Project⁴ a

¹ Oregon City News, "How has Clackamas County turned its focus on equity, diversity and inclusion?" https://www.oregoncitynewsonline.com/news/how-has-clackamas-county-turned-its-focus-on-equity-diversity-and-inclusion/article_9bf74fce-fd73-5148-bf1b-00099dcc5fbc.html

² Gartner- "How to Navigate Pushback to Diversity, Equity and Inclusion Efforts" <https://www.gartner.com/en/articles/how-to-navigate-pushback-to-diversity-equity-and-inclusion-efforts>Gartner.

³ Harvard Business Review, "To Overcome Resistance to DEI, Understand What's Driving It" <https://hbr.org/2023/03/to-overcome-resistance-to-dei-understand-whats-driving-it>

⁴ Lake Oswego Review, "Equity, diversity, inclusion: priority for Clackamas County" https://www.lakeoswegoreview.com/news/equity-diversity-inclusion-priority-for-clackamas-county/article_a6f7fee3-086e-5032-bf54-d8f283f6de6a.html

program to address a severe lack of women and people of color in the construction industry. The framework set several milestones for the county to work toward, including creating clear workforce diversity goals such as a minimum of 14% of all work hours being performed by women and 25% of all work hours being performed by people of color. This initiative is a prime example of DEI at work.

That's the reality. DEI works in the real world. Stop the charades and posturing, and let the Office of Equity and Inclusion keep up its good work.

July 27, 2023

Good Morning Board Members and all others here today. This is Monamarie McCreary a resident of Unincorporated Clackamas County.

Oregon has a long and well documented history of discrimination that we can't sweep under the rug.

In 2003 Carl Bell successfully sued Clackamas County for discrimination and won a \$1.5 million dollar settlement, almost twice the amount budgeted for the Office of Equity and Inclusion.

On July 19, 2012, Clackamas County adopted a resolution valuing Diversity, Equity and Inclusion but didn't open an official office until 2020. Ms Taylor Black claimed Clackamas County's inclusion policy "was nothing but talk". Lake Oswego Review report that she filed a tort claim on 11/30/2020.

In 2019, 2020 & 2021 Mark Shull publicly made disparaging remarks about marginalized communities & EDIC issued a statement against his odious words saying:

"We commend the Resolution of the Clackamas County Board of Commissioners in the Matter of Censure of Mark Shull passed on 1/14/2021. We will see your commitment to equity, diversity and inclusion, not just through your written statements, but in your budgets, programs and policies that you establish."

In an apology press conference on 1/18/21 Shull asked the community to look at his "performance in the coming weeks and decide." Reported OPB.

On July 12, 2023 FREEBACON reported that Shull said... "The letter we received from HereTogether Oregon, with the many signatures, is nothing more than progressive left political pressure [from] a minority with a loudmouth."

Again with the disregard for minorities. We see you Mark.

Axios reports that Mark was the first person on record to suggest defunding Office of Equity & Inclusion. How many of the employees in that office are in minority groups? How many of those employees will have discrimination claims against Clackamas County if they lose their jobs?

Like Patrick Clasen said last week regarding another matter, the Boards messaging is off, WAY OFF

Following the trail of public records, the fact that this is even on the table for discussion, looks like retaliation against EDIC because they stood up against Mark. IMO all things considered, if the Office of Equity & Inclusion is defunded, that would be negligence & prove Ms Black's case filed in 2020. I strongly suggest you seek legal guidance before you drive the county off a cliff into a sea of lawsuits that cost taxpayers money & minorities' grief.