

ANNOTATED MINUTES

Tuesday, October 1, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Three Month Update of the Status of Option I. Presented by Robert Jackson. (9:30 AM TIME CERTAIN)

UPDATED PRESENTED AND EXPLAINED BY ROBERT JACKSON AND HIS MANAGEMENT TEAM: CHRIS SWIBERG, MANAGER OF THE MANAGEMENT INFORMATION SERVICES DIVISION; JOANNE FULLER, ACTING MANAGER OF THE SPECIALIZED PROGRAMS AND SERVICES DIVISION; SUSAN KAESER, MANAGER OF THE ADMINISTRATIVE SERVICES DIVISION; HORACE HOWARD, ACTING MANAGER OF THE PROBATION/PAROLE FIELD SERVICES DIVISION; AND CARY HARKAWAY, MANAGER OF THE DIAGNOSTIC AND PROGRAM DEVELOPMENT DIVISION. NEXT UPDATE TO BE SCHEDULED DURING THE MONTH OF JANUARY 1992.

- B-2 Briefing on the 1991 Legislative Report. Presented by Fred Neal. (10:30 AM TIME CERTAIN)

1991 LEGISLATIVE REPORT PRESENTED AND EXPLAINED BY FRED NEAL AND HOWARD KLINK.

Tuesday, October 1, 1991 - 11:30 AM
Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-3 Review of Agenda for the Regular Meeting of October 3, 1991.

Tuesday, October 1, 1991 - 1:30 PM
Multnomah County Courthouse, Room 602

BOARD BRIEFING

- B-4 Briefing to Discuss Process for the Joint Governments Meetings on Consolidated Services. Presented by Hank Miggins and Maureen Leonard.

MAUREEN LEONARD PRESENTED AND EXPLAINED THE AGENDA OF THE OCTOBER 3RD JOINT GOVERNMENTS MEETING.

Thursday, October 3, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

C-1 In the Matter of the Appointments of Robert Skipper, Michael Schrunk, Donald Londer, Jim Hennings, Gary Hansen, Gary Smith and Paul Frank to the MULTNOMAH COUNTY COMMUNITY ADVISORY COMMITTEE for Terms to Expire July, 1993

APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-2 Ratification of an Intergovernmental Agreement Between Multnomah County and Mt. Hood National Forest, U.S. Department of Agriculture, to Provide a \$3,000 Donation Towards Tent Rental and Environmental Education Supplies for the 1991 Salmon Festival at Oxbow Park

APPROVED.

REGULAR AGENDA

NON-DEPARTMENTAL

R-1 Second Reading and Possible Adoption of an ORDINANCE Amending MCC 2.30.200 and Ordinance 686 by Assigning Certain Functions to the County Chair's Office

ORDINANCE NO. 698 APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 Budget Modification DES #13 Authorizing the Transfer of \$27,438 from General Fund Contingency to Facilities and Property Management to Fund Rental Parking for Elected County Officials and Judges for Fiscal Year 1991-1992

APPROVED.

R-3 Second Reading and Possible Adoption of an ORDINANCE to Provide Fee Schedule Changes for the Division of Assessment and Taxation

ORDINANCE NO. 699 APPROVED.

R-4 Second Reading and Possible Adoption of an ORDINANCE Amending the Multnomah County Code, Section 5.10.160, by Increasing Certain Fees

ORDINANCE NO. 700 APPROVED.

Thursday, October 3, 1991 - 1:30 PM
Multnomah County Justice Center
1120 S.W. 3rd, 14th Floor
Conference Room B

JOINT GOVERNMENTS MEETING

Second Meeting Between Fairview, Gresham, Multnomah County
Portland, Troutdale and Wood Village to Discuss Government
Services Such as Roads, Law Enforcement, Animal Control,
Land Use Planning, Emergency Management and Others.

SECOND JOINT GOVERNMENT MEETING WITH THE
CITIES OF GRESHAM, PORTLAND, TROUTDALE AND
MULTNOMAH COUNTY FACILITATED BY BILL DODGE.

PRESENT: CHAIR GLADYS McCOY, MULTNOMAH
COUNTY; MAYOR GUSSIE McROBERT, CITY OF
GRESHAM; SHARRON KELLEY, MULTNOMAH COUNTY; JACK
ADAMS, CITY OF GRESHAM; MIKE LINDBERG, CITY OF
PORTLAND; BABRARA CLARK, AUDITOR, CITY OF
PORTLAND; JO HAVERKAMP, CITY OF GRESHAM; JACK
GALLAGHER, CITY OF GRESHAM; GARY HANSEN,
MULTNOMAH COUNTY; PAULINE ANDERSON, MULTNOMAH
COUNTY; GRETCHEN KAFOURY, CITY OF PORTLAND;
BARBARA WIGGIN, CITY OF GRESHAM; EARL
BLUMENAUER, CITY OF PORTLAND; RICK BAUMAN,
MULTNOMAH COUNTY; AND MAYOR SAM COX, CITY OF
TROUTDALE.

NEXT MEETING SCHEDULED FOR THURSDAY, OCTOBER
24TH FROM 3:00 - 5:00 PM.

SUPPLEMENTAL AGENDA

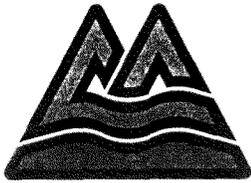
Thursday, October 3, 1991 - Immediately Following Regular Agenda
Multnomah County Courthouse, Room 602

PLANNING ITEM

P-1 CU 6-91 APPLICANTS' REQUEST FOR RECONSIDERATION of the
Multnomah County Board of Commissioners September 24, 1991
Decision to REVERSE the June 3, 1991 Planning Commission
Decision APPROVING, SUBJECT TO CONDITIONS, a Requested
Conditional Use Permit for a Commercial Activity that is in
Conjunction with Farm Uses in the EFU (Exclusive Farm Use)
Zoning District, for Property Located at 9833 NW CORNELIUS
PASS ROAD

RECONSIDERATION HEARING APPROVED AND SCHEDULED
FOR TUESDAY, OCTOBER 15, 1991 - 9:30 A.M. WITH
10 MINUTE LIMIT PER SIDE.

0173C/1-3
cap



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FOR THE WEEK OF

SEPTEMBER 30 - OCTOBER 4, 1991

- Tuesday, October 1, 1991 - 9:30 AM - Board Briefings. . . .Page 2
- Tuesday, October 1, 1991 - 11:30 AM - Agenda ReviewPage 2
- Tuesday, October 1 1991 - 1:30 PM - Board Briefing. . . .Page 2
- Thursday, October 3, 1991 - 9:30 AM - Regular Meeting . . .Page 2
- Thursday, October 3, 1991 - 1:30 PM - Joint Governments
MeetingPage 3

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers
- Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, October 1, 1990 - 9:30 AM

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DEPARTMENT OF ENVIRONMENTAL SERVICES

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DEPARTMENT OF ENVIRONMENTAL SERVICES

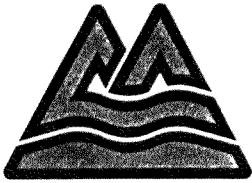
- R-2 Budget Modification DES #13 Authorizing the Transfer of \$27,438 from General Fund Contingency to Facilities and Property Management to Fund Rental Parking for Elected County Officials and Judges for Fiscal Year 1991-1992
- R-3 Second Reading and Possible Adoption of an ORDINANCE to Provide Fee Schedule Changes for the Division of Assessment and Taxation
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MULTNOMAH COUNTY OREGON

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1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

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SUPPLEMENTAL AGENDA

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Conjunction with Farm Uses in the EFU (Exclusive Farm Use)
Zoning District, for Property Located at 9833 NW CORNELIUS
PASS ROAD

0105C/4/dr

Meeting Date: OCT 0 1 1991

Agenda No.: B-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: OPTION I UPDATE

BCC Informal October 1, 1991 BCC Formal _____
(date) (date)

DEPARTMENT Dept. of Comm. Corrections DIVISION _____

CONTACT Robert Jackson TELEPHONE 248-3701

PERSON(S) MAKING PRESENTATION Robert Jackson

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30-45 minutes; set 9:30 time certain

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

The DCC will provide a three month update of the status of Option I, and present the Department's new organizational structure, Division objectives, and Department activities post Option I.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Robert A. Jackson

(All accompanying documents must have required signatures)

CLERK OF
COUNTY COMMISSIONERS
1991 SEP 26 AM 9:15
MULTNOMAH COUNTY
OREGON

Briefing
10-1-91
Handout #1
B-1

**MULTHOMAH COUNTY
DEPARTMENT OF COMMUNITY CORRECTIONS**

OPTION I BRIEFING MATERIAL

October 1, 1991

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**DEPARTMENT OF COMMUNITY CORRECTIONS
OPTION I TIMELINE**

| | Week of May 27th | Week of June 3rd | Week of June 10th | Week of June 17th | Week of June 24th |
|--|---|-----------------------------------|---|-------------------------------------|---|
| IGA SD/GN | Rewrite IGA as needed | Put IGA in final form | File IGA | IGA to Board | BCC approves IGA state signs IGA |
| Budget | Obtain additional | Finalize budget | File budget | Budget to Board | Modify CCA plan to reflect adopted budget CCAC/BCC approval |
| Telephone Services JD/GN/County Phone | Assess telephone needs | Develop telephone plan | | | |
| Personnel - Info Comm. Clarity SK/CU/MZ | Employee classification | Employee benefit conversion | | | |
| Automobiles RAJ/GN | GN - County Fleet | Assess vehicles for fitness | Move vehicles to County lot | | Begin rent to own payments |
| Facilities FAJ/MK/County FM/et. al. | Develop space needs plan | Research facility options | | | |
| Supervision Fee Collection Improvements GN/JR/WS/County Fiscal | Planning w/Branch Managers/County Finance | | Develop Plan/Forms; Selected S.E. to pilot automation | | |
| Field Services Operations JF/CH/KB | Operations Planning | | Conversion of cases to | Implement results of | |
| Property/Capital Assets MH/GN | Gather inventories | | Compare inventory list | Establish & maintain | |
| M.I.S. WS/User's Comm. | | Create User's Committee | Review DCC data flow | Continue MIS planning | |
| Strategic Planning Process SK/Design Team | Organizational Development | | | | Continue Strategic Planning Process |
| Employee Safety Committee | | | First meeting | | |
| Policy & Procedures | Development of Transitional | | | Review of Transitional Policy | |
| Program Development Committees CH/Chairs | | | | | |
| Training Committee | | | | | |

**DEPARTMENT OF COMMUNITY CORRECTIONS
OPTION I TIMELINE**

| | July | August | September | October | November | December |
|---|---|--|---|--|--|--|
| IGA | Implementation | | | | | |
| Budget | Develop 95% BUD expenditure plan | | Develop permanant budget reduction proposal Budget reduction plan approved | Develop budget monitoring system | Implement budget monitoring system | Begin to develop 1992-93 budget |
| Telephone Services JD/GN/County Phone | | | | Training & installation: voice mail, speed dial, multi-lingual initial message | Completion | |
| Personnel - Info Comm. SK/CU/MZ | Completion of employee benefit conversion | | | Organizational/classification plan | | |
| Automobiles RAJ/GN | Acquired surplus city-state vehicles; train employees | | | Develop vehicle needs plan | | |
| Facilities FAJ/MK/County FM/et. al. | Assume payment of existing loans | Evaluation of leases Assess space needs | Evaluating acquisitions and consolidation of offices | | | |
| Supervision Fee Collection Improvements GN/JR/WS/County Fiscal | Implement test project | Pilot cases entered on automated system | Modifications/MIS reports, Assessment of pilot projects | Add other branch cases to automated system | Continue to monitor, assess and modify | |
| Field Services Operations JF/CH/KB | Continue operational planning | | Parole Transition Project funding approved | ISU decentralization short term operational planning | Reorganization of workforce | Casebank misdemeanor non-Traffic cases. Consolidate traffic cases |
| Property/Capital Assets | Convert to county as leasee | | | | | |
| | Evaluate equipment needs/service needs | | | | | |
| M.I.S. WS/User's Comm. | | | | Second phase MIS planning CS/user's committee | | |
| Strategic Planning Process SK/Design Team | Continue strategic planning process | | Strategic planning group - first meeting | | | Complete strategic plan |
| Employee Safety Committee | Evaluation of safety issues | Identify safety equip. needs Purchase necessary safety equipment & provide training | Cap-stun training | Continuous coordination with Sheriff dept. for back-up support | | |
| Policy & Procedures | Implementation of transitional policy and procedures | | First meeting, policy and procedures committee | Review proposed policy and procedures with union, Counsel and labor relations | Complete policy and procedures manual | |
| Program Development Committees CH/Chairs | Formed: | | | | | |
| | Contract Services | | | | | |
| | Female offenders | | | | | |
| | Mental Health | | | | | |
| | Parole Transition | | Plan approved by state | Plan implemented | | |
| | Sex Offenders | | | | | |
| | Substance abuse | | | | | |
| | Limited supervision | | | | | |
| | | | | Gangs | | |
| | | | | | | |
| | Education/employment | | | | | |
| Training Committee | | | Inventory of employee participation in education/training committee | WordPerfect training begins | First committee meeting | |

STRATEGIC PLANNING OVERVIEW

Need For A Strategic Plan

- Creation of new Department of Community Corrections
- New undertaking for Department
- Develop organizational mission, goal, and objectives

Preplanning Design Process

- Creation of Department-wide planning process
- Tasks and timeline for design of planning process
- First Departmental meeting
- DCC/DOC Design Team meetings
- Recommendations developed for planning design

Employee Interviews and Survey

- Survey designed and implemented
- Findings:
 - Workload was rated as most critical issue facing staff with budget cuts, security/safety and resource availability close behind.
 - Behavior control was rated as the overriding role of corrections with the majority rating rehabilitation as important.
 - Effective leadership was listed as the most important issue to them personally with job resources, safety and job security close behind.

Managers Retreat: May 3, 1991

- Option I - advantages and disadvantages
- Integrated service delivery
- Management decision making
- Role of management in planning process

Work Session: May 24, 1991

- Identification and assignments of tasks
- Development of timelines

Managers Retreat: August 1-2, 1991

- Organizational Values
- Vision for Department
- Development of Mission Statement
- Roles and responsibilities within the organization
- Organization of planning process

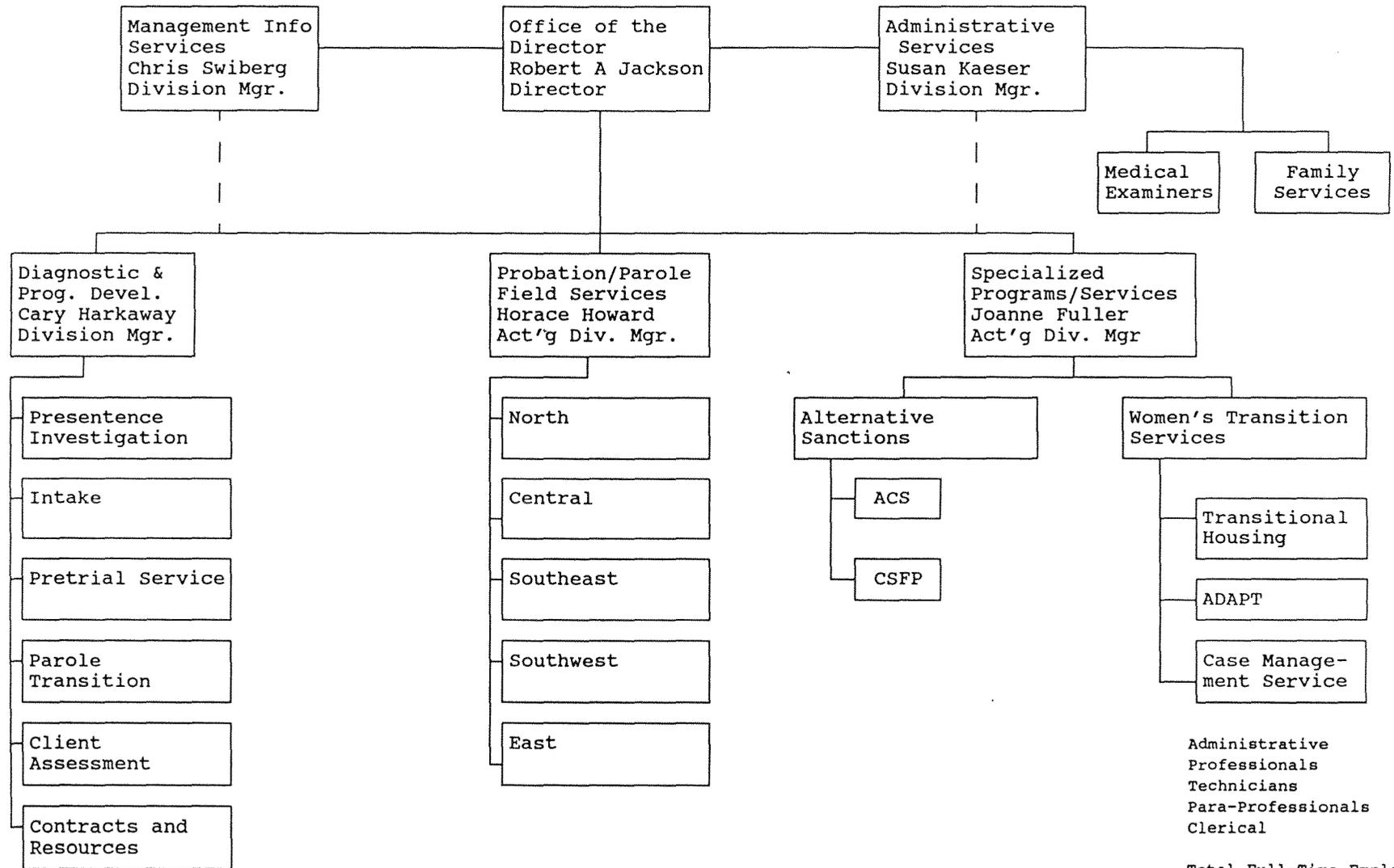
Managers Work Session: September 6, 1991

- Expanded workshop for all supervisory personnel
- Revised Mission Statement
- Reviewed short and long term objectives
- Team building:
 - How to build a team to accomplish our mission
 - Identify potential barriers
 - Utilizing diverse skills

MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY CORRECTIONS

DEPARTMENT MISSION STATEMENT

The mission of the Multnomah County Department of Community Corrections is to enhance public safety and promote the reformation of offenders in the community through an integrated array of supervisory, rehabilitative and enforcement interventions.



| | |
|--------------------|-------|
| Administrative | 28.0 |
| Professionals | 139.5 |
| Technicians | 5.0 |
| Para-Professionals | 35.0 |
| Clerical | 48.5 |

Total Full-Time Employees 256.0

PROFILES

ROBERT A. JACKSON joined the Multnomah County Department of Community Corrections as Director on November 1990. Prior to joining the County, he served as an Assistant to Governor Neil Goldschmidt for criminal justice and drug-control related issues, and was the Administrator of the Criminal Justice Services Division of the Executive Department. He also served as a Director for the New York State Commission of Corrections and Deputy Director of the Bureau of Municipal Police in New York State.

SUSAN KAESER, Manager of the Administrative Services Division, has twenty years of experience working with non-profits and public agencies in the Portland Metropolitan area in the oversight of policy and program development, accounting and fiscal management, and troubleshooting. After serving as Program Coordinator of the Washington County Community Services Program from 1979 to 1983, Susan began her employment with the Department in 1983, as Program Supervisor of the Alternative Community Services program. She became Program Manager in 1990. Susan also serves as Treasurer of the National Community Service Sentencing Association, and has contributed her time and energy to local Parks and Recreation programs and community action agency work on DUII offenders.

CARY W. HARKAWAY, Manager of the Diagnostic and Program Development Division, began his career in corrections in 1976, as a probation officer in New York State. Relocating to Oregon in 1979, Cary resumed his duties as a Parole/Probation Office with the Oregon Department of Corrections until 1984, when he became Projects Manager with the Community Corrections Division. Cary continued his professional growth, becoming Senior Program Development Specialist, Programs Manager, and in 1990, Director of the Department's Program Services Division. Cary was appointed by Governor Neil Goldschmidt in 1990, to the Oregon Community Corrections Advisory Board.

HORACE J. HOWARD, SR., Acting Manager of the Probation/Parole Field Services Division, has acquired a wide range of work experience in the field of Oregon corrections since 1980, including: Corrections Officer in Multnomah County; Parole Analyst in Salem; Parole and Probation Officer for six years in Portland; Supervisor at two Portland branch offices; and Southeast Portland Branch Manager. In addition, Horace currently serves as a member on the state-wide Corrections Operations Committee on Rules and Procedures, and the Multnomah County Managers of Color Committee.

JOANNE FULLER, Acting Manager of the Specialized Programs and Services Division, has contributed her time, energy and efforts in serving the Oregon community since 1981. In addition to her involvement in the Department as Program Manager, Office of Women's Transition Services from 1988 to 1991, Joanne serves as Chair of the Minority Committee for the Multnomah Council on Chemical Dependency, and as President and a member Board of Directors of Delauney Mental Health Center. Joanne also serves as Adjunct Faculty at Portland State University School of Social Work. She has extensive work experience from 1981 to 1988 in Mental Health/Emergency Services.

CHRIS R. SWIBERG, Manager of the Management Information Services Division, comes to the Department as a 16-year veteran of the private sector, that included managerial and instructional positions at Tektronix, Inc. and Xerox, Inc. Chris began her employment in corrections in 1988, when she designed a case management system for the study of traffic offenders, resulting in system implementation in 80% of correction field offices in the State of Oregon.

OFFICE OF THE DIRECTOR

DESCRIPTION:

The Director's office is responsible for providing overall management, administrative coordination, and operational control for the Department. The Office serves as the liaison with other components of the County's criminal justice system, and coordinates the Department's activities with both state and federal agencies. Using the Department's strategic planning process as a model for rational decision making in a complex and dynamic criminal justice environment, this Office will work with the Board of County Commissioners, the District Attorney, and the Sheriff to develop policy options based upon principled correction practices.

| |
|---|
| OFFICE OF THE DIRECTOR Robert A. Jackson Director |
|---|

| | |
|---------------------------|------------|
| Administrative | 1.0 |
| Professional | <u>1.0</u> |
| Total Full-Time Employees | 2.0 |

OBJECTIVES:

Provide leadership and direction for the Department.

- Serve as the principal advocate for community corrections policy development.
- Serve as a vehicle for educating and informing the community about community corrections and criminal justice matters.
- Develop a community corrections planning process consistent with the Department's mission and the Divisions' goals and objectives.

Institutionalize the strategic planning process for the Department.

- Provide planning coordination and guidance in accordance with the policy directions established by the Board of County Commissioners.
- Create an organizational environment where a planning process improves decision making.
- Use the planning process to expedite the implementation of policy.

Create an organization that values diversity.

- Develop a team approach to problem solving and issue resolution.
- Create a participatory methodology for developing decision options.
- Create an environment that is driven by rational, thoughtful and varying views on community corrections and criminal justice issues.

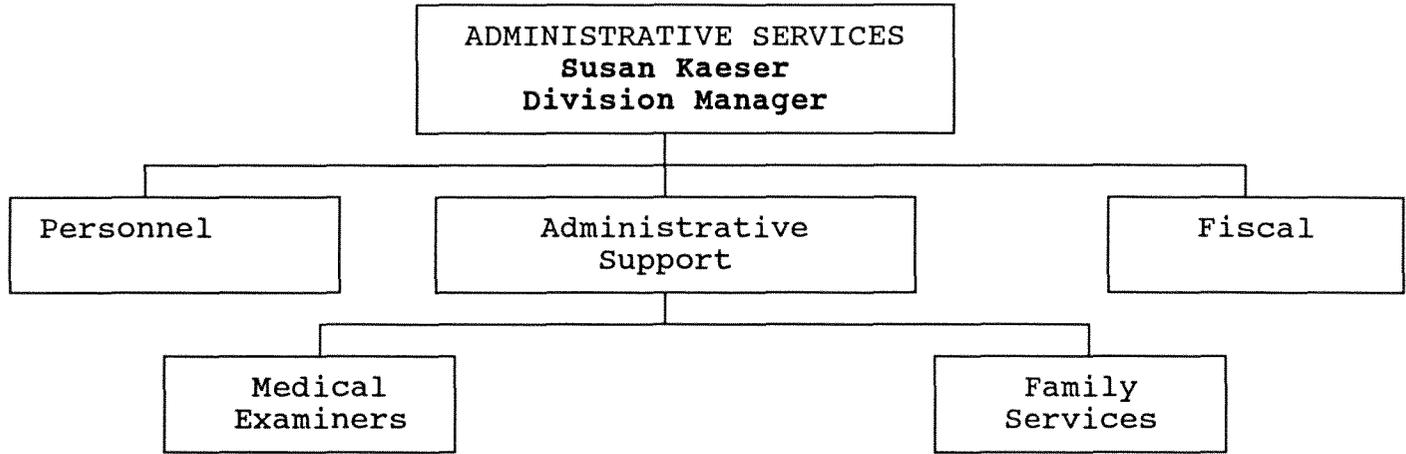
Develop a community corrections agenda for the year 2000.

- Assume a leadership role in creating a regional community corrections agenda which offers supervisory and rehabilitative services.
- Serve as a forum for exploring researched and creative approaches to community corrections issues.

ADMINISTRATIVE SERVICES DIVISION

DESCRIPTION:

The Division provides centralized administrative support and coordination for the Department. Functional areas within this Division includes: fiscal management and control, personnel management, policy and procedure development, employee safety, and budget development.



| | |
|---------------------------|------------|
| Administrative | 2.0 |
| Professional | 1.0 |
| Para-Professional | 1.0 |
| Clerical | <u>2.0</u> |
| Total Full-Time Employees | 6.0 |

| | |
|---|------------|
| <u>Medical Examiner/Family Services</u> | |
| Administrative | 2.0 |
| Professional | 7.5 |
| Technicians | 5.0 |
| Clerical | <u>4.5</u> |
| Total Full-Time Employees | 19.0 |

OBJECTIVES:

Centralization of all fiscal functions.

- Convert all fiscal records to standardized format.
- Convert fiscal records to computerized management forms.
- Convert fiscal forms for computer application.
- Develop audit and projected expenditure reports for Division Managers.

Promote positive labor-management relations that address issues and concerns in a constructive, effective, and efficient manner.

- Create a Department level labor-management committee.

Facilitate and implement active affirmative action plan.

- Target recruitment of minorities.
- Provide work/study placements and mentorship training.
- Require diversified applicant pools at all phases of application process.
- Evaluate hiring managers based on achieving affirmative action goals.

Coordinate Option I conversion issues including facilities, automobiles, phones, personnel, benefits, equipment, and leases.

- Develop Department Policy & Procedure.
- Develop facility and automobile acquisition/utilization plan.
- Convert support systems to County.

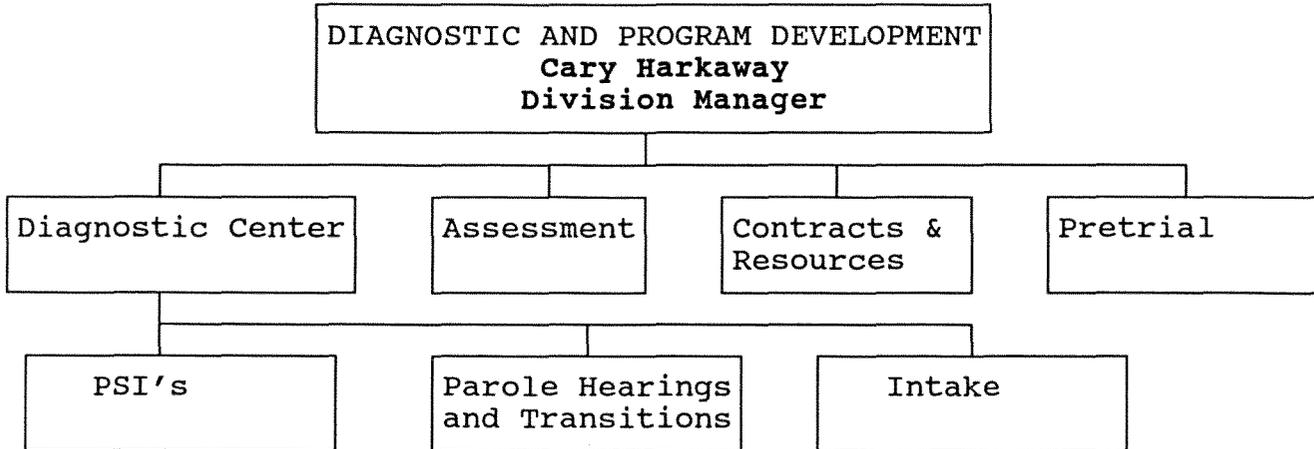
Ensure the Department provides a safe working environment.

- Coordinate the development of plans to address office and field safety issues.
- Conduct site inspections.
- Facilitate training and purchase equipment to enhance safety.

DIAGNOSTIC AND PROGRAM DEVELOPMENT DIVISION

DESCRIPTION:

The Division provides diagnostic assessment and referral services through the delivery of pretrial, presentence investigation, and intake functions. The Division plans, manages, and evaluates correctional programs and contracts services for pre- and post-sentenced adult offenders.



| | |
|---------------------------|-------------|
| Administrative | 5.0 |
| Professional | 25.0 |
| Para-Professional | 21.0 |
| Clerical | <u>12.0</u> |
| Total Full-Time Employees | 63.0 |

OBJECTIVES:

Make presentence investigation and parole and probation intake processes more efficient.

- Combine felony and misdemeanor presentence investigation and intake functions at the Diagnostic Center.

Provide enhanced diagnostic information and program recommendations at key decision points.

- Enhance assessment resources at the Diagnostic Center.
- Develop standardized assessment instruments for high impact program areas.
- Provide psychological evaluations and specialized sex offender evaluations for the sentencing courts.

Begin case planning as early as possible and assure continuity of supervision and a seamless flow of case information between pretrial and post trial supervision.

- Make assessment and referral resources available to pretrial case managers, presentence investigators, and intake officers.
- Insure that pretrial case summaries and assessments are made available to the Diagnostic Center for post trial case planning.
- Develop a database which links pre and post trial supervision, assessment, and resource personnel.

Reduce the number of parole revocations that occur within the first few months of supervision.

- Provide two transitional parole officers to begin working with inmates.
- Centralize parole intake, the transitional parole officers, Hearings Officers, a Drug and Alcohol/Mental Health Specialist, and a Resource Specialist at a Parole Center.
- Provide structured, drug-free housing for parolees involved in drug treatment.
- Implement a structured decision making process for parole revocation hearings that considers risk to public safety and alternative local sanctions and services.

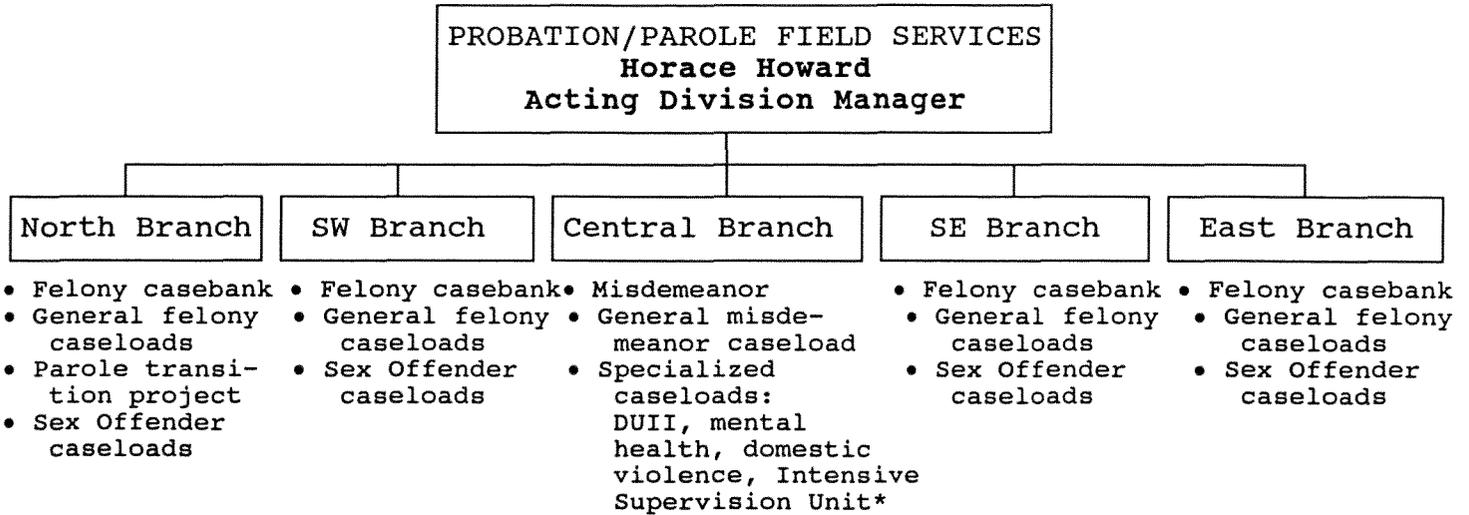
Assure the delivery of cost-effective contract services.

- Staff program development committees which provide needs assessment, planning, implementation, and evaluation assistance.
- Monitor contract compliance.
- Evaluate programs for process and impact outcomes.
- Provide technical assistance to contractors.
- Facilitate problem solving meetings involving contractors and probation officers.

PAROLE AND PROBATION FIELD SERVICES DIVISION

DESCRIPTION:

The Division provides supervision of approximately 10,000 offenders in Multnomah County - approximately 1,900 misdemeanants and over 8,000 felons. Supervision involves monitoring offenders' behavior in the community to prevent recidivism, making home and collateral contacts, involving offenders in meaningful activities, including full-time employment, counseling offenders and programming them for treatment as needed, and using all available alternatives before recommending incarceration to releasing authorities.



*Intensive Supervision Unit to be decentralized to each branch as of October 15, 1991.

| | |
|---------------------------|-------------|
| Administrative | 14.0 |
| Professional | 98.0 |
| Clerical | <u>27.0</u> |
| Total Full-Time Employees | 139.0 |

OBJECTIVES:

To provide a proactive approach to supervising offenders in the community, enabling the Division to intervene before behavior leads to inappropriate and criminal acts.

- Conduct home visits and make collateral contacts to aid in monitoring offenders behavior and intervene at the appropriate time.
- Use of electronic monitoring with bracelets to permit offenders to remain in the community in lieu of being incarcerated.

To provide assistance to those offenders with special needs for them to remain in the community as law-abiding citizens.

- Assign more serious drug offenders to the Intensive Supervision Unit for closer supervision and monitoring.
- Parole Transition Officers to assist in the transition of offenders from the institution into the community. Under this program, parolees will have a better chance of succeeding if their needs are dealt with up front by transitioning them into the Intake Unit upon their release from custody.
- Consolidation of DUII and traffic offenders to one office.

- Casebanking of both felony and misdemeanor cases of less serious offenders.
- General caseloads of those cases with more serious criminal records, or for crimes such as sex offenses or domestic violence.
- Sex offender caseloads to be supervised by officers who have special training in that area, as these offenders have unique problems.

Provide an even balance of workload among the five branch offices and staff.

- The offender population in Multnomah County is distributed among the five branch offices by zip codes.
- Assigning subsidy cases to those offices where the subsidy housing is located.

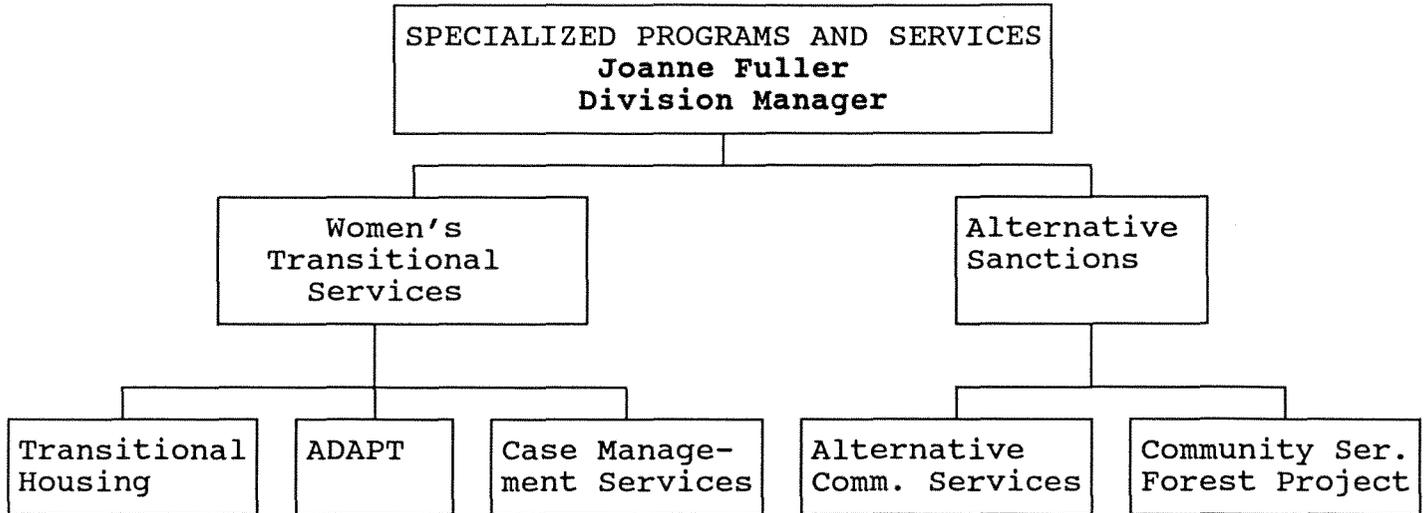
Provide a process that will closely monitor the placing of detainers, authorizing arrests, and submitting revocation reports to reduce the number of offenders returned to prison or imprisoned for the first time.

- All detainers and authorization to arrest will be approved by the unit supervisor or branch manager.
- All revocation reports will be signed off by the unit supervisor or branch manager after the case has been staffed with them by the Parole/Probation Officer.

SPECIALIZED PROGRAMS AND SERVICES DIVISION

DESCRIPTION:

The Division provides innovative programs and services appropriate to the specialized needs of offenders. These services include alternative sanctions, specialized case management, and utilization of treatment alternatives in support of the courts and supervision.



| | |
|---------------------------|------------|
| Administrative | 3.0 |
| Professional | 7.0 |
| Para-Professional | 12.5 |
| Clerical | <u>3.0</u> |
| Total Full-Time Employees | 25.5 |

OBJECTIVES:

Develop effective programming and services to meet specific offender needs.

- Promote coordination of existing services to maximize resources and meet the multiple needs of offenders.
- Develop additional funding sources to enhance existing programs and create new specialized programs.
- Assess feasibility of duplicating the case management model with specialized offender populations.
- Develop assessment system to identify changing offender needs and determine strategies to address these needs.

COMMUNITY SERVICE FOREST PROJECT

Strengthen and solidify all program components, while maximizing productivity through automation.

- Promote more direct communications between probation, parole, and CSFP program staff.
- Consolidate services provided by the County and U.S. Forest Service to promote more efficient operations.
- Expand agency-base purchasing crew time.
- Re-examine replication of the forest project for females.
- Complete automation of crew/client tracking systems.
- Automate reporting and billing systems for crew activities.

ALTERNATIVE COMMUNITY SERVICES

Increase program effectiveness to courts and supervision through appropriate system changes and improvements.

- Develop alternative funding arrangements to support crew activities.
- Review and revamp client processing procedures.
- Implement Quality Assurance program.
- Complete automation of client tracking systems.
- Automate client, agency, probation and court reporting procedures.

WOMEN'S TRANSITION SERVICES

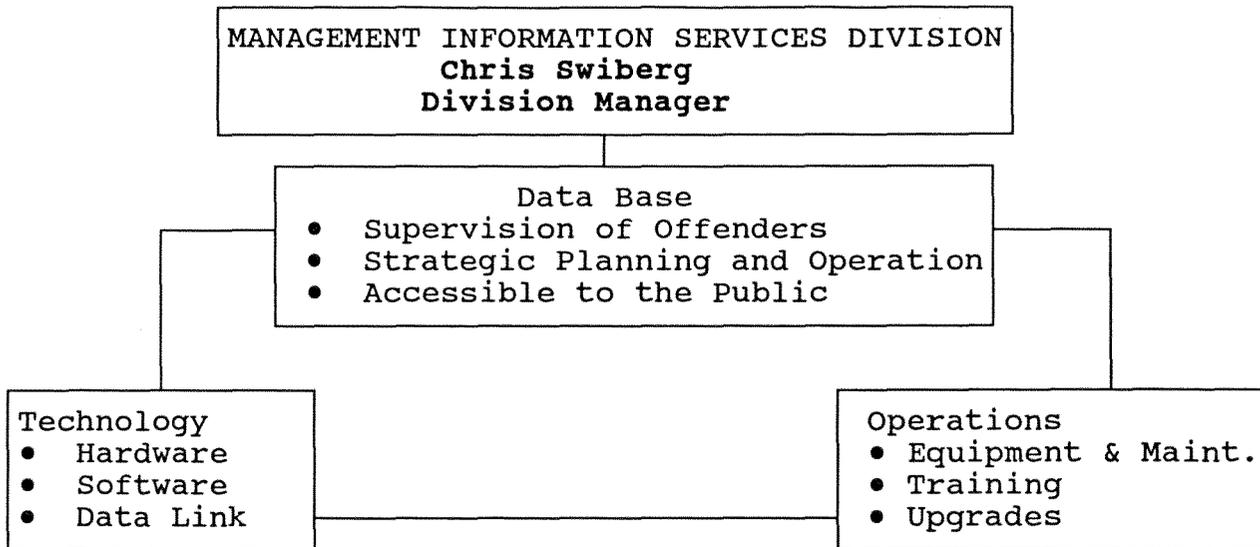
Provide case management specialized services and programs designed specifically for female offenders.

- Establish a multi-purpose center for female offenders.
- Assess the feasibility of establishing a second stage transitional house.
- Analyze data from initial two years of a demonstration program for pregnant, drug-addicted female offenders.
- Revise eligibility criteria and standards for case management services.
- Coordinate with the County Drug and Alcohol Department to sponsor networking opportunities and training for professionals working with recovering women.

MANAGEMENT INFORMATION SERVICES DIVISION

DESCRIPTION:

The Division is responsible for providing and maintaining automated programs which allow the user to access or input information to be used for tracking, decision choices, and/or clarifying problems.



| | |
|---------------------------|-----|
| Administrative | 1.0 |
| Para-Professional | .5 |
| Total Full-Time Employees | 1.5 |

OBJECTIVES:

Creation of a data base which serves the Department's need for timely access to information, allowing for supervision of offenders and protection of the community.

- Identify and establish priorities for data elements needed by community corrections, and establish type of desired informational output.
- Develop a plan to access essential data in other governmental systems.
- Develop a system which allows for ease of input and retrieval of information.
- Develop system security measures to provide for data protection and restrict unauthorized access to information.

Creation of a data base which offers support for strategic planning and operation control decisions.

- Identify factors needed for decision making for incorporation in the data base.
- Disseminate data base output to assist in development of Department and public policy.
- Develop means for measuring the factors which contribute to the efficient and effective delivery of programs and services.
- Design program flexibility based on a "value-added" environment where growth, changes in policy, and direction are identified and supported on an on-going basis.

Creation of a data base where information regarding the essential elements for serving and protecting citizens is readily accessible to the public.

- Identify elements needed for a data base which will demonstrate correction's accountability to the public, including the intent and success of Department policies and activities.
- Create a communication forum between governmental agencies regarding common informational needs.
- Identify and incorporate in the data base elements which are intended to increase responsiveness to citizen concerns.

Meeting Date: OCT 01 1991

Agenda No.: B-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Legislative Report Briefing

AGENDA REVIEW/
BOARD BRIEFING 10/1/91 REGULAR MEETING _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Fred Neal TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION Fred Neal, Howard Klink

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Briefing on 1991 Legislative Report

1991 SEP 29 PM 5:31
MULTI-NOMINATING COUNTY
OREGON

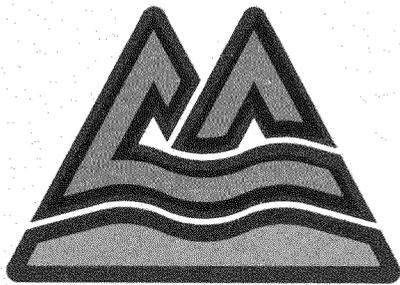
(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Madyn McCaff*
Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)



**MULTNOMAH COUNTY
OREGON**

LEGISLATIVE REPORT

**1991
SESSION**

BOARD OF COUNTY COMMISSIONERS

Gladys McCoy, Chair
Pauline Anderson
Rick Bauman
Gary Hansen
Sharron Kelley

AUDITOR

Gary Blackmer

DISTRICT ATTORNEY
Michael Schrunk

SHERIFF

Robert Skipper

FOREWORD

Report Overview

This Report reflects the review of over 400 bills that became law of the 1,117 legislative measures tracked by Multnomah County during the 1991 Legislative Session. Department and Division managers and representatives of the District Attorney and Sheriff have read each measure and determined the impact, if any, the legislation will have on Multnomah County's policies, programs, and citizens. In all, measures are analyzed. The reader will find a Measure under the broad subject headings deemed most appropriate, in numerical order, Senate bills first, then House bills. The three exceptions are the multiple bills relating to: Forfeitures, Child Abuse, and Human Resources Budget. Each bill number is followed by its Chapter number in Oregon Laws 1991. Unless otherwise noted, measures enacted by the 1991 Legislative Assembly took effect September 29.

Legislative Overview

The same issue which dominated the deliberations of the 1991 Legislature continues to be of primary concern to the County and governments state-wide: how to provide stable funding for vital public services in a post-Measure 5 world. The Legislature passed two major bills to implement Measure 5 and then proceeded to be most concerned with the specter of being responsible for an increasing portion of state-wide school costs in the coming Biennia. This now-constitutionally-mandated preoccupation with school finance caused what one prominent Multnomah County State Senator termed "Measure 5 Denial," with little proactive attention paid to the immediate impact of the new tax limitation on noneducation local taxing districts. For example, Multnomah County's Library Advisory Board's suggestion this Spring of an Employment Tax to make up the lost General Fund and Serial Levy revenues for library operations and construction caused a dismaying flurry of negative reaction in the Capitol, with threats of total preemption of local taxing authority, and little respect for the magnitude of immediate 1991-92 losses to the County's tax receipts

Cooler heads prevailed however, and the result was HJR 68, calling for a "Period of restraint" by local governments and pledging inclusion of local governments in legislative efforts to reform the State's tax structure. Another good example of "Measure 5 Denial" was the failure of Senate Bill 441, which would have relieved counties of the obligation of funding schools out of diminished County General Funds, at least to the extent of the reduction under Ballot Measure 5. That failure represents over a quarter of a million dollars Multnomah County is not able to levy, but must pay over from remaining tax dollars. Thus, the impact on County services of Measure 5 is doubled, while beneficiaries of the County School Fund are held harmless.

Another disturbing example of "Measure 5 Denial" was the propensity to direct local budget decisions for specific local services with Maintenance of Effort requirements to remain eligible for state-shared resources. Happily, in both instances - library and health funding - counties and cities were held only to the level that results from reduction of revenue under the Tax Limitation.

Finally, there were some unnecessary lapses into "Unfunded State Mandates" that will cost Multnomah County significantly. For example, the increase in PERS benefits under Senate Bill 656 is offset for the State and schools under House Bill 2352, but not for individual cities and counties. It is estimated that Multnomah County will need to spend over \$250,000 more next year in PERS reserves, with subsequent increased obligations thereafter.

The 1991 Session was not all doom and gloom, however. Major initiatives supported by the County were successfully brought to fruition, albeit without full funding. The Housing Trust Fund, House Bill 3382, was enacted to provide for short-term urgent housing needs as well as to begin sustainable long-term efforts to address affordable housing for persons of low- and moderate-income. A package of measures to more aggressively and systemically prevent child abuse was adopted. And the beginnings of "Mandate Sensitivity" saw the elimination of some archaic and bothersome dictates to counties, though any mandates of fiscal consequence to the County were put on hold until the State has a better sense of its own future budget capabilities.

That future is problematical: With both State and local governments involved in the broad range of efforts currently underway to define their respective roles and responsibilities, and with Governor Roberts' ambitious grass-roots Conversation with Oregon just begun, it's impossible to predict who is going to pay for what services delivered by which unit of government. Optimists must bring to the debate their best knowledge and hopes and expect that, through cooperative effort, we will find the appropriate and needed level of public services to keep Multnomah County and the State competitive and livable into the 21st Century.

Acknowledgements

Multnomah County, once again, benefitted from the skills and leadership of its Legislative Delegation, co-chaired by Senator Jane Cease and Representative Vera Katz. The members took individual responsibility for County issues small and large and shepherded each through the labyrinth.

The Delegation met regularly and included the cities of Gresham and Portland in their discussions, enhancing the cooperativeness between governments. Within the County structure, the elected officials hit the road to Salem frequently and Department liaisons and analysts were quick to provide needed analysis and informational testimony when asked. Certainly, the staff of the Association of Oregon Counties and the Local Government Personnel Institute played a key role for the County by always considering the effect of their activities on their both smallest and largest County: Multnomah.

Finally, this Report would not be in your hands but for the patience and persistence of Monell Montel, Word Processor Supreme.

Respectfully submitted to the County Chair and Board of County Commissioners, October 1, 1991.

Fred R. Neal, Intergovernmental Relations Officer
Judy Shioishi, Legislative Assistant

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BOARD OF COUNTY COMMISSIONERS

Legislative Liaison: Fred R. Neal
Phone: 248-3308

SB 562 (C. 461, OL '91) ALLOCATION OF LOTTERY PROCEEDS

Allocates lottery funds to various agencies including video lottery proceeds. Makes provision for under-and over-realization of lottery funds. Requires transfer of video lottery receipts to counties for economic development.

The Oregon State Lottery Commission shall transfer an amount equal to 2.5% of the net receipts from video lottery games from the State Lottery Fund to counties for economic development activities. Ninety percent of the moneys shall be distributed to each county in proportion to the gross receipts from video lottery games from each county. Ten percent of the moneys shall be distributed in equal amounts to each county.

IMPACT ON COUNTY: Multnomah County is estimated to generate 25% of video poker revenues, provided that video poker survives the pending legal challenge. Thus, \$1.14 million to \$1.37 million a year should ultimately be available to the County for Economic Development. (See HB 3152). Other lottery allocations of interest to the County include continued funding of Regional Strategies and the Special Public Works Fund, as well as \$1.6 million for OMSI (contingent on video poker).

EFFECTIVE JULY 1, 1991.

SB 636 (C. 565, OL '91) OREGON BENCHMARKS

Declares State objectives relating to work force quality, quality of life and economic progress and itemizes specific criteria - called "benchmarks" - against which progress in the State's attainment of these objectives shall be measured by the Oregon Progress Board.

Directs the Oregon Progress Board to measure the State's performance against social, economic and quality of life benchmarks contained in the bill and to report such measurements in a biennial report. The report may also contain other measures of Oregon progress devised by the Board.

Identifies certain benchmarks in each of the three main areas as critical areas for short-term emphasis.

IMPACT ON COUNTY: The Benchmarks are expected to provide measurements of success in nearly every activity undertaken by State government, including those programs which are shared with or delegated to Multnomah County.

EFFECTIVE JUNE 30, 1991.

SB 721 (C. 414, OL '91) PUBLIC CONTRACTING, ARCHITECTS AND ENGINEERS

Requires the Attorney General to add, to the Model Public Contract Rules, Rules on the screening and selection of persons to perform architectural and engineering personal service contracts. These rules may be adopted by any local Public Contract Review Board.

SB 1185 (C. 396, OL '91) TAX COORDINATION PLANS

Requires preparation of a tax coordination plan by all units of local government in a county for the fiscal year 1992-93. Sets forth notice procedures and contents of the plan. Requires special public hearing at least 30 days before ballot measure is filed with Elections office to seek tax increase. Requires elections officer to not place measure on ballot unless local government certifies compliance with the Act. In addition, requires ORS 190 agreement, resulting in changes of service responsibility to include any effect on tax coordination plan. Further, ballot measures proposing a new or increased property tax between September 29, 1991 and January 1, 1994, shall include a statement as to whether or not the proposed measure would reduce property tax collections for other units of local government. Allows County to designate other public body in County to be responsible for tax coordination.

IMPACT ON COUNTY: It is likely that the County Board will delegate tax coordinating effort to the Tax Supervision and Conservation Commission.

SB 1214 (C. 583, OL '91) INTERGOVERNMENTAL AUTHORITIES

Provides that intergovernmental agreements may provide for the performance of a function or activity by an intergovernmental entity created by the agreement and governed by a board or commission appointed by, responsible to, and acting on behalf of the parties to the agreement. The intergovernmental entity is authorized to issue revenue bonds subject to certain procedures, hold property and adopt rules to carry out its powers and duties. The entity shall not have the power to impose taxes or issue general obligation bonds and may be terminated by unanimous vote of the parties to the agreement.

Prior to the effective date of the agreement creating the entity, each of the parties shall enact an ordinance ratifying the agreement. The ordinance shall set forth the effective date, public purposes for which the entity is being created, and the powers, duties and functions of the entity.

HB 3064 (C. 556, OL '91) SOCIAL SERVICES TRANSFER OF COUNTY PROPERTY

Authorizes political subdivisions to grant title to any property to nonprofit or municipal corporations for the purpose of providing low-income housing, social services or child care. Housing purposes may result in transfer of property to low-income families or individuals. For counties, property may include that held as a result of tax foreclosure.

IMPACT ON COUNTY: Clarifies that property transfers remain valid as title is assumed for housing by low-income citizens. Broadens purposes of transfers to include other priorities of County. Transfers of tax foreclosed property will result in some diminished return to the Unsegregated Tax Fund, at least for properties for which market demand exists.

EFFECTIVE JULY 14, 1991.

HB 3065 (C. 615, OL '91) CANCELLATION OF DELINQUENT TAXES

Allows counties, before January 1, 1994, to cancel delinquent taxes and interest on property owner donates to a private nonprofit or public body for low-income housing, social services or child care.

IMPACT ON COUNTY: Facilitates donation of properties which have outstanding tax liens.

HB 3151 (C. 962, OL '91) GRAY GAMES BAN (VIDEO LOTTERY)

Provides the specific language necessary by defining a "Gray Machine" and "Casino Game" to specify the procedures for the use and enforcement of video lottery games. Bans use of video poker games not owned or authorized by Oregon Lottery Commission. Contains a 6% allocation for counties from video lottery revenues - 3% for law enforcement and 3% for addiction treatment, in addition to the allocation of 2.5% to counties in SB 562 for economic development. The law enforcement share is to be partly apportioned by counties to the cities in each county have police agencies.

IMPACT ON COUNTY: Assuming 25% of State video poker revenues are generated in Multnomah County, the County could ultimately receive \$1.65 million annually in addictive behavior treatment moneys, \$1.65 million for law enforcement (shared with cities) and \$1.35 million a year for "economic development." The 6% allocation to counties is currently under legal challenge as an unconstitutional use of administrative lottery dollars, so its fate is uncertain at this time.

EFFECTIVE AUGUST 10, 1991.

HB 3222 (C. 847, OL '91) DISCLOSURE OF TERMS OF SETTLEMENT

Prohibits public bodies from entering into confidential settlements of claims in tort or for unlawfully spending public money. Authorizes court to order terms and conditions of settlement confidential if court determines that specific private interests outweigh public interests.

IMPACT ON COUNTY: Multnomah County does not have a history of confidential settlements. However, the statute will require additional court filings which will put added demands on a legal staff which is already severely time pressured.

HB 3361 (C. 653, OL '91) ILLEGAL DUMPING

Authorizes cities and counties to civilly enforce ordinances prohibiting unauthorized dumping of waste. The civil penalty may include costs incurred in removing waste and restoring property. Creates rebuttable presumption that addressee whose name appears on articles of waste is the person who illegally dumped the waste.

HB 3590 (C. 970, OL '91) PROHIBITION OF COUNTY CIGARETTE MACHINE REGULATION

This bill has four components: prohibits possession of tobacco products by minors with violations punishable by a fine of not more than \$100; prohibits certain placement of vending machines in locations accessible to minors; prohibits cities and counties from regulating such vending machines; and makes endangering the welfare of a minor by the distribution and sale of tobacco to persons under the age of 18, a crime punishable by a fine of not less than \$100 nor more than \$500.

IMPACT ON CITIZENS: The goal of this legislation is to reduce tobacco use among minors, a measure which would positively impact the health of our community. Regulating vending machine access and making the sale of tobacco to persons under 18 years of age a crime are important steps in the effort to reach this goal. Punishing minors for possession, however, will only force these individuals to hide their tobacco use thus making additional intervention and prevention measures much more difficult to pursue. Prohibiting the placement of vending machines from certain areas accessible to minors and prohibiting cities and counties from regulating such vending machines should not have a large impact on County resources, aside from the need for enforcement. Costs would also be incurred in the enforcement of the section regarding endangering the welfare of a minor.

HJR 68 PERIOD OF TAX RESTRAINT

Asks that statewide local government associations promote a period of restraint until July 1, 1992, during which the enactment by local government of new or increased taxes designed to fund new programs is viewed with restraint, except where replacement cannot be avoided because of state or federal mandates, or is essential to existing programs or public health, safety, and welfare. In turn, pledges that Legislature will not preempt authority of local government to raise taxes, and will include cities, counties, and special districts in any process to design and implement comprehensive changes in Oregon's taxing system.

MANAGEMENT SUPPORT SERVICES

Legislative Liaison: Barbara Simon

GENERALLY

SB 63 (C. 517, OL '91) SMALL BUSINESS ASSISTANCE PROGRAM CONTINUATION

Continues current Emerging Small Business Assistance Program beyond scheduled "sunset" date of June 30, 1991. Changes definition of "emerging small business" by reducing maximum amount of annual gross receipts necessary to qualify as such. Allows emerging small business seeking public contracts to provide security for bids and performance through individual as well as corporate sureties. EFFECTIVE JULY 1, 1991.

SB 67 (C. 91, OL '91) PUBLIC CONTRACTING BID VIOLATIONS

Amends the maximum disqualification period for bidders who abuse the MBE/WBE bidding system. Guilty bidders (contractors and sub-contractors) may have their right to bid on or to participate in any public contract suspended, for a period of up to five years. (Previously the maximum time was 3 years). After five years, the past violations will not count in determining second and third violations.

HB 2042 (C. 20 OL '91) "EMERGENCY" PUBLIC CONTRACTING

Defines the term "emergency" for purposes of public contracting provisions of ORS Chapter 279. "Emergency" means: "circumstances that could not have been reasonably foreseen that create a substantial risk of loss, damage, interruption of services or threat to the public health or safety that requires prompt execution of a contract to remedy the situation."

IMPACT ON COUNTY: Provides a uniform definition of "emergency" in public contracting law. Clarifies procedures to be used in instances of "emergencies," particularly the use of advertising, bidding, and award. EFFECTIVE JULY 17, 1991.

HB 2043 (C. 197, OL '91) PUBLIC BIDDING REGISTRATION REQUIREMENTS

Where registration with the Construction Contractors Board or a license with the State Landscape Contractors Board is required for State-funded projects. This bill requires that public contracting agencies declare those requirements in bid advertisements for construction contracts.

IMPACT ON COUNTY: Potentially reduces time lost in reviewing unqualified bids.

IMPACT ON CITIZENS: May save potential applicants time in bid preparation, or encourage correct registration and licensing.

EFFECTIVE JUNE 10, 1991.

HB 2463 (C. 638, OL '91) PUBLIC BIDDING CONTINGENCIES

Requires public contracting agencies to list all known environmental hazards in a bid. Public agencies options if hazards are found range from contract termination to issuing change orders if a contractor is delayed or must perform additional work due to these hazards. Contractors are to be given appropriate time extensions and compensation for all additional costs, including overhead and profit, resulting from complying with applicable environmental regulations.

HB 2530 (C. 323, OL '91) BIDDER VS. BIDDER DAMAGES

Allows a contractor who loses a competitive bid for a construction contract, repair or renovation of a structure to sue the successful bidder for damages if the bidder awarded the contract violates certain laws, i.e., ORS 279.350, which requires payment of state prevailing wage rates, and ORS 656.017 - requirement to provide workers' compensation coverage, in performing the contract. Prescribes the award of damages in the amount of 10% or \$5,000, whichever is the greater amount.

HB 2688 (C. 516, OL '91) LATE PAYMENT ON PUBLIC IMPROVEMENTS

Requires prompt payment of progress payments on public improvement contracts. Interest begins to run at 1 1/2 % per month on all monies that remain unpaid 30 days after contractor's invoice, or 15 days after agency approval of payment. Contractor is obligated to make prompt payment to subcontractors.

Requires new provisions in public works contracts. Contractors are to include a clause in each of his/her contracts, that the contractor out of amounts that are paid by the public agency to the contractor, shall pay the subcontractor/supplier within 10 days after receipt of the payment to the contractor, if performance is satisfactory. The clause is also to include payment of 1 1/2% interest per month beginning on the day after the required payment date and ending on the date on which the contractor makes the payment due to the subcontractor.

The contractor shall also provide, in each of the contractor's subcontracts, a clause which requires the subcontractor to include, in any subcontractor contract with a subcontractor that they subcontract with, the same clause as in the public contracting agency and contractor clauses.

HB 2974 (C. 671, OL '91) PUBLIC RECORDS ADVISORY COUNCIL

Creates a seven-member Public Records Advisory Council to review all statutes which make public records confidential or limit access to public records. By December 15, 1992, the Council shall recommend continuation or repeal of each provision to the Legislature, including any new requests. In addition, the bill modifies the laws relating to destruction, processing, categorizing and filing of public records.

IMPACT ON COUNTY: A survey by the State Archivist indicated that by relocating inactive records from office buildings and/or destroying inactive records, represents a possible savings of \$250,000 annually (Statewide). This savings is based on office space used for storage of inactive records which could be assigned as office space, thereby reducing the need for leasing additional office space.

PLANNING AND BUDGET

SB 305 (C. 80, OL '91) TAX SUPERVISING AND CONSERVATION COMMISSION CREATION REQUIREMENT

Changes the minimum County population necessary for the mandatory creation of a tax supervision and conservation commission (TSCC).

IMPACT ON COUNTY: The change in the population minimum maintains Multnomah County's status as the only County affected by this requirement. The change in the limit excludes Washington County.

HB 3533 (C. 573, OL '91) SUPPLEMENTAL BUDGETS PROCEDURE

This measure loosens the requirements and processes for Supplemental Budgets. Formerly, all Supplemental Budgets required the same process as regular budgets including, for Multnomah County and its taxing jurisdictions, a hearing before Tax Supervising and Conservation Commission. This law allows adoption of some Supplemental Budgets without going through the full process. If the effect of the Supplemental Budget is to increase appropriations no more than 10% of any fund, then the Supplemental Budget can be adopted by the Board at one meeting without going through the full publication and hearing process that pertains to a normal budget.

IMPACT ON COUNTY: Marginal. Will allow some increased of adoption of Supplemental Budgets.

HJR 27 "POLICING" FROM ROAD FUND

Provides for a vote of the people to allow the use of highway Trust Fund moneys for policing of roadways after 1993.

IMPACT ON COUNTY: If adopted, this measure would allow funding of patrol from the County Road Fund. However, Statewide and Countywide existent highway dollars are insufficient now to meet identified road construction and maintenance needs.

EMPLOYEE SERVICES

SB 39 (C. 939, OL '91) CAREGIVING LEAVE

This "Family Medical Leave Act" allows employees to take 12 weeks unpaid leave (within a two-year time span) to care for sick or injured family members, including ill children requiring home care.

Applies to employers with 50 or more employees. Employers may consent to the use of accrued paid vacation leave, paid sick leave or other compensated leave. Requires job reinstatement of employee on family leave in former or equivalent position.

Employees are eligible for the leave if they work more than 25 hours a week and have been on the job more than 180 days. Further, employees are required to give employers written requests 15 days in advance when the leave is anticipated and within three days after leave begins when not anticipated. Employees must make a reasonable effort to schedule medical treatment or supervision to minimize disruption of business operations.

IMPACT ON COUNTY: Requires County to grant family medical leave starting January 1, 1991. This continues the mandatory legislation of recent years which required parental leave and then pregnancy leave, without regard to existing employer policies. Will insure more usage of paid leave accruals, although it is not possible to predict how much at this time.

HB 3017 (C. 570, OL '91) SAFETY COMMITTEE REGULATION

Federal law has changed the penalty requirements for serious safety violation and the State law must comply with federal laws when the federal laws are more protective. In this case, the new federal penalties are higher than previously existing State statutes. This measure conforms penalties within the Oregon OSHA statutes to federal OSHA statutes. Conformance was required to avoid the possible risk of losing federal dollars and State control over the health and safety program.

IMPACT ON COUNTY: The County's record in health and safety violations is fairly good, and consequently this bill should not have a great impact on the organization as a whole. The increases should however get the attention of those people who do get citations because the amounts they pay in penalties will be approximately seven times greater than they had been in the past.

FINANCE

SB 10 (C. 369, OL '91) HOW TO PAY STATE

Authorizes State agencies to require payments be made to them by electronic transfer.

IMPACT ON COUNTY: There may be some cost to set up programs in computer. Once programmed, this payment method will save money by reducing costs of check printing, checking account reconciliation, and check stock.

SB 720 (C. 773, OL '91) VOLUNTARY E.I.D. ASSESSMENTS

Makes special assessments for economic improvement districts voluntary for property owners, in order to avoid application of the one percent tax-limitation under Ballot Measure 5 (1990). Provides that written objection be received by city council by date of public hearing on proposed assessments. EFFECTIVE AUGUST 5, 1991.

HB 2775 (C. 966, OL '91) TERMINATION PAY AT REGULAR DATE

Allows the final paycheck to be issued within five days of termination or on the next regular payday when no notice is given. Formerly, the requirement under these circumstances for preparation of a departure check was for 48 hours. When an employee does give more than 48 hours notice, the final paycheck must be ready at departure.

IMPACT ON COUNTY: Individual checks will still need to be computed for terminated employees. If the original proposal in HB 2775 to allow termination checks to go out at next regular pay date had passed, substantial accounting costs would have been avoided. EFFECTIVE AUGUST 9, 1991.

HB 3574 (C. 648, OL '91) ROLL-OFF OF WORKERS COMPENSATION SURETY BOND

Counties and cities which have been self-insured for more than three consecutive years and have a loss reserve account which meets specified standards, will be exempt from the requirement to deposit money, government securities or other surety to establish proof of financial ability to pay compensation for injuries.

IMPACT ON COUNTY: Multnomah County has, heretofore, been allowed to deposit this surety in an interest-bearing account. Thus, there will be no fiscal benefit from this Measure. EFFECTIVE JULY 22, 1991.

LABOR RELATIONS

SB 594 (C. 918, OL '91) RIGHTS OF TRANSFERRED PUBLIC EMPLOYEES

Clearly defines the process of transferring employees between agencies.

Provides in the following manner for public employees whose employment duties have been assumed or acquired by another public employer:

- o Salary is not to be reduced as a result of the transfer.
- o Requires transferring employer to liquidate any accrued compensatory time owed to the employee in accordance with statute or collective bargaining agreements.
- o Retains accrued sick leave, but limits vacation time transfer to 80 hours unless the transferring employer agrees otherwise and allows negotiation between employers as to fiscal liability for sick leave and vacation time.
- o Increased costs to the employee resulting from the transfer of a health insurance policy and any required waiting period is the responsibility of the transferring employer.
- o Maintains seniority, which is subject to the receiving employer's policy or contract.
- o Layoff and priority appointments where no suitable job exists for the employee after transfer will be governed by collective bargaining agreement.

The definition of "Public employer" excludes school districts for the purpose of this bill, and an emergency clause has been added to provide coverage for all current employees who may be affected the adoption of the 1991 State budget.

IMPACT ON COUNTY: Clearly defines the process of transferring employees between agencies. Potential savings may be derived from avoiding individual renegotiations upon the transfer of a division or program.

EFFECTIVE JULY 1, 1991.

**SB 656 (C. 796, OL '91) INCREASE IN PUBLIC EMPLOYEES
RETIREMENT SYSTEM (PERS) BENEFITS AND IN NON-PERS POLICE AND
FIRE BENEFITS.**

Increases PERS benefits payable on and after January 1, 1991,
by 1% to 4%, depending upon length of service in the system at
the time of retirement.

Fiscal Impact on PERS Employers: Average of .63% of covered
payroll.

Fiscal Impact on NON-PERS Police & Fire: Varies.

IMPACT ON COUNTY: Multnomah County has been notified by its
PERS actuary that it was to receive a scheduled decrease in
PERS contributions of .27% of payroll, effective July 1, 1992.
This Measure mandates an increase of .63%, effective July 1,
1992. Thus, the net effect is an increase of .36%. Based on
an actual payroll of \$74,500,000, the County's increased PERS
costs in FY 1992-93 is estimated at \$268,200.
EFFECTIVE AUGUST 5, 1991.

HB 2352 (C. 823, OL '91) STATE INCOME TAX ON PERS BENEFITS

Subjects pension income (including previously exempt PERS
benefits and local government benefits) to Oregon personal
income tax. In addition, provides two tax credits. One tax
credit provision allows for a "possible" credit against Oregon
personal income tax for all retirees (state, federal, local
government, private employer) who are age 58 or older. This
credit is "possible" because its computation is based upon
household income and social security income received. The
second tax credit provision allows (for those who itemize
deductions) a medical expense credit of up to 7 1/2% of the
federal adjusted gross income of the taxpayer.

HB 3302 (C. 742, OL '91) BPST TRAINING AND CERTIFICATION

Requires the Board on Police Standards and Training to
establish, administer and evaluate training programs and a
certification process for 9-1-1 telecommunicators and emergency
medical dispatchers.

ENVIRONMENTAL SERVICES

Legislative Liaison: Maria Rojo de Steffey
Phone: 248-5001

ANIMAL CONTROL

HB 2660 (C. 837, OL '91) CRIME OF PET NAPPING

Elevates the crime of Theft of a Companion Animal to a Class C Felony.

IMPACT ON COUNTY: Future policy concerning the authority of Animal Control Officers may become an issue dependant upon the volume of companion animal theft reports, and the response or lack of response from local law enforcement agencies.

If the investigation of companion animal theft and animal dealer activities becomes the responsibility of The Animal Control Division. The Division would have to hire and train an additional officer.

The resolution of ownership disputes would require the division to house and care for animals pending action by the courts. There would also be an increase in shelter staff time, food and supplies.

IMPACT ON CITIZENS: May provide pet owners with a process of dealing with companion animal theft. However, law enforcement agencies in the jurisdiction are currently overburdened with existing case loads. Pet owners may become frustrated with the low response priority, or no response by law enforcement agencies on their allegations of theft.

ASSESSMENT AND TAXATION

SB 393 (C. 230, OL '91) COUNTY RECORDING DUTIES/FEEES

Places the information that the recorder needs on a cover sheet. It sets document standards, processing time, time the office must be open, and clarifies some types of documents.

Increase certain fees.

SB 550 (C. 96, OL '91) TRANSITION INTO NEW PROPERTY TAX SYSTEM

Makes temporary and emergency changes to the property tax system as a transition into the new system (see HB 2550). Changes 1991 ratio study data collection period to December 1, 1989 to April 30, 1991. Requires County assessor to complete ratio study by July 1, 1991. Delays the board of equalization's review of the ratio study from March until July, 1991. Delays the board of equalization's review of the ratio study from March until July, 1991. Makes related changes in dates of Department of Revenue action to equalize the roll.

Eliminates the May notification of property value increases. (HB 2550 provides that value notices will be included on tax statements to be mailed in October, followed by an appeal period).

Requires local taxing districts to notify the assessor by July 15th of the amount of any tax, fee, or charge on ad valorem property that is within the tax limit of Measure 5. Requires the assessor to notify a local taxing district if its levy is subject to "compression" under Measure 5.

Repeals its new provisions on July 1, 1992.

IMPACT ON COUNTY: Without this Bill, the County would have had to mail meaningless value-increase notices and convene boards of equalization for redundant and confusing value appeals.

EFFECTIVE APRIL 15, 1991.

HB 2550 (C. 459, OL '91) BALLOT MEASURE 5 - ASSESSMENT AND TAXATION

Implements Ballot Measure 5 (1990 General Election) statutorily. Defines "Tax on property," including the definition of which fees/charges are excluded from the definition of a "tax." Replaces statutes that were in conflict with the Constitutional Amendment on tax limitation.

Splits the county board of equalization into a county board of ratio review and board of equalization. Provides that the five-member BORR will be appointed by the county governing body - one from the governing body or its designee, one each from the governing bodies of a school district and a taxing district, and two non-office holding county residents - and serve from the last Thursday in June to August 10th. Provides that the BORR reviews the overall level of values on the upcoming tax role and hears certain "reduced value" appeals from the prior year. Establishes a separate three-member board of equalization - the county governing body member or designee and the two non-office holding residents who served on the BORR, with one alternate permitted - to serve from January 1 to June 30 and convene from the second Monday in January to April 15. Provides the the BOE will hear regular appeals for reduction of assessed valuation and applications for waiver of personal property penalties.

Changes the property valuation date from January 1 of the year prior to the tax year to be lowest period of value in tax year. This necessitates forecasting economic conditions for 12 months in future in order to determine possible market trends.

Changes current law that property taxes be based on "true cash value" to the "minimum in cash that could reasonably be expected by an informed seller acting without compulsion, from an informed buyer acting without compulsion, in an arms-length transaction." This value is stated as "real market value."

IMPACT ON COUNTY: Administratively it has cost an initial \$150,000 in reprogramming costs to enable the Division of Assessment and Taxation to be able to get out a tax bill in October. It has delayed a major system project by approximately four to six months.

This Measure does not alter the County's appraisal methods.

HB 2609 (C. 891, OL '91) URBAN RENEWAL STUDY

Requires Interim Joint Revenue Committee to undertake study of urban renewal taxation.

COMMUNITY DEVELOPMENT

HB 2779 (C. 740, OL '91) HOUSING TRUST FUND

Creates the Oregon Housing Trust Fund, consisting of two accounts: the Housing Development and Guarantee Account (HDGA), and the Emergency Housing Account (EHA).

The Housing Development and Guarantee Account funds will be held in trust; only the interest earnings on the account will be spent. These dollars will be used to construct, rehabilitate and acquire low, and very low income housing through grants to nonprofit, for profit and local government developers. Target groups include those dependent on social services. Preference is given to those projects which provide matching funds, are used for low income housing for the longest time and those which include other services such as mental health care, child care and drug/alcohol treatment.

The Fund will be administered by the Oregon Housing Agency. \$20 million was appropriated from the State General Fund, with \$14 million for the Housing Development and Guarantee Account, \$5 million for the Emergency Housing Account and \$1 million for developing projects under the Act.

IMPACT ON COUNTY: Multnomah County should receive \$1.25-1.6 million in EHA funds for the biennium, depending on the factors used in the allocation formula, and whether floors are established for smaller community action agencies. A concerted lobbying effort will be necessary to ensure refunding of the Emergency Housing Account by the 1993 Legislature.

The County should see use of HDGA funds to strengthen local planning for housing linked with necessary supportive services. The local Comprehensive Housing Affordability Strategy (CHAS) discusses the development issues of housing linked to social services. The County should consider seeking funding for first year Trust Fund development initiatives: the local CHAS process; advocate the federal HOME/CDBG budget processes; seek out and strengthen local development partners.

EFFECTIVE AUGUST 1, 1991.

HB 3188 (C. 907, OL '91) COMMUNITY ECONOMIC REVITALIZATION

Requires State Housing and Community Services Department to spend up to \$150,000 on grants to Community Development Corporations for projects that combine community-based social service programs with related jobs for low and moderate income persons to promote community economic revitalization. Directs that penalties collected under farm labor contractor laws by the Bureau of Labor and Industries, be used by the Department to provide technical assistance for the development of farm worker housing.

ELECTIONS

SB 188 (C. 69, OL '91) ELECTION BOARD PERSONNEL

Allows persons who are not electors but are residents of the County and at least 16 years old to serve on election boards.

IMPACT ON COUNTY: It has become increasingly harder to find people to work on election boards. This legislation gives the County Elections Division a larger pool to hire from and a way to involve more young people in the elections process.

SB 275 (C. 106, OL '91) TIMEFRAME FOR CIRCULATING LOCAL INITIATIVE PETITIONS

Requires chief petitioners to file notice if a district or city initiative petition is still active after one year. If notice is not given, petition may not be filed. Requires elections office to remind petitioners 30 days before their notice is due.

IMPACT ON COUNTY: Prior law allowed petitions to continue indefinitely with no way for the Elections Division to know whether they are still active or not.

SB 277 (C. 48 OL '91) LOCAL VOTERS' PAMPHLET

Establishes statutory authority for the production of a local voters' pamphlet for any election. The cost of the voters' pamphlet is reimbursed in the same manner as other election costs.

IMPACT ON COUNTY: Multnomah County ordinance allows this now but only if a district request a voters' pamphlet. This law will allow for more predictability for the voters. Production of a local voters' pamphlet can become more routine.

EFFECTIVE JUNE 30, 1991.

SB 278 (C. 168, OL '91) PERMANENT ABSENTEE VOTERS

Allows "frail or disabled" voters to remain on the absentee voter file without having to reapply every calendar year. This saves confusion on the part of many elderly voters. It also reduces staff time needed for file maintenance.

IMPACT ON COUNTY: Prior law provided that an application is only valid for one calendar year. Elections staff had to remove all names at the end of the year, send the voters new applications, and then add the names back onto the file as the applications were returned.

SB 280 (C. 74, OL '91) ELECTION COSTS

If after the deadline for certifying ballot information, a change in the information is required, the expense of the change must be borne by the jurisdiction for which the change is made.

IMPACT ON COUNTY: Under prior law, if such a change were required for a city or the State, the County would have had to bear the expense.

SB 283 (C. 71, OL '91) ELECTION DATES

Eliminates the August election date. Makes related changes to filing deadlines. Requires absentee ballots 40 days prior to all elections except the June date.

IMPACT ON COUNTY: Eliminates the least used election date and assures that there is adequate time for absentee voting by the military and overseas voters.

SB 284 (C. 580, OL '91) STATISTICAL SAMPLING FOR PETITIONS

Allows the use of statistical sampling to verify signatures on a district, city or county initiative or referendum petition whenever the petition requires more than 4,500 signatures.

IMPACT ON COUNTY: This allows for a more efficient and less expensive method of verifying signatures on large petitions.

SB 856 (C. 940, OL '91) MOTOR VOTER

Allows persons to register to vote at the same time that they apply for an Oregon driver's license or identification.

IMPACT ON COUNTY: This will make it easier for people to register to vote. Will even out the work load for voter registration processing if registrations come in to the Elections Office more steadily.

EMERGENCY MANAGEMENT

SB 96 (C. 956, OL '91) SEISMIC SAFETY ADVISORY COMMISSION

Establishes 15-member Seismic Safety Policy Advisory Commission including one member representing county government. Directs Building Code Agency to adopt rules relating to seismic geological hazards. Directs schools to conduct earthquake drills.

IMPACT ON COUNTY: Provides for better earthquake mitigation and preparedness. Also provides for a better multiagency mechanism in establishing future earthquake mitigation policies and recommendations.

SB 163 (C. 605, OL '91) SUCCESSION OF STATE EMERGENCY MANAGEMENT POWER

Sets forth procedures to be followed by counties in requesting the Governor to declare an emergency. Requests by cities must be made through the county governing body in which a majority of the city is located. Authorizes Secretary of State or, if unavailable, the State Treasurer, to declare an emergency if the Governor is unable to do so.

IMPACT ON COUNTY: Cleans-up the line of succession for the Governor's Office for disaster declarations. Establishes a procedure between cities and counties for declaration of emergencies.

FACILITIES AND PROPERTY MANAGEMENT

SB 66 (C. 385, OL '91) OMNIBUS RECYCLING BILL

Establishes statewide integrated solid waste management program. Declares goal that by January 1, 2000, the amount of recovery by recycling from the general solid waste stream shall be at least 50 percent.

The recovery rate includes all recyclable material and all yard debris. Composting and energy recovery are included if there is not a viable market for the material if it were source-separated. The rate does not include discarded vehicles, certain industrial and manufacturing wastes, material recovered for composting or energy recovery from mixed solid waste except for provisions for Metro and Marion County, or mixed solid waste burned for energy recovery.

Each local government that franchises collection of solid waste and sets rates, shall either include net costs incurred by the franchisee for providing recycling services or fund those services through another means.

DEQ must develop a plan in conjunction with the Economic Development Department, regional agencies and local governments, to address solid waste management at least ten years into the future.

Requires state and public agencies to give preference to the purchase of materials and supplies manufactured from recycled materials if the product is available, meets applicable standards, can be substituted for a comparable nonrecycled product, and if the recycled products do not exceed the cost of nonrecycled products by five percent. Agencies may also give preference to suppliers of products that reduce the amount of waste generated.

IMPACT ON COUNTY: A comprehensive recycling program which requires all County employee participation could result in cost savings through reduction of refuse and landfill costs and through the sale of recyclable materials. The Measure's increase in solid waste tipping fees will offset some, if not all, of the County's savings.

Initially, implementation of this policy will be costly. Recycled products are still in the developmental stages. Currently, copier paper which is not harmful to some copier machines (too much moisture and dust particles) is now less than 20%, but more than 5% post-consumer waste content. FAX machines are now available that use plain paper; the older machines are not adaptable to the plain or copier paper. "Low bid" recycled paper towels are of extremely poor quality.

Multnomah County's jurisdiction over solid waste collection is contracted to the cities of Portland and Gresham.
EFFECTIVE JULY 1, 1991.

PARKS

SB 5538 (C. 84, OL '91) MARINE BOARD BUDGET

Provides necessary moneys to fund maintenance assistance at previous levels and funds facility development needs - including Multnomah County's Chinook Landing project. EFFECTIVE JULY 1, 1991.

SJR 12 USE OF GAS TAX FOR PARKS

Allows proceeds from specially dedicated fuel tax to be used for acquisition, development, maintenance, care, and use of State Parks, upon voter approval of amendment to Oregon Constitution at the November, 1992 general election. Limits the amount of increase of dedicated fuel tax by the Legislature to two cents per gallon during any one biennium.

IMPACT ON COUNTY: Does not include a local/county component.

SJR 13 G.O. BONDS FOR PARKS

Authorizes issuance of general obligation bonds for State Parks and recreation and fish enhancement projects, upon voter approval of amendment to Oregon Constitution at November, 1992, general election. Limits the outstanding debt for the purpose of creating the State Parks and Recreation Development Fund to \$25 million.

IMPACT ON COUNTY: Does not specifically include or exclude a local component; therefore, impact assessment is speculative at best.

HB 2333 (C. 542, OL '91) STATE CHARGES TO COUNTY CEMETERIES

Renews and expands the membership of the State Mortuary and Cemetery Board. Requires counties to continue paying fees to operate pioneer cemeteries.

A February 19, 1991, Attorney General Opinion stated that the Board did not have the statutory authority to certify city, county or other municipal cemeteries. However, this Measure affirms the belief that any active cemetery should be certified, and that if the fees required since 1985 were refunded, such an action would result in significant loss of revenue to the agency and undo considerable staff work. Committee staff cites that \$20,000 has been collected in fees from public cemeteries since 1985. Expands membership on Board to include local governments and members of the public.

IMPACT ON COUNTY: Multnomah County is required to operate 14 pioneer cemeteries and consequently pays \$440 in fees a year to the Board.

PLANNING

SB 97 (C. 243, OL '91) DOGAMI RECLAMATION VIS A VIS LAND USE

Directs LCDC to amend its rules to require that local government address Department of Geology and Mineral Industries (DOGAMI) statutes when planning and regulating aggregate mining. Conversely, DOGAMI is directed to amend its rules to provide for coordination with local land use plans and regulations during the review and issuance of operation permits, total exemptions and limited exceptions. The time allowed for DOGAMI to issue permits for aggregate operations is extended to 165 days when the county requests that the application not be decided until the county has taken final action. If a plan amendment is necessary DOGAMI will take action no later than 45 days after a county takes final action. Conditions and requirements imposed by DOGAMI subsequent to issuance of a local permit shall be compatible with the requirements and conditions of the local permit. Should local government not request a delay, DOGAMI must give local government opportunity to review and comment and will provide notice of the decision to local government. DOGAMI is directed to provide technical assistance to local government during preparation of land use plans and regulations.

IMPACT ON COUNTY: Will provide methodical means of coordinating DOGAMI regulations with County's Comprehensive Plan.

SB 662 (C. 363, OL '91) COMPREHENSIVE PLAN COPIES

Requires cities and counties to maintain copies of their comprehensive plans and land use regulations for sale to the public at a charge not to exceed the cost of copying and assembling the material.

HB 2053 (C. 801, OL '91) LICENSING OF RESIDENTIAL TREATMENT HOMES AND CARE FACILITIES

Amends zoning statutes regarding the placement of children's residential facilities in communities to provide equitable treatment for adult and children's residential facilities.

HB 2150 (C. 612, OL '91) PERIODIC REVIEW REVISION

Establishes a new two-phase periodic review process - phase one being an evaluation of the adequacy of the existing plan, and development of a work program to make needed changes, and phase-two representing the completion and review of work program tasks. LCDC will establish a schedule for review. No plan can be scheduled sooner than four years nor later than ten years from termination of the previous periodic review. The scope of review includes substantial changes in circumstances that bring the plan or regulations into noncompliance with the Statewide planning goals, or the inconsistency of implementation decisions with the goals, or issues of regional or Statewide significance, intergovernmental coordination, or State agency programs affecting land use which must be addressed to achieve compliance with the goals. LCDC may establish teams composed of State agency and local government representatives to facilitate coordination. Sanctions are provided if the work program proposal or work program tasks are not timely filed. Local governments that have not submitted a proposed order under existing periodic review statutes must follow the new procedures; others have the option of completing the process under existing requirements or converting to the new process. Amendment of plans to comply with new or amended goals, rules and statutes is not a part of Periodic Review. LCDC will provide notice of such changes and LCDC can take enforcement action if changes are not incorporated in the local plan.

IMPACT ON COUNTY: This Measure does not apply to Multnomah County until its next Periodic Review; 4-10 years after completion of the current review. The new review procedure will focus more on the adequacy of the Comprehensive Plan. The principal benefit of the revised process is that compliance with new or amended State Goals, administrative rules and State statutes will no longer be a part of Periodic Review. The necessary land use and regulatory changes are to be done as they are required instead of waiting for Periodic Review. The County's present Periodic Review has been drastically impeded by the volume and complexity of tasks relating to new goals, rules, and statutes that took effect between "acknowledgment" and Periodic Review, eight years later.
EFFECTIVE JULY 19, 1991

HB 2261 (C. 817, OL '91) LAND USE APPEAL PROCESS

A limited land use decision is a decision based on discretionary standards and would include the following Multnomah County decisions:

- o Subdivisions, partitions and lot line adjustments
- o Design Review
- o SEC
- o WRG
- o Variances
- o Temporary permits
- o Hillside development and erosion control
- o Uses under prescribed conditions
- o Exceptions
- o Health hardships

Fee Changes

- o \$100 maximum fee and does not apply to LCDC or neighborhood groups
- o The fee must be returned if the appellant is successful
- o Appellants may prepare their own transcripts

Notice Changes

- o Must be sent 14 days prior to making a decision
- o Decision sent only to applicant and any persons responding to notice
- o Content requirements comparable to PC notice

IMPACT ON COUNTY: This Bill greatly increases work-load and expense, while reducing, and in some cases eliminating, revenues relative to processing several types of administrative decisions.

TRANSPORTATION

SB 336 (C. 923, OL '91) OREGON FILM AND VIDEO BOARD

Creates Oregon Film and Video Board, consisting of 11 members, to promote "(R)apid statewide growth of the film and video industry..through public and private partnerships"..and to "(C)ordinate supporting organizations, regional film plans, communication strategies and investments." Appropriates \$75,000. Measure sunsets effective June 30, 1995.

IMPACT ON COUNTY: Provides support for the film and video industry. Money should be allocated to develop specific plans for regions, helping the County plan for growth of this already 60-million-dollar-a-year industry in the Portland Metro Area region.
EFFECTIVE JULY 1, 1991.

SB 548 (C. 763, OL '91) DECLARATION OF SUBDIVISIONS & PLATS

This measure clarifies ambiguous areas with respect to subdivisions, condominiums, and partition plats.

SB 762 (C. 464, OL '91) IMMEDIATE REMOVAL OF VEHICLES PARKED ON HIGHWAY

Provides for immediate removal of vehicles parked on highway or shoulder unless in designated parking area or temporarily parked with emergency warning; provides more stringent provisions for vehicles parked along freeways at certain periods, including commuting hours.

IMPACT ON COUNTY: Will provide quicker clearing of roadways and bike lanes for County maintenance crews.

HB 2128 (C. 575, OL '91) WESTSIDE LIGHT RAIL FUNDING

Provides the funding mechanism for the Westside Light Rail project. This construction will link downtown Portland to the Washington County suburbs. The project will be the largest public works project in Oregon history and has received overwhelming regional support, as well as the three advisory groups involved. Appropriates the State portion of the project, and the Oregon funding package. In turn, assures federal funding for 75 percent of the project's total cost of nearly \$1 billion.

IMPACT ON COUNTY: This project will provide a major mass transit linkage through a currently congested corridor. Multnomah County will be the focus of the project, and most County representation will occur through either the Tri-County Metropolitan Transportation District, or through the Board of County Commissioners in the approval of any County land needed as a right-of-way.

FISCAL IMPACT: Limits issuance of revenue bonds for the project to \$115 million. Allocates \$8 Million annually from State lottery funds to the Regional Light Rail Extension Construction Fund. Increases annual lottery allocation to the lesser of \$10 Million or the required debt service after issuance of the bonds.

Federal: \$682 Million
Local: \$110 Million - MAX Bonds
 \$ 21 Million - Local Governments
 \$ 17 Million - Interest
State: \$114 Million - Economic Development Funds from the
 State Lottery

IMPACT ON CITIZENS: The availability of public transit is a major consideration for citizens living and working in the County. Affordable and convenient mass transit is particularly beneficial to citizens commuting to jobs in the County, relieving some degree of parking congestion.
EFFECTIVE JULY 17, 1991.

HB 2175 (C. 752, OL '91) AIR POLLUTION EMISSION FEE PROGRAM

Establishes Oregon's program for implementing the 1990 Amendments to the Federal Clean Air Act (CAA). The program would be administered by the Department of Environmental Quality (DEQ). Industrial and commercial sources, woodstoves and automobiles are covered in the measure. The 1990 Amendments to the Federal Clean Air Act (CAA) require states to take specific actions to meet national air quality standards and to regulate industrial sources of air pollution. Title I of the CAA Amendments requires states to establish a fee on emissions from major industrial sources sufficient to support a regulatory and permitting program for those sources. This industrial permit and fee program must be submitted to the federal government for approval by November, 1993.

FISCAL IMPACT: Includes a 5 cent per gallon tax exemption to fuels containing at least 10 percent ethanol from January 1, 1992, through December 31, 1997, resulting in a \$6.7 to \$20 million reduction in gas tax receipts in the 1991-93 Biennium.

Establishes air pollution emission fee programs including an annual emission permit fee imposed on motor vehicles after July 1, 1993. Receipts, estimated at \$3 million, are to be used for transit capital programs such as purchasing buses.
EFFECTIVE AUGUST 5, 1991.

HB 2844 (C. 339, OL '91) FILING OF SURVEY REPORTS

Requires replacing any survey monuments that are destroyed by road projects. Also requires a right of way map to be filed with County Surveyor when horizontal or vertical positions for mapping, or geodetic controls are established using public funds.

HB 2864 (C. 283, OL '91) ODOT ACCESS REGULATION

Authorizes Transportation Commission to establish procedures for access to facilities and services by truck/trailer combinations on County roads and city streets within one mile of federally designated truck routes.

IMPACT ON COUNTY: County Transportation Division will be able to turn down requests to use certain facilities if safety or design problems exist on facility. Division will need to review OTC procedures and evaluate county arterials for impact of access off of I-84.

EFFECTIVE JUNE 18, 1991.

HB 3190 (C. 287, OL '91) CORBETT MARKER SIGN

Permits unincorporated communities along State-designated scenic highways to construct entry markers. Community entry markers provide an arrival point of portal, distinguish community characteristics and qualities, and better define a sense of place.

IMPACT ON COUNTY: This Measure was introduced at the request of Multnomah County, in order for the State Highway Division to be able to authorize an entry marker for the community of Corbett, as part of Corbett's Tourism Enhancement Project.

HB 3577 (C. 497, OL '91) GAS TAX INCREASE

Increases motor vehicle fuel tax and use fuel tax 2¢ per gallon on January 1, 1992 and January 1, 1993. Increases weight mile tax, road use assessment fees and certain heavy vehicle registration fees on trucks by 10% (instead of 12.6%) on January 11, 1992. Dedicates \$500,000 of new revenue from State Highway Fund on July 1, 1992 and January 1, 1993, to be allocated to the county road fund of the counties whose federal and state dedicated resources per equivalent road mile are the lowest in the State. Sunsets the special provision December 31, 1993.

IMPACT ON COUNTY; The following is an estimate of the revenue expected by Multnomah County Transportation Division for the 4¢ increase in the State Gas Tax and equivalent weight mile increase.

| | <u>FY 91-92</u> | <u>FY 92-93</u> | <u>FY 93-94</u> |
|---|-----------------|-----------------|-----------------|
| Additional revenue to all counties | \$1,970,000 | \$7,800,000 | \$12,200,000 |
| Multnomah County share at 17.00% of all counties | 334,900 | 1,326,000 | 2,074,000 |
| Portland share/assume Portland estimate of road miles transferred | 137,041 | 570,577 | 943,048 |
| Multnomah County net | \$ 197,859 | \$ 755,423 | \$1,130,952 |

HUMAN SERVICES

Legislative Liaison: Howard Klink
Phone: 248-6741

STATE HUMAN RESOURCES BUDGET

OVERVIEW

During the 1991 Legislature members of Ways and Means Human Resources Subcommittee witnessed the presentation of no fewer than 7 different versions of the Governor's budget. At the beginning of the 1991 Session the Legislature was forced to face the reality of a Ballot Measure 5-driven budget that proposed \$225 million in State General Fund reductions in the Department of Human Resources (DHR) budget. This General Fund reduction triggered a Federal Fund Loss of \$138 million in matching dollars. This proposed \$363 million in human services program cuts presented the most devastating scenario for Oregon's needy citizens since 1979.

Members of the Ways and Means Committee emerged as powerful advocates for client services throughout the Session. Through their advocacy, the \$363 million was whittled down to a far more manageable level. This result produced audible cries of relief from human services advocates and clients throughout the state. These cries fostered a public perception that the cuts were in fact not very deep and most programs would continue at current operating levels.

The facts argue another reality. Prior to the presentation of Governor Robert's budget, the Executive Department had already reduced then-Governor Goldschmidt's budget by \$50 million in anticipation of Ballot Measure 5. During the legislative process \$80 million of the funding available for program restoration was dedicated to federal mandates, lawsuit settlements, and SB 27 implementation. When the dust settled, over \$143 million was cut from Human Services programs. Many programs have been eliminated, dozens have been reduced in scope, and thousands of clients will be removed from case loads. This summary presents an overview of program restorations, reductions, and the few increases approved by the Legislature, and the impact, if any, on Multnomah County citizens.

HOW TO READ THIS SUMMARY

For purposes of this summary, dollar amounts reflect biennial State General Fund allocations and, in most cases, are rounded to the nearest \$100,000. Federal matching funds are indicated where information was available. Specific impacts on Multnomah County are indicated if known. (*) items reflect Multnomah County legislative priorities. Restorations reflect funding items added to the budget by The Ways and Means Committee and approved by the Legislature to allow maintenance of programs at current levels. Items in this category were proposed for reduction or elimination at some point in the legislative process, but were not cut. Program Reductions reflect cuts in current levels of service.

SERVICES TO CHILDREN AND FAMILIES

PROGRAM RESTORATIONS

- * Intake reductions in children's services \$5.0 mil
- * Multnomah County Partners Project \$.7 mil
- * Day and Residential Treatment Services (DARTS) for mentally ill children \$5.2 mil
- * Early Intervention services for Developmentally Disabled (DD) children \$5.7 mil
- * Medically Needy program for children under age 18 \$1.9 mil
- * Community Action Self-Sufficiency Program \$.5 mil
- * Transitional services for Developmentally Disabled (DD) children turning 21 \$1.0 mil
- * Multnomah County Youth Gang Demonstration Project \$1.2 mil
- * Cost of living increase for Children's Services Division (CSD) providers \$1.4 mil

PROGRAM INCREASES

- * Dental care for children \$.5 mil
- * Children's Services Division foster care rates \$2.2 mil
No impact on current service levels in Multnomah County.
- * Capital improvements at Hillcrest juvenile facility \$1.4 mil
No impact on current service levels in Multnomah County.
- * Mental health services for children \$7.7 mil
This will expand mental health services for children statewide, through an expansion in the EPSDT program. (11.9 FF)
- * Adolescent family planning \$1.0 mil
This will expand family planning services for teenagers statewide.

PROGRAM REDUCTIONS

- * School Based Clinics (\$.5 mil)
This will result in a 38% reduction in funding available for school based clinics. It is not yet known what the impact will be on the two Multnomah County clinics that receive state funds.

- * Mental Health Early Intervention services (\$.7 mil)
This reduction will eliminate funding for three Early Intervention programs statewide, one of which is located in Multnomah County. Emergency Board funds have been reserved to partially restore these programs.

- * Cost of living from 8.5% to 6.1% for CSD non-foster care providers (\$1.6 mil)
This reduction will affect many Multnomah County service providers but have no significant impact on current service levels.

- * CSD Administration staff reduction (\$1.9 mil)
No impact on systems capacity in Multnomah County.

SERVICES FOR SENIORS AND THE DISABLED

PROGRAM RESTORATIONS

- * Nursing home caseload reductions made by changing financial eligibility criteria \$7.5 mil

- * Nursing home caseload reductions made by changing impairment levels criteria \$16.6 mil

- * Cost of living for community providers \$.3 mil

- * Nursing home lawsuit reimbursements settlement \$4.8 mil

PROGRAM INCREASES

- * Expand benefits to personal care attendants and independent living program staff \$1.2 mil
No impact on current service levels in Multnomah County.

PROGRAM REDUCTIONS

- * Medically Needy for seniors and disabled clients (\$2.6 mil)
- * Nursing home and community support services for seniors and disabled (\$2.0 mil)
- * Mental health services for seniors (\$.3 mil)
This reduction eliminates six programs, including one in Multnomah County.
- * Administrative staff in Senior and Disabled Services (SDSD) Central Office (\$1.4 mil)
No impact on current service levels in Multnomah County.
- * SDSD field staff (\$.8 mil)
This reduction eliminates field staff responsible for case management of the Medically Needy clients indicated above.

VOCATIONAL SERVICES FOR DEVELOPMENTALLY DISABLED (DD) ADULTS

PROGRAM RESTORATIONS

- * Vocational services \$7.1 mil
- * Sheltered Workshop placements \$.9 mil
- * Foster care payments \$1.0 mil

PROGRAM INCREASES

- * Increase services for DD clients on waiting lists \$.2 mil

MENTAL HEALTH AND ALCOHOL AND DRUG (A&D) SERVICES

PROGRAM RESTORATIONS

- * Voluntary sex offenders and forensic wards at Oregon State Hospital \$2.6 mil
- * 174 A&D outpatient slots \$.6 mil
- * 12 A&D community intensive residential treatment beds \$.8 mil

PROGRAM INCREASES

- * Direct care wages for mental health residential providers \$1.6 mil
- * Expand A&D treatment for pregnant women \$.2 mil

PROGRAM REDUCTIONS

- * Community services to adult mentally ill (\$1.6 mil)
- * Eliminate one ward at Dammasch State Hospital (\$1.8 mil)
- * Close wards at Oregon State Hospital (\$1.8 mil)
- * Mental Health and Developmental Disabilities Services Division (MHDDSD) central office staff reductions (\$2.5 mil)
No impact on current service level in Multnomah County.
- * MHDDSD institutional administration, supplies and capital outlay (\$3.5 mil)
No impact on current service level in Multnomah County.
- * MHDDSD local community administration (\$1.9 mil)

HEALTH AND PUBLIC WELFARE SERVICES

PROGRAM RESTORATIONS

- * Miscellaneous Medical \$5.9 mil
- * Reimbursement reductions to physicians serving General Assistance clients \$2.3 mil
- * Shellfish inspections \$.4 mil
- * Clandestine lab testing and certification \$.2 mil
- * Hospital reimbursement lawsuit settlement \$27.7 mil

PROGRAM INCREASES

- * Emergency Board Reserve for SB 27 \$28.5 mil
This sets aside funding in the Emergency Board Reserve to be used if a Medicaid waiver is granted by Congress for expanded health care services.

PROGRAM REDUCTIONS

- * Emergency Assistance (\$1.3 mil)
- * JOBS/Welfare Reform Program (\$29.1 mil)
- * Medically Needy for nonpregnant adults (\$4.3 mil)
- * Adult dental services for Medicaid clients (\$2.2 mil)
- * Medicaid reduction (\$2.5 mil)
- * Self-Sufficiency Program (\$1.1 mil)
- * Homeless services (\$.5 mil)
- * General Assistance cash and medical assistance reductions. (\$1.1 mil)
- * Eliminate second-year COLA for AFS clients (\$3.1 mil)
No impact on current service level in Multnomah County.
- * COLA for Medicaid providers (\$9.0 mil)
No impact on current service level in Multnomah County.
- * COLA for hospital outpatient services providers (\$4.1 mil)
No impact on current service level in Multnomah County.

HOUSING

PROGRAM INCREASES

- * Oregon Housing Trust Fund \$25.0 mil
This appropriation will provide \$14 million for the trust fund, \$6 million for development projects and \$5 million for emergency housing.

AGING SERVICES

SB 527 (C. 122, OL '91) FAMILY SUPPORT SERVICES

Creates a policy concerning family support services to families who have a member living in the home who has a disability or chronic illness. Requires such services be provided, subject to available funds. Also:

- * Establishes principles for the delivery of family support services;
- * Lists examples of family support services (respite care, financial assistance, special equipment);
- * Requires DHR to list current services and develop plan for budgeting for such services in the future, create an advisory council, and report to the legislature;
- * Lists eligibility criteria to receive services;
- * Amends all DHR divisions' statutes to include the provision of support services.

SB 549 (C. 960, OL '91) ADULT FOSTER HOME CAREGIVERS

This Legislation increases the number of health, safety, and nutrition requirements that must be met in adult foster homes.

IMPACT ON COUNTY: Although Multnomah County strictly regulates these facilities, the expanded requirements improved by this Legislation exceeds Multnomah County's standards. Additional staff will not be required to administer these new regulations.

SB 624 (C. 788, OL '91) REGISTRY OF ADULT DAY CARE PROGRAMS

Provides a set of standards and a registry of Adult Day Care for Programs in Oregon that meet the standards.

IMPACT ON COUNTY: Will improve information to public about available adult day care programs.

SB 626 (C. 787, OL '91) ADULT DAY CARE FLEXIBILITY

This would provide policy clearance to fund adult day care with Medicaid funds. No funds were appropriated for this additional service.

IMPACT ON CITIZENS: Depending on adequate funding, clients may have greater options in range of services available; clients' caregivers would benefit.

SB 5507 (C. 446, OL '91) HOUSING & COMMUNITY SERVICES BUDGET.

Combines the budgets of the Housing Agency and the community services program of the Department of Human Resources. Through the merger of these two program areas (House Bill 3377), the new Housing and Community Services Department is expected to improve the effectiveness of housing and community-based programs. A substantial portion of the increase in this budget is caused by the merger (24.00 full-time equivalent positions and \$51.8 Million total funds).

Housing Programs. The housing related activities of this agency are designed to stimulate and increase the supply of affordable housing through financing assistance for single and multi-family housing, rent subsidies, and technical and financial assistance to community-based organizations. The approved budget for the housing programs represents a 2.6% increase from the estimated 1989-91 expenditures and a 16.5% (\$1,531,108) decrease from the Governor's recommended budget.

The legislature approved continuing the federal Mortgage Credit Certificate program and federal low-income Housing Tax Credit program. Funding for two programs was also provided to increase the ability of local governments and organizations to develop affordable housing. First, the amount of funding for grants to community development corporations was increased by \$100,000 and the staffing was continued to support the program. Secondly, a Partnership Housing Assistance Team, initially approved by the Emergency Board, was continued to provide housing development and land use planning assistance.

EFFECTIVE JULY 1, 1991.

HB 3377 (C. 739, OL '91) TRANSFER OF COMMUNITY SERVICES TO HOUSING AGENCY

Creates the Oregon Housing and Community Services Department from a merger of the Oregon Housing Agency and State Community Services. Specifies that the Director shall be

appointed by the Governor. The Director of OHA had been appointed by the Housing Council. It specifies that the Community Action Directors of Oregon (CADO) shall advise the Director on Community Services programs. All existing provisions of ORS 184.804 remain in place regarding community action agencies.

IMPACT ON COUNTY: This merger will result in improved administration of Community Services programs as well as more effective advocacy at the state level.
EFFECTIVE AUGUST 1, 1991

PUBLIC HEALTH

SB 274 (C 760, OL '91) MATERNITY CARE ACCESS PLANNING

Establishes State policy that there shall be a comprehensive system of maternity care, including prenatal, delivery, and postpartum care. Creates an eleven-member Maternity Care Access Planning Commission, appointed by the Governor, to prepare, as soon as practical, a comprehensive statewide plan and advise on grants to counties and others for planning and implementing a maternity care system that builds on local plans. Requires counties that desire to make application under this Act to appoint an advisory committee to prepare local plan and include components necessary in plan.

SB 329 (C. 245, OL '91) VITAL STATISTICS FEES

Authorizes Health Division to establish fees for services related to vital statistics. Under the new fee schedule, copy and filing fees will increase from \$10 to \$13, heirloom certificates will increase from \$25 to \$28, and the cost to amend a vital record document and receive a copy will increase from \$15 to \$23. The Health Division waives the fee for individuals who cannot afford to pay. Fee for counties revised from \$10 to \$13.
EFFECTIVE JULY 1, 1991.

SB 536 (C. 958, OL '91) EXCHANGE OF EMS

Authorizes interstate and intrastate exchange of service agreements between prepaid public and private ambulance and emergency medical service providers. Exempts ambulance services from Oregon Insurance Code.

SB 760 (C. 337, OL '91) COUNTY MEDICAID ADMINISTRATION

Encourages the Adult and Family Services Division, the Office of Medical Assistance Programs and the Health Division to develop agreements with counties to facilitate enrollment of poverty level clients. The State and county may pursue any of three alternatives for cooperation initial processing and determination of eligibility. Directs the State to require agreements between prepaid health plans and publically funded providers to authorize payment for immunizations, sexually transmitted diseases and other communicable diseases. The State is to continue to allow enrollees in prepaid health plans to receive family planning services from fee-for-service providers. Directs the State to encourage agreements allowing reimbursement for maternity case management, well-child care and prenatal care.

HB 2079 (C. 207, OL '91) PUBLIC HEALTH MEASURES

Extends duration of court order issued as public health measure to 180 days if substantial medical evidence indicates that condition is spread by airborne route and either that it cannot be rendered noninfectious within 60 days or that it may recur after public health is discontinued. Subjects persons who disobey court order or other public health measure to contempt proceedings.

IMPACT ON COUNTY: This Legislation strengthens the County's ability to protect the public from the spread of airborne disease through enhanced judicial remedies.

HB 2105 (C. 255, OL '91) SCHOOL VACCINATION PROGRAMS

Expands the 10-year-old school immunization program to include children in pre-schools and some post-secondary students and modifies the procedures to be followed by school districts and local health departments when students without immunizations have to be excluded from school. Specifies how records may be updated and permits health department nurse or school nurse to certify absence of disease for return to school of excluded person. Eliminates requirement that local health departments maintain records of persons excluded from school and authorizes Health Division to require certain post-secondary students to be immunized against measles. Permits certain school and facilities to adopt requirements more stringent than Act.

IMPACT ON COUNTY: Will require additional staff time, but amount is not predictable.

HB 2299 (C. 821, OL '91) FOOD SERVICE FEES

Increases fees charged by State Health Division for certain restaurants and bed and breakfast facilities. Restaurant- \$195; limited service restaurant- \$50; bed and breakfast- \$95; temporary restaurant- \$75.

HB 2388 (C. 706, OL '91) PREGNANT DRUG ABUSER PROGRAM

Requires Director of Department of Human Resources to appoint management team to assist in administration of grants for county treatment programs for pregnant drug abusers. Appropriates \$220,000 to finance county planning grants. Appropriates moneys to Health Division and office of Alcohol and Drug Abuse Programs. Limits expenditures to \$350,000 from federal and other funds. The Health Division, the Office of Alcohol and Drug Abuse Programs and the Oregon Health Sciences University shall develop a standardized screening instrument designed to identify the use of substances during pregnancy and shall request the boards responsible for the licensing of health care providers and appropriate professional organizations to work with them to conduct a series of training sessions for health professionals who provide maternity care on how to assess drug use in pregnancy.

IMPACT ON COUNTY: Although County now assesses potential of drug abuse by pregnant women to some extent, once the screening instrument is developed, this will be done in a more structured way, with increased time spent on prenatal visits to Health Clinics. Multnomah County will likely receive 20-30% of the grant funds available through their Legislation.

HB 3242 (C. 909, OL '91) "FIRST RESPONDER" TRAINING

Authorizes "first responders" to be voluntarily certified by the Health Division. Defines first responder, establishes certification procedures and requires fee to be paid for application process and written examination.
EFFECTIVE JULY 1, 1991

JUVENILE JUSTICE

SB 957 (C. 747, OL '91) COURT APPOINTED SPECIAL ADVOCATES (CASA)

Appropriates \$400,000 to Oregon Community Children and Youth Services Commission for CASA's use by counties for operation of CASA volunteer program in 1991-93 biennium. Per county shares are determined on the basis of the number of resident children 17 years of age and younger in that county as certified by Center for Population Research and Census. EFFECTIVE AUGUST 1, 1991.

SB 980 (C. 188, OL '91) NOTICE OF JUVENILE DETENTION HEARING

Requires notification to child and parent or guardian of pre-adjudicative detention hearing. Notice must state time, place, and purpose of hearing.

HB 2264 (C. 818, OL '91) JUVENILE DRUG OFFENDERS

Limits diversion of juvenile drug offenses to first violations of possession of less than one ounce of marijuana or delivery, for no consideration, of less than five grams of marijuana only, with certain exceptions. Directs the county juvenile department, when disposing of these cases by informal disposition agreement, to require the child to participate in same type of diagnostic assessment and an education and treatment program as the court offers, with comparable exceptions. Merges DUII and Marijuana Possession Fund into one account to help pay for the diversionary assessments and treatment. Allows for parents to be charged based on ability to pay.

IMPACT ON COUNTY: Education in the areas of drug abuse is by far one of the most effective tools law enforcement, the courts and the general public have to combat the drug problems which involve juveniles. This program will give a juvenile that "second chance" necessary for their future, but at the same time it will provide the education program to the juvenile. It appears that the program will not be discriminatory in that funding will be available to the parents who are unable to pay the costs of the programs.

**HB 2572 (C. 833, OL '91) SCHOOLS TO EDUCATE JUVENILE
DETAINEES**

Requires school district to provide or cause to have provided educational programs for children in county juvenile detention facility located in district. The school district or ESD may bill the resident district of the juvenile for the actual cost of the education. Those districts in turn may claim Basic School Support from the State after the juvenile has been in the county facility for at least 10 days. Clarifies that responsibility of juvenile detention facility is to "cause education to be provided" rather than to "provide for the education" of juveniles in the facility.

**HB 3438 (C. 670, OL '91) JUVENILE COMMUNITY CORRECTIONS
ACT**

Provides for between three and six pilot counties (or consortiums of counties) to be responsible for all delinquency cases in their counties. Transfers supervision of State Childrens Services Division personnel and resources to counties for those purposes.

IMPACT ON COUNTY: Contingent upon the availability of adequate funding and the selection of Multnomah County as a pilot. This Legislation could greatly improve the ability of local juvenile administration to efficiently care, manage, and provide resources for delinquent youth.

HB 3449 (C. 681, OL '91) JUVENILE RECORDS EXPUNCTION

Makes Aggravated Murder, Murder, Manslaughter 1, Manslaughter 2 and Criminally Negligent Homicide unexpungeable. Extends to five years from the date of termination, the minimum length of time before expunction. Makes District Attorney a "party" in Juvenile Court.

SOCIAL SERVICES

SB 44 (C. 753, OL '91) HEALTH CARE AND MENTAL HEALTH PRIORITIZATION

Makes categories of blind, aged and disabled, and foster children subject to the State's Medicaid reform program of prioritized services. Establishes two subcommittees of the Health Services Commission to address: 1) Blind and disabled; and 2) Aged populations. Makes technical changes to conform the statutes to provisions of SB 27 (1989). It accommodates the inclusion of mental health and chemical dependency services within the Health Services Commission list.

IMPACT ON COUNTY: Until such time as mental health care and chemical dependency services are integrated into the Health Services Commission priority list and the integrated list is funded by the Legislative Assembly, persons eligible for care and treatment under ORS Chapter 414 are entitled to such care and services, including community mental health service.

EFFECTIVE AUGUST 5, 1991.

SB 47 (C. 654, OL '91) NON IN-PATIENT PRIVATE PROVIDER FEES

Allows Mental Health and Developmental Disability Services Division and office of Alcohol and Drug Abuse Programs to charge private agencies fees for certification as private providers of non-inpatient mental health services. Fees imposed are not to exceed the cost of administration.

IMPACT ON COUNTY: Increases State responsibility, no County impact. Is positive for mental health and alcohol and drug programs that private for-profit providers will be licensed and will cover costs.

SB 48 (C. 175, OL '91) MENTAL HEALTH RECORDS CONFIDENTIALITY

Expands confidentiality of community mental health program records to include records of certain private organizations and subcontractors and certain contractors of Mental Health and Developmental Disability Services Division or Office of Drug and Alcohol Abuse Programs.

SB 50 (C. 224, OL '91) MHD CUSTODY OF CHILD

Restricts authority of court regarding placement of child in hospital or other facility when child needs physical or mental examination. Authorizes Mental Health and Developmental Disability Services Division to determine proper placement of child under certain circumstances. Specifies that if Children's Services Division objects to type of placement or services, court shall determine placement or services. Specifies that during examination and treatment of child, Mental Health and Developmental Disability Services Division shall not be appointed guardian of child.

IMPACT ON COUNTY: Requires consideration of professional mental health assessment for placement of children, and, thus, should relieve system of inappropriate institutional placements.

SB 510 (C. 744, OL '91) MENTALLY ILL BILL OF RIGHTS

Establishes mandatory reporting and protection services for mentally ill or developmentally disabled adults age 18 or older who are receiving services from a community mental health program or facility. Also:

- * Specifies procedures for reporting and investigation of alleged abuse;
- * Defines types of abuse covered to include death by other than accidental or natural means; physical injury; willful infliction of physical pain or injury; and sexual harassment or exploitation;
- * Requires public and private officials (medical providers, lawyers, DHR employees, mental health professionals, etc.) to report when they reasonably believe that abuse has occurred. However, does not require the disclosure of otherwise privileged communication by psychologists, psychiatrists, attorneys and clergy;
- * Requires the Mental Health and Developmental Disabilities Services Division or its designee to investigate abuse unless a law enforcement agency is conducting an investigation; and
- * Gives immunity from civil liability and prohibits retaliation for reporting if the report of abuse was made in good faith.

SB 567 (C. 581, OL '91) YOUTH CONSERVATION CORP TRANSFER

Transfers the Oregon Youth Conservation Corps to the Community Children and Youth Services Commission and restores funding for the Corps to provide a work program for disadvantaged and at risk youth in conservation and community service projects. The Youth Conservation Corps operated during the 1989-91 biennium in the Employment Division, but was not funded in the Governor's recommended budget for 1991-93.
EFFECTIVE JULY 17, 1991.

SB 823 (C. 775, OL '91) SENIOR MENTAL HEALTH

Instructs Oregon Department of Human Resources to assure that its agencies plan together to meet Senior Mental Health needs. No money was appropriated. Rather, the Bill is a statement of philosophy, which may help advocacy effort on behalf of the affected population.

SB 1099 (C. 359, OL '91) CLIENT-CENTERED HUMAN SERVICES

Establishes State policy to foster a family/client-centered service delivery system which focuses on the needs of individuals and families, and overcomes the fragmentation of the current system. The bill requires the Department of Human Resources (DHR) to establish at least two model projects in a rural and urban area. DHR will provide technical assistance, facilitate collaboration necessary for local implementation, and act as intermediary to allow communities to pool funding.

SB 1146 (C. 749, OL '91) EARLY INTERVENTION AVAILABILITY

Extends special education programs to eligible preschool children with disabilities from birth to age of eligibility for kindergarten. Requires Department of Education, Department of Human Resources, and Department of Higher Education to coordinate services to preschool children with disabilities. Creates State Early Intervention Coordinating Council. Prescribes membership and duties. Requires contractors for early childhood special education and early intervention services to assist to development of local early intervention interagency advisory councils in certain counties. Requires State Board of Education to assure that preschool children, three years of age, to eligibility for entry into kindergarten are provided same procedural safeguards and rights provided to school age children with disabilities. Appropriates money.
EFFECTIVE JULY 1, 1991.

**SB 5525 (C. 157, OL '91) CHILDREN AND YOUTH SERVICES
COMMISSION BUDGET**

Continues the commission's present operations to help communities identify needs, and plan and develop comprehensive services for children and youth. It also continues funding for Juvenile Court Subsidy and Student Retention Initiative grant programs, reduced slightly from 1989-91 levels. The Great Start grant program is fully phased-in for the 1991-93 biennium. The Runaway and Homeless grant program was reduced by \$227,000, and the balance of \$265,750 transferred to the Juvenile Services grant program.

The legislature stated that, although funds would not be designated for Runaway and Homeless grants, counties are expected to use juvenile services grant funds, as needed, for local services to runaway and homeless youth.

The legislature recommended that if additional funds become available, up to \$1 Million total be added proportionately to the Juvenile Services, Great Start, Juvenile Court Subsidy, and Student Retention Initiative grant programs.

The budget includes a \$63,000 contract with Oregon State University, or other suitable source, for local program information and evaluation services.
EFFECTIVE JULY 1, 1991.

**SB 1087 (C. 777, OL '91) EARLY IDENTIFICATION AND
INTERVENTION**

Provides for continuation and expansion of early identification and early intervention projects for certain individuals. States that the Mental Health and Developmental Disability Services Division shall address preventive mental health services for children and that the division budget shall give high priority to such services.

IMPACT ON COUNTY: The intended focus of this statute is services managed by Mental and Emotional Disabilities and Developmental Disabilities. Because it contains old language including alcohol and drug abuse, its impact on A & D services is unclear. Obviously without new resources, changes in actual services will be difficult. Alcohol and Drug Services already include substantial prevention, primary prevention and early intervention services.

HB 2708 (C. 546, OL '91) TEMPORARY GUARDIANS

Satisfies due process requirements for the establishment of a temporary guardianship for incapacitated persons. Provides for adequate notice to the proposed ward, scrutiny of the case by a court visitor, and a hearing upon request. Sets up specific timelines allowing for expeditious action in emergency situations.

IMPACT ON COUNTY: Positive. Temporary Guardianships have not been available for some period and this legislation will reinstate this option for the community.
EFFECTIVE JULY, 14, 1991.

HB 2709 (C. 895, OL '91) RESTRICTIONS ON GUARDIANSHIPS

Requires notification by any guardian or conservator nominee of criminal convictions or bankruptcy filings. Prohibits court visitor from serving notice of the petition for the guardianship or conservatorship to the proposed ward, in most cases. Requires court visitor report within 30 days of appointment. Prohibits court visitor report within 30 days of appointment. Prohibits limiting wards access to legal counsel and personal records.

IMPACT ON COUNTY: Positive, except for the provision which altered the due date for the court visitors report from 15 to 30 days after appointment. Because of the marginal condition of the proposed wards in most cases, it is in their best interests for the guardianship proceedings to occur as quickly as possible, if there are no objections and the 15 day notice period for objections has passed.

HB 2944 (C. 901, OL '91) PHYSICIAN HOLDS OF MENTALLY ILL PERSONS

Authorizes licensed physician to hold person for up to 12 hours for transporting to treatment facility in certain situation. Before transporting the person, the physician shall prepare a written statement that: (1) an admitting physician at the receiving facility has consented to transporting the person for examination and admission if appropriate; and (2) the physician believes the person is dangerous to self or any other person and is in need of emergency care or treatment for mental illness. The written statement required by (1) authorizes a peace officer or the designee of a community mental health and developmental disabilities program director to transport a person to the treatment facility indicated on the statement.

IMPACT ON COUNTY: This Legislation modifies current statute to allow physicians to approve transfer of mentally ill persons in need of care, from one facility to another, and specifies who is authorized to transport clients.

PUBLIC SAFETY

Legislative Liaisons:

DCC, Robert Jackson
Phone: 248-3701

MCSO, Bill Vandever
Phone: 251-2405

DA, Judy Phelan
Phone: 248-3335

GENERALLY

SB 943 (C. 451, OL '91) CHILD ABUSE MULTIDISCIPLINE TEAMS

Adds responsibility to existing Multidisciplinary Child Abuse Team to do review of child fatalities.

IMPACT ON COUNTY: Minimal to County. A child fatality review committee already exists which meets quarterly to review child deaths. This will require developing written protocols for review process. Review should help to identify issues related to preventable deaths and develop recommendations to address issues.

SB 990 (C. 455, OL '91) CRIMINAL JUSTICE COUNCIL

Continues the Oregon Criminal Justice Council.

IMPACT ON COUNTY: "De-Sunsetting" of the Council means there will continue to be an objective forum for representatives of all components of the Criminal Justice system, including counties.

EFFECTIVE JUNE 30, 1991.

SB 5543 (C. 432, OL '91) DISTRICT ATTORNEYS AND THEIR DEPUTIES

Provides overall 12% increase over previous biennium for district attorney salaries and benefits and overall decrease of 1.4% in subsidies to counties for deputy district attorneys. Eliminates completely the State contribution to funding of costs of providing counsel in mental commitment hearings. Increases by 35% State contribution to prosecution witness fees. Eliminates special gang task force prosecutor in the Portland metropolitan area.

IMPACT ON COUNTY: Did not include the \$150,000 for a gang deputy as anticipated. This translates into an annual amount of \$75,000 that is no longer available for the prosecution of gang related crime. The bill did not include any amount for prosecution of civil commitment cases either. This service costs the County \$75,000 per year for deputy district attorney and clerk time. The legislation requiring State representation in the civil commitment cases is still in place.

EFFECTIVE JULY 1, 1991.

FORFEITURES

The 1991 Legislature was worried about the possible abuses which could arise from local government forfeiture ordinances and existing State law on forfeiture. The Legislature therefore chose to provide more safeguards for claimants and lieuholders at the expense of governmental bodies. HB 2020 is the best example of this philosophy. It eliminated the automatic bond requirement, created a new procedure for challenging the seizure and provided that the court shall award attorney fees to the claimant if the forfeiting agency does not prevail. The Legislature also eliminated small quantities of marijuana from the definition of "prohibited conduct", thereby restricting forfeiture in those areas.

Other Changes in Forfeiture Law Include:

1. HB 2023: Allows the freezing of funds in bank accounts.
2. HB 2024: Requires forfeiting agency to maintain seized property. Requires court order to sell seized property before final disposition.
3. HB 2027: Requires claimant to establish that claimant did not acquiesce in prohibited conduct.
4. HB 2031: Requires forfeiture counsel to report to Asset Oversight Advisory Committee. Requires law enforcement agency to provide information to forfeiture counsel.
5. HB 2033: Allows district attorney to act as forfeiture counsel. Establishes procedure for expedited hearings.
6. HB 2034: Makes it easier to serve notice if at the time of seizure the receipt contains certain information.

IMPACT ON COUNTY: Presently the Multnomah County Sheriff's Office (MCSO) property inventory receipts do not include language which provides information on the right to file a claim and the deadline for filing a claim. MCSO will continue to serve a notice of intent to forfeit property in addition to a separate receipt listing the property seized.

7. HB 2035: Expands definition of real property to include mobile homes and house boats.
8. HB 2028: Requires agency seeking forfeiture to decide within 30 days whether to file forfeiture action.

9. HB 2038: Increases time from 15 to 30 days to allow the seizing agency to identify those other parties who the property may belong to or who have a lien against the property.

IMPACT ON COUNTY: Presently Multnomah County returns certain property (automobiles, cash, etc.) back to the person from whom the property was seized. Allows the seizing agency to return property to persons other than the person from whom it was seized, such as a lien holder who possesses title to a vehicle. The requirement that the seizing agency be required to pay costs of towing and storage, especially when the seizing agency has to contract out the towing and storage, can become extremely expensive for the seizing agency. This would not preclude the seizing agency from continuing to enter into stipulated agreements with claimants regarding the costs of towing and storage in the event that the property is subsequently returned to a claimant or lien holder.

10. HB 2311: Requires seizing agency to take reasonable steps to safeguard and protect things seized against loss, damage and deterioration.

IMPACT ON COUNTY: Presently, the Multnomah County Sheriff's Office does store and/or protect seized property from both the elements and against loss due to theft and/or vandalism. This bill protects the seizing agency from becoming liable when steps have been taken to protect property seized.

11. HB 2418: Reduces bond required to be posted from 10% of the property value to 10% of the interest claimed in the property.

CHILD ABUSE CASES

The Legislature passed several bills which will improve the way child abuse cases are handled in the State:

1. HB 2935: Extends the hearsay exception for statements made by child victims to civil proceedings.
2. HB 2882: Establishes a mechanism for creation of Regional Child Abuse Assessment Centers around the State to assure that no child is denied access to a complete child abuse assessment because of inability to pay.

IMPACT ON COUNTY: Multnomah County currently provides financial support to CARES, a child abuse screening and evaluation program that is administered by Emanuel Hospital. There have been concerns that in the long run Emanuel will need to seek additional funding or reduce the program. Funding of this legislation would have stabilized CARES and expanded the program model statewide.

3. **HB 3313:** Creates the Sex Offenses Against Children Task Force to study the handling of child abuse cases in the state and to make recommendations to the next Legislative session on issues such as services for victims, and programs and treatment for offenders, especially juvenile offenders.
4. **SB 943:** Requires local Multidisciplinary Child Abuse teams to develop a process for review of child deaths to identify preventable deaths and to promote changes necessary to address these issues.
5. **HB 2411:** Extends the statute of limitations for certain sexual offenses against children.
6. **HB 2412:** Requires the court to expedite hearings in many cases where a child is a witness.
7. **HB 2545:** Makes it a crime to have or leave a child in a place where controlled substances are criminally manufactured or sold.
8. **HB 2667:** Adds employees of alcohol and drug treatment programs to the list of persons required to report child abuse.

HB 3313 (C. 913, OL '91) SEX OFFENSES AGAINST CHILDREN TASK FORCE

Establishes Sex Offense Against Children Task Force. Prescribes duties and members, including health and mental health professionals.

HB 3564 (C. 743, OL '91) 9-1-1 OVERHAUL

Requires Statewide installation of an "Enhanced 9-1-1 system by January 1, 1997. Increases the current 3% 9-1-1 excise tax to 5% of local access charges. The increase is dedicated to the network, database and equipment changes required by the new system.

CIVIL COURTS

SB 404 (C. 458, OL '91) DELAY OF NEW JUDGESHIPS

Delays to January 1, 1992, or "as soon as practicable" thereafter the appointment of the two new circuit court judges for Multnomah County created by the 1989 Legislature.

IMPACT ON COUNTY: Allows for more methodical implementation of space planning for judicial and County needs.
EFFECTIVE JUNE 30, 1991.

HB 2258 (C. 538, OL '91) DISPUTE RESOLUTION FUNDS

Clarifies that Dispute Resolution Commission may provide funds and use surcharge funds collected for circuit court landlord and tenant disputes for statewide programs. Increases allocation of filing fee surcharge to Dispute Resolution Commission. Eliminates requirement that biennial determination of funds available to county dispute resolution programs be adopted as rule. Deletes provisions establishing staggered terms of commissioners, operative July 1, 1992.
EFFECTIVE JULY 14, 1991.

HB 2828 (C. 550. OL '91) REIMBURSEMENT FOR DEPUTIES IN CIVIL CASES

Provides reimbursement to city or county for expenses incurred when a city or county police officer is called to testify as an expert witness in civil trial in conjunction with events witnessed or statements taken during the course of official duties.

IMPACT ON COUNTY: This Bill will have little financial impact upon the Sheriff's Office. From July 1, 1990, through September 10, 1991, only six deputies were subpoenaed into civil trials. This created a total of 21.5 hours of overtime for a cost of \$624.62.

CORRECTIONS

SB 451 (C. 270, OL '91) PRESENTENCE REPORTS ON FELONY SEX OFFENSES

Requires Department of Corrections to prepare presentence report for all defendants convicted of felony sexual offenses.

IMPACT ON COUNTY: Will ensure that the sentencing courts have as much relevant information as possible in making decisions that impact the use of scarce and expensive custodial and treatment resources. However, the increased workload associated with these mandatory PSI's could be as much as 40%.

SB 620 (C. 196, OL '91) COUNTY JAIL TIME AS MISDEMEANOR PROBATION

This measure cleans up a mistake by omission which occurred when the felony sentencing guidelines were written. It allows for the continuation of the regular practice of using jail sanction for misdemeanor probation violation, if appropriate.

EFFECTIVE JUNE 10, 1991

SB 1142 (C. 778, OL '91) PRISONER MEDICAL EXPENSES

Establishes Law Enforcement Medical Liability Account to pay for medical expenses for injuries sustained by criminal suspect as a result of efforts by a law enforcement officer to restrain or detain, or to take or retain custody of the suspect. The account is funded by an assessment to be added in all cases involving conviction or forfeiture of bail for any offense other than a parking violation. The assessment became effective, August 5, 1991. The first injuries to be covered by the account are those that are sustained on or after July 1, 1992. The Act sunsets July 1, 1993.

IMPACT ON COUNTY: Should limit the cost of litigation between Portland Police and Multnomah County regarding who is responsible for medical expenses.

Multnomah County has been refusing to pay for persons receiving emergency medical care unless they are in Multnomah County custody.

EFFECTIVE AUGUST 5, 1991.

SB 5541 (C. 431, OL '91) CORRECTIONS DEPARTMENT BUDGET

Includes funding for partial opening of Snake River Correctional Institution at one-half capacity. Adds funding to restore 64 parole and probation officers that were proposed to be eliminated in the Governor's recommended budget. The positions (40 state and 24 county) will provide supervision to parolees, post-prison supervises, felony probationers, and some high-risk sex offenders and person-to-person misdemeanants. A \$2.6 Million supplemental appropriation was made to the Community Corrections program to target parolees in the community by providing transition services and alternative sanctions. \$1.8 Million will be distributed directly to counties based on each county's share of the State parole caseload and is to be targeted toward parolee services and sanctions. The remaining \$800,000 will be distributed under request for proposals with the purpose of developing model programs in two or three jurisdictions. Evaluations will be done of the programs to determine their effectiveness in increasing successful parole completion and reducing parole returns to institutions. Overall the adopted budget represents an increase in Community Corrections funding of 7.2% over the previous biennium and 12.6% over the Governor's recommended budget. However, it also includes deletion of funding for about 75% of misdemeanor case loads. The field services portion of the budget is 8.6% higher than the previous biennium and 12.7% higher than was proposed in the Governor's recommended budget.

EFFECTIVE JULY 1, 1991.

HB 2390 (C. 690, OL '91) SENTENCING CRITERIA REGARDING CONTROLLED SUBSTANCES

Enhances penalties for certain drug offenses. Directs Oregon Criminal Justice Council to study and report to the Legislature on racial and gender disparity in sentencing.

EFFECTIVE JULY 25, 1991

HB 2586 (C. 630, OL '91) MANDATORY SUBSTANCE ABUSE EVALUATION

Authorizes court to cause evaluation of any person convicted of a crime to determine whether the person is an "alcoholic" or a "drug dependent person." The court could then enter a finding thereof. If the defendant were sentenced to prison, the Department of Corrections would be required to provide treatment if resources were available. If the defendant were placed on probation, the court could order evaluation or treatment as a condition of probation. The court could also order payment of reasonable costs of evaluation or treatment as a condition of probation.

HB 3444 (C. 669, OL '91) BLOOD TESTS UPON CONVICTION

Requires persons convicted of certain sex-related crimes to provide blood sample to the Department of Corrections or a designated law enforcement agency. Authorizes State Police to receive, store and analyze samples to establish genetic profile of donor. Authorizes State Police to maintain criminal identification data base.

LAW ENFORCEMENT

SB 638 (C. 797, OL '91) "UNLAWFUL USE OF WEAPON"

Broadens and clarifies the crime of unlawful use of a weapon within city limits, residential areas within urban growth boundaries, or within the range of the weapon without having legal authority for such discharge. Proscribed weapons include a firearm, blowgun, bow and arrow, crossbow, air rifle and explosive device. Provides exemptions for certain lawful activities.

IMPACT ON COUNTY: Statutory provisions are now similar to existing ordinances in Multnomah County, thus making local ordinances more clearly enforceable.

EFFECTIVE AUGUST 5, 1991.

HB 2544 (C. 628, OL '91) GENDER NEUTRAL SEXUAL ASSAULT

Makes the crime of Rape a gender neutral crime. There are three different degrees of Rape. Rape in the first degree is committed either forcibly, the victim is under 12 or the victim is under 16 and is related to the defendant. Rape in the second degree is committed if the victim is under 14 years of age. Rape in the third degree is committed if the victim is under the age of 16.

IMPACT ON COUNTY: In the past several years, there have been an alarming number of cases in which mothers or female caretakers become involved sexually with minor boys. Under prior law, if a woman over 18 had sexual intercourse with a six or seven-year-old boy, the only charge that could be prosecuted was Sex Abuse in the first degree, a class C felony. It is unlikely that the District Attorney will see cases in which there is an allegation of forcible compulsion by a female. However, we will see cases in every other category of rape.

HB 2743 (C. 678, OL '91) LAW ENFORCEMENT PUBLIC RECORDS EXEMPTION

Makes information that covers specific law enforcement tactical plans exempt from public disclosure unless the public interest requires the disclosure of such information.

HB 2932 (C. 946, OL '91) ARSON & CRIMINAL MISCHIEF

Expands circumstances that constitute crimes of arson or criminal mischief in the first degree:

1. Creates a crime of arson in the first degree when a person starts a fire or causes an explosion which causes serious physical injury to a firefighter or peace officer.
2. Creates a crime of criminal mischief in the first degree when a person starts a fire in an institution while the person is committed to or confined in that institution; when a person damages or destroys property, including a medical (health care) facility, state or local correctional facility, mental health facility, juvenile detention facility or state training school.

HB 2993 (C. 552, OL '91) DOMESTIC DISPUTES REPORTS

Directs law enforcement agencies to report statistics concerning incidents arising out of domestic disturbances to Executive Department. Directs Executive Department to prepare quarterly and annual reports of statistics.

HB 2994 (C. 303, OL '91) ROLE OF PEACE OFFICER IN DOMESTIC DISPUTE

Clarifies that police officer is not required to arrest both parties to a domestic disturbance. Requires officer making an arrest in conjunction with a domestic disturbance to determine who is the assailant by taking into account certain factors. Deletes court's authority to order mutual restraining orders. Allows officer called to a domestic disturbance to serve a previously-issued restraining order.

HB 3098 (C. 931, OL '91) BOATING OFFENSES PROCEDURE

Directs State Marine Board to adopt rules establishing a Safe Boating Education Course as sentencing alternative for those convicted of certain boating offenses. Revises procedures for handling boating cases in courts to parallel procedures for handling traffic infractions. Grants authority to State Marine Board to suspend boat registration or refuse to renew registration if fines or other court imposed obligations rising from use of the boat are not satisfied. Established procedures for testing and determining blood alcohol content of boat operator.

IMPACT ON COUNTY: The County will see more reporting of violations by waterway users. With enhanced ability to enforce the law, as well as enhanced ability to educate boaters, this Measure will produce a very positive result on the part of far more boaters than the few who are arrested each year. If additional time for court or report preparation is required, there may be a minor negative impact on the River Patrol Unit's budget.

HB 3106 (C. 592, OL '91) ARREST OF MISDEMEANANTS

Expands the area of probable cause for a police officer, basically giving the officer authority to issue and serve a citation based on probable cause that a Class B or C misdemeanor has been committed, as the officer now has for felonies.

EFFECTIVE JULY 14, 1991

HB 3299 (C. 625, OL '91) MOBILE TRACKING DEVICES

Modifies and clarifies the circumstances under which a warrant authorizing the installation or tracking of a mobile tracking device shall be executed upon probable cause than an individual is committing or about to commit a particular crime, including bribery, extortion, burglary or unauthorized use of a motor vehicle, which is punishable as a felony.

HB 3418 (C. 636, OL '91) ARREST RECORD INFORMATION

Provides that the record of an arrest or report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of an investigation, including the need to protect the complaining party or the victim.

HB 3448 (C. 959, OL '91) "COMMUNITY CARETAKING FUNCTIONS"

Authorizes peace officer to engage in "community caretaking" functions, clarifying the authority of a peace officer to enter or remain upon the premises of another person, under reasonable stated circumstances (such as render aid, prevent serious harm to person or property, locate missing persons). Provides peace officers with the authority to stop or redirect traffic under similar circumstance. Does not limit the authority of a peace officer inherent in that office or granted by other laws.

EFFECTIVE AUGUST 8, 1991

HB 3495 (C. 860, OL '91) YOUTHS BUYING ALCOHOLIC BEVERAGES

Requires suspension of driving privileges for using false identification to purchase liquor. Makes persons 18, 19 and 20 civilly liable for damages sustained when liquor licensee sustains economic damages resulting from misrepresentation of minor. Prohibits insurance company from canceling coverage or raising rates for license suspension resulting from alcohol or drug violation if the suspension is based on a non-driving offense. Makes any amount of alcohol sufficient for persons 18, 19 and 20 to lose their driver's license under the implied consent laws.

LIBRARY

Legislative Liaison: Ginnie Cooper
Phone: 248-5403

LIBRARY

HB 2978 (C. 569, OL '91) LIBRARY BOARD SIZE

Allows the library board of a city, county or county service district to have up to 15 members instead of the former limit of nine.

IMPACT ON COUNTY: In large metropolitan areas, there may be a need for more library board members to better represent the interests of the people of that community. When Multnomah County took over the jurisdiction of the library, the system appointed 15 board members and this measure reconciles the statute with the County's Home Rule action.

IMPACT ON CITIZENS: Allows more citizens to participate in the activities of the library board, and broader representation of the varying interests of the County.

HB 3497 (C. 602, OL '91) MAINTENANCE OF EFFORT FOR STATE LIBRARY

Permits public libraries to consider funding from both County and City revenues as a whole for purposes of State aid computation. Before passage of HB 3497, a unit of government could not reduce its operating expenditures for the library to be eligible for State financial assistance. Under this legislation:

- o In determining maintenance of effort, libraries may exclude State funds and short-term special funding.
- o State grants would be paid to public libraries instead of to local governments.
- o State grants would be paid to consolidated County libraries instead of to counties.
- o When the library governing body is not countywide, the State grant would be paid based on the number of people in the area served by the library.
- o When a county or district contracts to provide library services, State grants would be based on the per capita number of people in that jurisdiction.
- o If local government property taxes are reduced due to Ballot Measure 5, maintenance of effort would be considered if the percentage of property taxes dedicated to the libraries is equal to the lesser percentage of taxes for the same purpose in either of the preceding two fiscal years Chapter 602.

IMPACT ON COUNTY: Ensures that County will continue to receive limited State funding approximately \$60,000 annually. More categories of support can be counted.

Meeting Date: OCT 0 1 1991

Agenda No.: B4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Briefing

AGENDA REVIEW/
BOARD BRIEFING 10/1/91 REGULAR MEETING _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Hank Miggins TELEPHONE ext. 3308

PERSON(S) MAKING PRESENTATION Hank Miggins, Maureen Leonard

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested,
as well as personnel and fiscal/budgetary impacts, if applicable):

Briefing on process for the Joint Government Meetings on Consolidation Services

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Madip McCoy*

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1991 SEP 26 AM 9:16
MULTI-STATE COUNTY
OREGON

BCC Informal

October 1, 1991

1. Overview of process for October 3rd meeting
2. Timeline/ process for future meetings (here til December 4)
3. Discussion:
 - a. Do we need a Resolution B?
 - b. How to advance county's human services agenda

JOINT GOVERNMENT MEETING

October 3, 1991

AGENDA

1. Suggested process from here to December
 - a. Schedule of meetings
 - b. developing evaluation reports

2. Discussion of Memos of September 23 and 26 from Commissioners Kafoury and Bauman and Mayor McRobert
 - a. guiding principles
 - b. proposals regarding specific services

3. Worksheets: Workgroup proposed format for developing evaluation reports

To: Multnomah County Commission
Portland City Council
Gresham City Council
Representatives from East County Cities

From: Mayor Gussie McRobert, Commissioner Gretchen
Kafoury, and Commissioner Rick Bauman

Re: Revisions to Joint Government Meeting Proposal and
Procedural Considerations for October 3rd Meeting

Date: September 27, 1991

Each of us has discussed the September 23rd Joint Government Draft Proposal with our colleagues. We then met on September 26th. This memo suggests revisions to the September 23rd draft and proposes procedures designed to maximize the progress which we believe can be made at our Thursday, October 3rd meeting.

Revisions to Draft Proposal

Given certain alterations, there appears to be a solid majority on the Gresham City Council, the Portland City Council and the Multnomah County Commission for the draft proposal circulated to you earlier this week.

The most significant change is in item 2 on page 4, the discussion of law enforcement responsibilities. The following language would be substituted:

The three major police forces which now provide law enforcement services in Multnomah County--the Portland City Police (PPD), the Gresham City Police (GPD), and the Multnomah County Sheriff's Office (MCSO)--will be consolidated into either two forces or one force through a two step process.

Step 1: The County will stop providing police patrols in unincorporated Multnomah County. The provision of these services will be contracted to another appropriate police agency.

Step 2: Two full proposals will be developed analyzing the operational and fiscal implications of consolidation of one or two of the existing police agencies. The first proposal would focus on the completely eliminating of the policing functions of MCSO, dividing those responsibilities between PPD and GPD. The second proposal would focus on consolidating all three agencies into one.

Commissioner Pauline Anderson is circulating an alternate proposal relating to roads and bridges. She is circulating her suggestion to all participants before the October 3rd meeting.

A major concern raised by several individuals at several points in the draft proposal related to "accountability". The issue involves the ability of citizens to redress their elected officials when the government actually providing a service is not *their* government. For example, how is a citizen of unincorporated Multnomah County assured access to decisions concerning their police services when that service is being provide, through contract, by the PPD? This issue will need to be resolved as the detailed proposals in each area are developed.

Other suggested wording changes, clarifications and corrections are relatively minor in nature and can be discussed at the October 3rd meeting.

Procedures for October 3rd Meeting

There was general agreement about the process discussed in the draft proposal. In sum, the overall process will involve preliminary decisions by the Joint Government Group on the seven areas identified at our September 4th meeting, development of detailed proposals for the implementation of each of those decisions, and, based on that information, final ratification of the decisions and implementation plans by each of the governments involved.

To that end, we propose the following agenda for the October 3rd meeting.

1. Discussion of the environmental factors, value statements, and core service responsibilities described in the September 23rd draft. We will need to decide if and how this framework should be formalized--e. g. adoption of a Resolution B.
2. Preliminary decisions on the seven items identified at our first meeting. Assignment to work groups of the responsibility to develop detailed plans and timelines for implementing the decisions.
3. Discussion of methods for dealing with the "cross-cutting" issues (e.g. housing and criminal justice), the responsibility for which will continue to be vested in more than one government.
4. Presentation by staff and discussion of their preliminary work on "roads and bridges".

We are assuming while meeting as the Joint Government Group, our first attempt will be to make decisions by consensus. When that proves impractical, each governing body will need to indicate if there is majority support for a certain decision.

PAULINE ANDERSON
Multnomah County Commissioner
District 1



605 County Courthouse
Portland, Oregon 97204
(503) 248-5220

September 26, 1991

To: Multnomah County Commissioners
Portland City Council
Gresham City Council
Representatives from East County Cities
Elected County Officials
City Auditor
William Dodge

From: Pauline Anderson *pa*

Re: Proposals for Joint Public Safety System and
Unified Transportation System

Since our first joint meeting, I have been thinking about the best system for law enforcement and transportation. Measure 5 and these discussions provide a unique opportunity for us to take innovative, courageous steps to improve the service delivery to our citizens.

With the following proposals, I am trying to think through the best service delivery system, while recognizing the need for local control in some areas and a forward look to eventual regionalization in others.

In response to the September 23 memo from Commissioners Bauman and Kafoury and Mayor McRoberts, I appreciate their attempt to package a number of issues together. However, I do not believe that we should adopt their approach until we explore other proposals.

Because I have been confused about how proposals would come to the group - I thought the Work Group would be forwarding several options - I am circulating two of mine now in an attempt to ensure that you keep an open mind on these issues before our meetings and that you are aware of other possibilities.

I believe the best process to follow in evaluating these proposals is to form Work Groups with representation from all key areas. The Board of County Commissioners has approved the formation of a Police Services Work Group (Multnomah County Board resolution 91-118 on 8-15-91 - copy enclosed).

I am open to other possibilities for the membership in the Work Group that would guarantee a fair hearing.

A similar Work Group should be formed to evaluate the Unified Transportation System proposal and alternatives. Because of the technical nature of the issues involved, I would suggest that we invite operational transportation personnel from the local area to assist our transportation Managers in the evaluation. A possible group would include Transportation personnel from the following agencies:

Managers from Portland, Gresham, and Multnomah County
Oregon Department of Transportation
Washington and Clackamas County
Metro
Tri Met
Port of Portland
Informed Citizens

All of these agencies have a personal and professional interest in seeing that we have the best possible transportation agency throughout the County.

Finally, I am suggesting some alternative language to the September 23 memo in the following areas. This language expresses our willingness to explore options in these areas:

Roads: Explore models of consolidated transportation planning, roads and bridge maintenance. Seek cost efficiencies, equitable service standards, rational county wide capital priority setting, and consensual budgeting, planning and decisions making.

Law Enforcement: Convene a multi-jurisdictional police services planning group. Review and recommend models for greater coordination, specialization, cost savings, and/or mergers in county wide law enforcement. Have County phase out of mid-county police patrol responsibilities.

Finally, I believe we may be willing to take a slightly different approach in another area mentioned in the September 23 memo:

Emergency Management: Consolidate jurisdictions' emergency management planning responsibilities with the goal of region-wide planning.

I look forward to the opportunity to present these ideas and to hearing your thoughts on the options proposed.

September, 1991

PROPOSAL FOR A UNIFIED PUBLIC SAFETY SYSTEM

PRINCIPLES

1. A comprehensive countywide system for public safety.
2. Improved Communication between all elements of the system.
3. Consolidation of administration and operational activities
4. Central, consensual planning and decision making
5. Efficient central hiring and training
6. Consolidation of revenues

IMPLEMENTATION

1. Establish a Joint Public Safety Council Chaired by the Elected Sheriff which meets at least twice a month.

Duties:

- a. Implementation of Public Safety Plan
- b. Development of budgets to recommend to jurisdictions
- c. Implementation of effective community policing
- d. Review system problems; recommend efficiencies

2. Establish Elected Sheriff as Chair of Council. Other members are:

Police Chief of Portland
Police Chief of Gresham
District Attorney
Chief Judge
Metropolitan Public Defender
Director, Department of Community Corrections
Director, Department of Human Services
Director, Juvenile Department
Representative of other County cities

3. Establish a Public Safety Advisory Committee to the Council which meetings at least twice a month. Advisory Committee includes representatives from the following:

Sheriff's Office
Portland Police
Gresham Police
District Attorney's Office
State Courts
Metropolitan Public Defender
Department of Community Corrections
Department of Human Services (Health/Social Services)
Department of Human Services (Juvenile Department),
East County Cities

Citizen Crime Commission
Neighborhood Association Crime Prevention Program
Oregon Criminal Justice Council
Citizen Involvement Committee
Non Profit Service Provider

Duties:

- a. Development of Public Safety Plan
- b. Monitors the progress of the Plan

IMPACTS

1. Establishes minimum patrol standards county wide. Uniform approach to community policing.
2. Cities able to target local enforcement needs.
3. Cities and county elected officials retain budget approval.
4. Better educated and trained recruits. New officers hired under PERS. No worsening of unfunded liability.
5. Savings in administration, pooled equipment purchases, shared materials purchases.
6. Publicly accountable official in charge of Council.
7. Enhanced communication between all aspects of the criminal justice system.

September, 1991

PROPOSAL FOR A UNIFIED TRANSPORTATION SYSTEM

PRINCIPLES

1. Promote cost efficient government by consolidating administrative and operational activities in the County, Portland, Gresham and the East County cities.
2. Develop central, consensual planning and decision making by involving all affected jurisdictions.
3. Promote cost efficient government by centrally purchasing equipment and materials and fully using existing maintenance facilities
4. Provide equitable services to citizens by developing uniform road maintenance standards
5. Maximize the efficient use of available resources by consolidating existing transportation revenues

IMPLEMENTATION

1. Establish a Joint Transportation and Road Maintenance Bureau

Duties of the Bureau:

- a. Maintenance of arterials and local streets.
- b. Maintenance of Willamette River Bridges.

How the Bureau would operate

- a. Have government employees do routine maintenance work
- b. Contract for major maintenance and capital construction projects.
- c. Use existing Stanton and Yeon shops.
- d. Centrally purchase capital equipment and materials.
- e. Pool existing road maintenance equipment
- f. Provide planning capability for other countywide transportation issues

2. Establish a Policy Committee with Elected Officials from Portland (2 votes), Gresham (1 vote), East County Cities (1 vote), and the County (1 vote). Representatives from Tri-Met and the Port of Portland could serve in a non-voting capacity.

Duties of the Policy Committee:

- a. Establish consensual priorities for road and bridge maintenance and capital construction, based upon agreed upon standards of maintenance
- b. Establish Long Term Capital Construction Plan.
- c. Recommend budgets to their jurisdictions that reflect the maintenance and capital construction priorities.
- d. Present unified countywide transportation priorities to JPACT.

IMPACTS

1. Central planning, uniform standards, and pooling of financial resources and equipment should equalize the maintenance standard of roads county wide. There should be a reduced backlog of deferred maintenance, primarily in the City of Portland.
2. Establishing capital construction projects on county wide need basis should result in a more rational allocation of scarce transportation dollars.
3. Pooling staff, equipment and materials should result in savings in administration and purchases.
4. The Policy Committee deliberations should provide a more public forum for discussing countywide maintenance and construction needs.
5. A unified countywide approach to transportation issues and priorities will give us more regional clout, and, if successful, could lead to unifying the whole Metro region.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY

In the Matter of a Process to Determine) RESOLUTION
Future Delivery of Law Enforcement) 91-118
Services in Multnomah County)

WHEREAS, the passage of Measure 5 has created serious financial problems for the State of Oregon and for many local governments throughout the state.

WHEREAS, local governments in Multnomah County have experienced severe revenue shortfalls because of Measure 5 constraints.

WHEREAS, local governments in Multnomah County are looking for ways to eliminate duplication of services and provide more cost-effective services through consolidation and improved cooperation.

WHEREAS, the Citizen Committee on City/County Service Consolidation has suggested that the County and the Cities explore merging law enforcement operations.

WHEREAS, county officials, staff and citizens need to know if the consolidation of police services is feasible, would actually be cost-effective and would provide better service to all our citizens.

WHEREAS, Multnomah County Sheriff Bob Skipper and Portland Chief of Police Tom Potter have developed a draft "Concept Paper on Police Services Plan". (Exhibit A)

THEREFORE, BE IT RESOLVED, that the Board recommends formation of a Police Services Planning Group, as presented in the Skipper-Potter Concept Paper, to explore the various issues related to the future delivery of police services in Multnomah County.

THEREFORE, BE IT FURTHER RESOLVED, that membership on the Planning Group should include the Sheriff of Multnomah County, the Police Chiefs of Gresham, Fairview, Portland, and Troutdale, the City Managers of Maywood Park and Wood Village, the District Attorney of Multnomah County, and one representative each from the Portland Chamber of Commerce's Multnomah County Task Force, the Citizen Committee on City/County Consolidation in Public Safety, the City/County Citizen Budget Committee and the Portland Citizens Crime Commission, and other appropriate agencies. The Auditors of Multnomah County, Gresham, and Portland may be requested to participate when deemed appropriate by the Police Services Planning Group.

THEREFORE, BE IT FURTHER RESOLVED, that in addition to issues presented in the Concept Paper, the Police Services Planning Group should also make recommendations on the following specific issues:

ADMINISTRATION

How law enforcement agencies could be combined into a consolidated or jointly operated unit.

What administrative and operational efficiencies are possible with such a consolidation.

SERVICES

What law enforcement services should be offered countywide.

What level of countywide service should be offered given the Sheriff's current resources. How would questions of staffing and deployment be handled.

How and at what level law enforcement should be provided in rural unincorporated Multnomah County.

POSSIBLE IMPEDIMENTS TO CONSOLIDATION

What legal problems or obstacles would be encountered.

How would concerns about loss of local control be addressed.

How would the issues of different salaries and benefits, including pension plans, be addressed.

How would the issue of seniority and retention of rank be addressed.

Would merger into an existing agency or into a new agency provide the most promise for success.

ALTERNATIVES TO CONSOLIDATION

If consolidation of police services is determined not to be feasible, or could not be implemented within a reasonable span of time, what improvements in cooperation between the various agencies promise the most cost-effective results.

Short of full consolidation, are there areas of partial consolidation which could be implemented.

What redeployment of existing police services promises more cost-effective or better services.

THEREFORE, BE IT FURTHER RESOLVED, that the Board requests a report from the Police Services Planning Group by November 1,

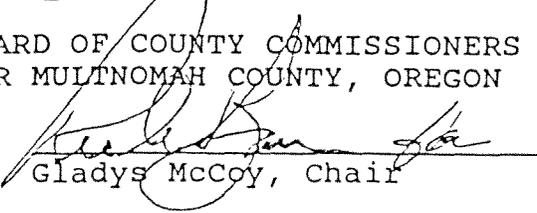


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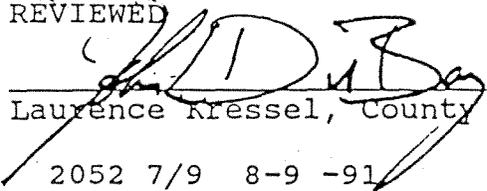
ADOPTED THIS 15 DAY OF AUGUST, 1991.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By


Gladys McCoy, Chair

REVIEWED


Laurence Kressel, County Counsel

2052 7/9 8-9 -91

EXHIBIT "A"

CONCEPT PAPER ON POLICE SERVICES PLAN

This document is a proposal for realigning police patrol boundaries between the City and County, and for establishing a planning process through which the Portland Police Bureau, Multnomah County Sheriff's Office, and other police agencies in the county work together to establish how police services will be provided over the next decade.

The current state of Portland's annexations has left many unincorporated islands, and meandering boundaries, thus causing confusion for officers and residents about where jurisdictional boundaries lie. To increase efficiency, we are proposing that patrol districts be traded so that the Portland Police Bureau patrols all areas west of 122nd Avenue, and the Sheriff's Office patrols all areas east. The change would benefit both agencies, and the public as well.

While we propose this action as a short-term solution to a current problem, we are aware of long-standing law enforcement issues between the City and County that need to be resolved. We propose a Planning Group be established to study crime, demographics, growth trends, and projected annexations. This and other information will be used to develop a proposed long range plan for providing police services in Multnomah County. This plan would be brought before the respective political bodies for approval.

This Planning Group would be made up of local police agencies in Multnomah County, as well as government, community, and business representatives. They would develop a planning process which would culminate in a 5-10 year plan for providing police services to the citizens of Multnomah County.

An appointment to this Task Force would not be a duty to be taken lightly. However, both the City and County would benefit greatly from a long range planning and problem solving approach to the provision of police services in this region.

Sheriff Bob Skipper and Chief Tom Potter support this proposal, and pledge to work together in a spirit of mutual cooperation and support. If approved, the other County police officials and their respective political bodies should be asked to join the discussion and planning process.