

## ANNOTATED MINUTES

Tuesday, May 23, 1995 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

### BUDGET SESSION

Chair Beverly Stein convened the meeting at 9:33 a.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen, Tanya Collier and Dan Saltzman present.

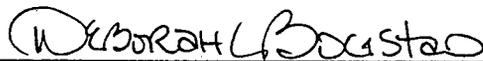
WS-1 Multnomah County Sheriff's Office Budget Overview, Highlights and Action Plans. MCSO Citizen Budget Advisory Committee Presentation. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget. Issues and Opportunities. Board Questions and Answers.

**TOM SLYTER AND LARRY AAB AGENCY OVERVIEW AND BUDGET HIGHLIGHTS PRESENTATION. BOB WILEY PRESENTATION IN SUPPORT OF CBAC RECOMMENDATIONS. RON MURRAY TESTIMONY CONCERNING SAUVIE ISLAND FIRE DISTRICT 30 DISPATCH FEES AND RADIO SYSTEM EXPENSES AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. PHIL DEARIXON TESTIMONY CONCERNING CORBETT FIRE DISTRICT 14 DISPATCH FEES AND RADIO SYSTEM EXPENSES AND RESPONSE TO BOARD QUESTIONS. LARRY AAB, TOM SLYTER AND BILL WOOD PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING ACTION PLANS FOCUS, TRANSITION OF STATE CORRECTIONS FUNDS TO LOCAL GOVERNMENTS, MANAGEMENT OF UNSUPERVISED PRE-TRIAL OFFENDER POPULATIONS AND JAIL COSTS, FEDERAL MARSHAL BEDS, PRE-TRIAL RELEASE PROGRAM, SENATE BILL 1145 AND VIDEO APPEARANCE NETWORK ISSUES. SHERIFF ELECT DAN NOELLE COMMENTS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. SHERIFF ELECT NOELLE TO JOIN IN WRITING TO CONGRESSIONAL DELEGATION URGING INCLUSION OF JAIL BEDS IN NEW FEDERAL COURTHOUSE. MR. AAB, MR. SLYTER, GARY WALKER, MEL HEDGPETH AND SHERIFF ELECT NOELLE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING HOSPITAL SUPERVISION OF**

PRISONERS, EAST COUNTY BOOKING, FAMILY SERVICE CENTERS, COURT GUARDS, RIVER PATROL ISSUES AND PLANS FOR IMPLEMENTING RECOMMENDATIONS OF OVERTIME STUDY AND OPERATIONAL ANALYSIS CONDUCTED BY INTERNATIONAL ASSOCIATION OF CHIEF'S OF POLICE. BOARD IDENTIFIED FOLLOW UP ISSUES FOR FURTHER STAFF ELABORATION DURING BUDGET DELIBERATIONS. COMMISSIONER SALTZMAN PROPOSED BUDGET AMENDMENT TO SUPPORT SAUVIE ISLAND AND CORBETT FIRE DISTRICTS RADIO CONVERSION. BOARD CONSENSUS PROPOSED BUDGET AMENDMENT TO LOOK INTO ALTERNATIVE USING CERTIFICATES OF PARTICIPATION FOR FIRE DISTRICTS RADIO CONVERSION PURCHASE. COMMISSIONER KELLEY PROPOSED BUDGET AMENDMENTS TO ENHANCE TARGET CITIES PROGRAM AND TO ADD A DATA COLLECTION AND ANALYSIS POSITION FOR JAIL POPULATIONS AND OPTIONS RELATED TO MEASURE 11. COMMISSIONER SALTZMAN PROPOSED BUDGET AMENDMENT TO ADD TEMPORARY RESTRAINING ORDER STAFF TO RESPOND TO DOMESTIC VIOLENCE CALLS WITHIN 24 HOURS. COMMISSIONER COLLIER PROPOSED BUDGET AMENDMENT FOR FUNDING STAFF TO ADDRESS CRIMINAL WARRANTS BACKLOG. COMMISSIONER HANSEN PROPOSED BUDGET AMENDMENT TO ADD FUNDING TO STAFF RESTITUTION CENTER AT 120 BEDS. CHAIR STEIN PROPOSED BUDGET AMENDMENT ADDING ANNUALIZED FUNDING FOR WAREHOUSE JAIL.

There being no further business, the meeting was adjourned at 11:45 a.m.

OFFICE OF THE BOARD CLERK  
MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad

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Tuesday, May 23, 1995 - 1:30 PM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

PLANNING ITEM

Vice-Chair Sharron Kelley convened the meeting at 1:35 p.m., with Commissioners Gary Hansen and Tanya Collier present, and Commissioner Dan Saltzman and Chair Beverly Stein excused.

P-1      SEC 8-94      DE NOVO HEARING, with Testimony Limited to 20 Minutes Per Side, Including Rebuttal, in the Matter of an Appeal of the April 3, 1995 Hearings Officer Decision AFFIRMING, AND MODIFYING the Planning Director Decision and DENYING an Appeal in the Matter of APPROVING, Subject to Conditions, a Requested Significant Environmental Concern (SEC) Permit for an Addition to an Existing Single Family Dwelling, for Property Located at 5830 NW CORNELL ROAD.

**AT THE REQUEST OF VICE-CHAIR KELLEY AND FOLLOWING EXPLANATION FROM COUNTY COUNSEL LARRY KRESSEL AND PLANNER MARK HESS, COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, TO CONTINUE P-1 TO TUESDAY, JUNE 27, 1995. ARNOLD ROCHLIN, ON BEHALF OF APPLICANT, ADVISED APPLICANT ROSEN LUND WAIVES THE 120 DAY PERIOD. APPELLANT DAN MCKENZIE COMMENTED IN SUPPORT OF EXPEDITING THE HEARING. HEARING UNANIMOUSLY CONTINUED TO 1:30 PM, TUESDAY, JUNE 27, 1995.**

There being no further business, the meeting was adjourned at 1:41 p.m.

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Tuesday, May 23, 1995  
**(IMMEDIATELY FOLLOWING PLANNING ITEM)**  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**BUDGET SESSION**

Chair Beverly Stein convened the meeting at 3:35 p.m., with Vice-Chair Sharron Kelley and Commissioners Gary Hansen and Tanya Collier present, and Commissioner Dan Saltzman excused.

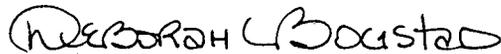
WS-2      District Attorney's Office Budget Overview, Highlights and Action Plans. DA Citizen Budget Advisory Committee Presentation. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget. Issues and Opportunities. Board Questions and Answers.

**MICHAEL SCHRUNK INTRODUCED KELLY BACON AND TOM SIMPSON AND PRESENTED BUDGET HIGHLIGHTS, ACTIONS PLANS, CBAC**

RECOMMENDATIONS AND ISSUES AND OPPORTUNITIES. NO ONE WISHED TO TESTIFY. MR. SCHRUNK, DAVE WARREN AND MR. BACON RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD IDENTIFIED FOLLOW UP ISSUES FOR FURTHER STAFF ELABORATION. COMMISSIONER SALTZMAN PROPOSED BUDGET AMENDMENT FOR TEEN PATERNITY RIGHTS EDUCATION PROGRAM.

There being no further business, the meeting was adjourned at 4:33 p.m.

OFFICE OF THE BOARD CLERK  
MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad

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Wednesday, May 24, 1995 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**BUDGET SESSION**

Chair Beverly Stein convened the meeting at 9:34 a.m., with Commissioners Gary Hansen and Tanya Collier present, and Vice-Chair Sharron Kelley and Commissioner Dan Saltzman excused.

WS-3 Juvenile Justice Division Budget Overview, Highlights and Action Plans. Citizen Budget Advisory Committee Presentation. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget. Issues and Opportunities. Board Questions and Answers.

ELYSE CLAWSON STAFF INTRODUCTIONS AND PRESENTATION OF DIVISION OVERVIEW. RICK JENSEN PRESENTATION ON DETENTION REFORM INITIATIVE AND DAY REPORTING CENTER UPDATE AND RESPONSE TO BOARD QUESTIONS. JUDGE MICHAEL MARCUS TESTIMONY IN SUPPORT OF VICTIM OFFENDER RECONCILIATION PROGRAM (VORP) FUNDING. STEVE FULMER TESTIMONY IN SUPPORT OF FUNDING COMMUNITY TREATMENT PROGRAMS, EXPANSION OF DETENTION FACILITY AND DAY REPORTING CENTER, AND RESPONSE TO BOARD QUESTIONS.

Vice-Chair Sharron Kelley arrived at 10:00 a.m.

**DIXIE STEVENS ON BEHALF OF MORRISON CENTER, TESTIMONY IN SUPPORT OF SEX OFFENDER TREATMENT PROGRAM FUNDING. BETSY CODDINGTON ON BEHALF OF VORP, EXPLANATION IN RESPONSE TO QUESTIONS OF CHAIR STEIN.**

Commissioner Collier left at 10:07 a.m. and returned at 10:15 a.m.

**MS. CODDINGTON TESTIMONY IN SUPPORT OF VORP FUNDING. JAMIE TILLMAN ON BEHALF OF COURT APPOINTED SPECIAL ADVOCATES (CASA), TESTIMONY ON BEHALF OF CASA FUNDING. ELYSE CLAWSON ISSUES AND OPPORTUNITIES PRESENTATION. BILL MORRIS EFFECTIVE PROGRAMMING AND CONTRACTS PRESENTATION AND RESPONSE TO PUBLIC TESTIMONY AND BOARD QUESTIONS.**

Commissioner Dan Saltzman arrived at 10:37 a.m.

**MS. CODDINGTON RESPONSE TO BOARD QUESTIONS. MS. CLAWSON RESPONSE TO BOARD QUESTIONS AND DISCUSSION. JOANNE FULLER PRESENTATION REGARDING NEW AND CONTINUED POSITIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. JIM ANDERSON AND MS. CLAWSON RESPONSE TO BOARD QUESTIONS AND DISCUSSION. MR. JENSEN, MS. CLAWSON AND MS. FULLER RESPONSE TO BOARD QUESTIONS.**

Commissioner Tanya Collier was excused at 11:44 a.m.

**JANN BROWN PRESENTATION ON NEW DEVELOPMENT PROGRAM CARRYOVER AND INFORMATION SYSTEMS DATA COLLECTION. JIM ANDERSON MEASURE 11 UPDATE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. MS. CLAWSON AND RICHARD SCOTT RESPONSE TO BOARD QUESTIONS AND DISCUSSION. VICE-CHAIR KELLEY REQUESTED AN UPDATE ON CONSTRUCTION COSTS. BOARD IDENTIFIED FOLLOW UP ISSUES FOR FURTHER STAFF ELABORATION. VICE-CHAIR KELLEY**

**PROPOSED BUDGET AMENDMENTS OF \$30,000 FOR PRIVATE INDUSTRY COUNCIL (PIC) SUMMER PROGRAMS AND \$50,000 FOR VORP. COMMISSIONER COLLIER PROPOSED BUDGET AMENDMENT TO RESTORE CASA FUNDING. COMMISSIONER HANSEN PROPOSED BUDGET AMENDMENT FOR ANNUALIZATION COST OF THE MORRISON CENTER.**

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

OFFICE OF THE BOARD CLERK  
MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad

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Thursday, May 25, 1995 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**REGULAR MEETING**

Chair Beverly Stein convened the meeting at 9:32 a.m., with Vice-Chair Sharron Kelley and Commissioners Gary Hansen, Tanya Collier and Dan Saltzman present.

**CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-8) WAS UNANIMOUSLY APPROVED.**

**SHERIFF'S OFFICE**

- C-1 **Package Store OLCC License Change of Ownership Application Submitted by Sheriff's Office with Recommendation for Approval, for PLEASANT VALLEY MARKET, 16880 SE FOSTER ROAD, PORTLAND**
- C-2 **Ratification of Intergovernmental Agreement Contract 800156 Between Multnomah County and Mt. Hood Community College, Providing ABE/GED Instruction for Inmates within the Multnomah County Correctional Facility and the Multnomah County Inverness Jail, for the Period July 1, 1995 through June 30, 1996**

**AGING SERVICES DIVISION**

- C-3 Ratification of Intergovernmental Revenue Agreement Contract 104645 Between Oregon Senior and Disabled Services Division and Multnomah County, Providing One-Time-Only Title XIX Funds for Personnel and Related Services to Provide Information and Assistance to Medicaid Eligible Clients for Enrollment in the Oregon Health Plan, for the Period November 1, 1994 through June 30, 1995
  
- C-4 Budget Modification ASD 8 Requesting Authorization to Add One-Time-Only Title XIX (Medicaid) Funds from the State of Oregon, Senior and Disabled Services Division, to Provide Enrollment of Medicaid Eligible Seniors into the Oregon Health Plan
  
- C-5 Ratification of Intergovernmental Revenue Agreement Contract 104655 Between the Oregon Department of Consumer and Business Services and Multnomah County, Providing Funds to Implement the Senior Health Insurance Benefits Assistance Program to Assist Seniors in Obtaining Health Insurance, Including Medicare, Medicaid and Long Term Care Insurance, for the Period Upon Execution through June 30, 1997

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-6 ORDER in the Matter of the Execution of Deed D951194 for Repurchase of Tax Acquired Property to Former Owner Robert David Meyer, Personal Representative of the Estate of Gerard J. Meyer, Deceased

**ORDER 95-114.**

- C-7 ORDER in the Matter of the Execution of Deed D951197 for Repurchase of Tax Acquired Property to Former Owner John Keller

**ORDER 95-115.**

**COMMUNITY AND FAMILY SERVICES DIVISION**

- C-8 Ratification of Amendment No. 1 to Intergovernmental Agreement Contract 105054 Between Clackamas, Multnomah and Washington Counties, Defining the Funding Levels Contributed by Each County and Adding Language Regarding a Regional Acute Care Contracts System, for the Period July 1, 1994 through June 30, 1995

**REGULAR AGENDA**

**PUBLIC COMMENT**

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited

to Three Minutes Per Person.

**NO ONE WISHED TO COMMENT.**

**SHERIFF'S OFFICE**

R-2 Budget Modification MCSO 16a in the Matter of Approval of a Supplemental Budget to Record Increased Revenue in the Concealed Weapons Program

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. LARRY AAB EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

R-3 Ratification of Intergovernmental Agreement Contract 800146 Between Multnomah County and Portland Community College, Providing ABE/GED Instruction for Inmates within the Multnomah County Detention Center, Courthouse Jail and the Multnomah County Restitution Center, for the Period July 1, 1995 through June 30, 1996

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-3. COMMISSIONER SALTZMAN ADVISED HE WOULD ABSTAIN FROM VOTING DUE TO HIS POSITION ON THE PORTLAND COMMUNITY COLLEGE BOARD. AGREEMENT APPROVED, WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN VOTING AYE, AND COMMISSIONER SALTZMAN ABSTAINING.**

**COMMUNITY AND FAMILY SERVICES DIVISION**

R-4 PUBLIC HEARING and Consideration of a RESOLUTION in the Matter of Approving the 1995-99 Multnomah County Community Development Plan as a Required Part of the Consolidated Plan, as Well as the 1995-96 Annual Action Plan for the Community Development Block Grant Program and HOME Investment Partnership Program to be Submitted to the Department of Housing and Urban Development

**COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-4. REY ESPAÑA AND KAREN WHITTLE EXPLANATION. MARGE JOZSA TESTIMONY IN SUPPORT OF NEIGHBORHOOD HEALTH CLINICS. DEBORAH ROSS TESTIMONY IN SUPPORT OF FRIENDSHIP HOMES FAMILY CONSORTIUM. LESLIE HAINES TESTIMONY IN SUPPORT OF**

**EDGEFIELD CHILDREN'S CENTER. DEBORAH WRIGHT TESTIMONY IN SUPPORT OF ADAPT-A-HOME PROJECT. MS. WHITTLE AND CATHY KIYOMURA EXPLANATION IN RESPONSE TO QUESTIONS OF CHAIR STEIN. RESOLUTION 95-116 UNANIMOUSLY APPROVED.**

**AGING SERVICES DIVISION**

R-5 Budget Modification ASD 5 Requesting Authorization to Transfer Funds from ISD Budget, Granted through the Data Processing Management Committee Project Award, to ASD Budget, to Provide Local Match for Medicaid Funds for the Purchase of Computers and Software

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. KATHY GILLETTE EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

R-6 Budget Modification ASD 6 Requesting Authorization to Add Title XIX (Medicaid) Funds from the Oregon Senior and Disabled Services Division to the ASD Budget, for the Purchase of Computers and Software

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-6. MS. GILLETTE EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

R-7 Budget Modification ASD 7 Requesting Authorization to Add City of Portland Funds to ASD Budget for the Southeast Multi-Cultural Senior Center and the Gatekeeper Program, and Adjusting ASD Budget to Reflect Actual Funds Received

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-7. MS. GILLETTE EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

R-8 Ratification of Intergovernmental Agreement Contract 202025 Between Multnomah County and the City of Wood Village, Providing for Engineering, Contracting and Project Management Services to Construct a City Reservoir Access Road

**COMMISSIONER COLLIER MOVED AND**

**COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. CHUCK HENLEY EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.**

R-9 Ratification of Intergovernmental Agreement Contract 302115 Between Metro and Multnomah County, Providing Mapping Services Using Department of Land Conservation and Development Grants for Farm, Forest and Columbia River Gorge National Scenic Areas, for the Period March 17, 1995 through June 30, 1995

**COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. GORDON HOWARD EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.**

R-10 ORDER in the Matter of the Grant of a Right-of-Way and Easement on County Tax Title Land in Section 17, T1N, R3E, W.M., Multnomah County, Oregon

**COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-10. BOB OBERST EXPLANATION. ORDER 95-117 UNANIMOUSLY APPROVED.**

**EMPLOYEE SERVICES DIVISION**

R-11 First Reading of a Proposed ORDINANCE Relating to County Organization; Abolishing the Department of Social Services, Giving Departmental Status to Certain Existing Divisions within that Department, and Updating an Outdated Code Provision Relating to County Organization

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE FIRST READING OF R-11. CURTIS HANSEN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER COLLIER REQUESTED THAT FUTURE FISCAL IMPACT BE IDENTIFIED IN THE EXPLANATION MATERIAL. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, JUNE 1, 1995.**

R-12 First Reading of a Proposed ORDINANCE Amending Ordinance No. 792, in Order to Add and Delete Exempt Pay Ranges

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE FIRST READING OF R-12. MR. SMITH EXPLANATION. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, JUNE 1, 1995.**

**DEPARTMENT OF HEALTH**

R-13 Request for Approval of a Notice of Intent to Apply for a \$30,000 Grant from the National Library of Medicine to Develop Access to the Internet for Medical Information Purposes

**COMMISSIONER HANSEN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-13. TOM FRONK EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NOTICE OF INTENT UNANIMOUSLY APPROVED.**

R-14 RESOLUTION in the Matter of Accepting the Proposal Evaluation Report and Recommendation for Awarding an Exclusive Emergency Ambulance Service Contract

**COMMISSIONER COLLIER ADVISED SHE OBTAINED AN OREGON ETHICS OPINION WHICH DETERMINED SHE HAS NO CONFLICT OF INTEREST DUE TO HER HUSBAND'S POSITION IN A LAW FIRM REPRESENTING UNION. EACH BOARD MEMBER DISCLOSED EX PARTE CONTACTS AND ADVISED THEIR DECISION TODAY WILL NOT BE BIASED. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-14. GARY OXMAN EXPLANATION AND ACKNOWLEDGEMENT OF THE EFFORTS OF BILL COLLINS, EMS STAFF, MIKE WILLIAMS AND EVALUATION COMMITTEE. JOE PARROTT OF GRESHAM FIRE DEPARTMENT TESTIMONY IN SUPPORT OF RECOMMENDATION. LORI HAMM OF CARE AMBULANCE TESTIMONY IN OPPOSITION OF SELECTION PROCESS AND ADVISING OF CARE'S INTENTION TO APPEAL SAME. LARRY KRESSEL RESPONSE TO QUESTION OF CHAIR STEIN, ADVISING A RESPONSE TO CARE'S APPEAL IS NOT APPROPRIATE AT THIS TIME. DAVID SMALLWOOD TESTIMONY IN SUPPORT OF EXPERT**

PANEL, UNBIASED PROCESS AND RESOLUTION. TIM RAMIS TESTIMONY ADVISING IT IS HIS OPINION CARE AMBULANCE HAS NO STANDING FOR FILING AN APPEAL. TRACE SKEEN TESTIMONY IN SUPPORT OF RESOLUTION AND ACKNOWLEDGEMENT OF EFFORTS OF BOARD MEMBERS AND STAFF. COMMISSIONER SALTZMAN COMMENTS COMMENDING STAFF FOR UNBIASED, COMPETITIVE PROCESS. COMMISSIONER COLLIER COMMENTS ACKNOWLEDGING EFFORTS OF INDIVIDUALS AND PRIOR AND PRESENT BOARD MEMBERS RESULTING IN REDUCED COST OF AMBULANCE RIDES TO PUBLIC. VICE-CHAIR KELLEY ADVISED SHE CONCURS WITH HER COLLEAGUES AND HOPES HEALING WILL OCCUR NOW. RESOLUTION 95-118 UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-15 Budget Modification NOND 12 Requesting Authorization to Increase Revenues and Expenditures by \$1,200 within the County Counsel Division Budget, for Participation in the Oregon State Bar Minority Clerkship Stipend Program

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-15. LARRY KRESSEL EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-16 RESOLUTION in the Matter of Using Shared Funds to Assist in Developing Affordable Housing Projects

COMMISSIONER HANSEN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-16. BILL FARVER AND DAVE WARREN EXPLANATION. JAN SAVIDGE TESTIMONY IN SUPPORT. REY ESPAÑA TESTIMONY IN SUPPORT AND RESPONSE TO BOARD QUESTIONS. CATHY BRIGGS TESTIMONY IN SUPPORT. MR. WARREN RESPONSE TO BOARD QUESTIONS. CHAIR STEIN COMMENTS IN SUPPORT. RESOLUTION 95-119 UNANIMOUSLY APPROVED.

- R-17 Ratification of Intergovernmental Agreement Contract 500016 Between the State of Oregon Office of State Fire Marshall, the City of Gresham and

Multnomah County, for Participation in Regional Hazardous Materials Emergency Response Team Services, for the Period Upon Execution through June 30, 1995

**COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-17. PENNY MALMQUIST EXPLANATION. CHAIR STEIN ACKNOWLEDGED MS. MALMQUIST'S WORK AND ADVISED MIKE GILSDORF HAS BEEN APPOINTED INTERIM EMERGENCY MANAGEMENT SERVICES DIRECTOR. AGREEMENT UNANIMOUSLY APPROVED.**

- R-18 Ratification of Intergovernmental Agreement Contract 500026, Providing Regional Emergency Management Group Services Between Jurisdictions within Washington, Multnomah, Clackamas and Columbia Counties in Oregon, and Clark County Washington, and Approval of the 1995-1996 Proposed Workplan

**COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-18. MS. MALMQUIST EXPLANATION. CHAIR STEIN APPOINTED MICHAEL GILDORF AS MULTNOMAH COUNTY'S TECHNICAL REPRESENTATIVE TO THE REGIONAL EMERGENCY MANAGEMENT GROUP. AGREEMENT UNANIMOUSLY APPROVED.**

- R-19 Ratification of Intergovernmental Agreement Contract 500036 Between the City of Portland, Multnomah County and Union Pacific Railroad, Providing 800 MHz, Simulcast and Trunking Radio Services

**COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-19. MS. MALMQUIST EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED. COMMISSIONER COLLIER THANKED MS. MALMQUIST AND STAFF FOR THEIR WORK.**

The regular meeting was adjourned at 10:55 a.m. and the briefing convened at 11:00 a.m.

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Thursday, May 25, 1995  
**(IMMEDIATELY FOLLOWING REGULAR MEETING)**  
Multnomah County Courthouse, Room 602

**BOARD BRIEFINGS**

- B-1 Washington-Multnomah Counties Regional Strategies Board Presentation on the Strategic Plan Update and Recommended 1995-1997 Action Plan. Presented by Board Co-Chairs Patricia Scruggs and Jack Orchard.

**PATRICIA SCRUGGS INTRODUCED MARSHA DOUGLAS, JOHN HALL AND MORGAN POPE. MS. SCRUGGS PRESENTATION. MS. DOUGLAS, MR. POPE AND MS. SCRUGGS RESPONSE TO BOARD QUESTIONS AND COMMENTS.**

Commissioner Collier was excused at 11:15 a.m.

**MR. HALL PRESENTATION AND RESPONSE TO BOARD QUESTIONS. MS. SCRUGGS ADVISED THE PLAN WILL BE ON THE REGULAR AGENDA FOR BOARD APPROVAL ON THURSDAY, JUNE 1, 1995.**

- B-2 Community Action Placement Task Force Report. Presented by Katie Gaetjens, Jerralynn Ness, Jan Savidge, Lorenzo Poe and Rey España.

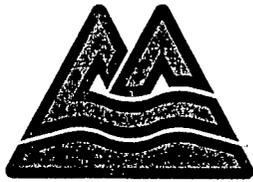
**JAN SAVIDGE INTRODUCED COMMUNITY ACTION MEMBERS. JERRALYNN NESS AND MS. SAVIDGE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. LOLENZO POE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. REY ESPAÑA COMMENTS AND RESPONSE TO BOARD QUESTIONS. TASK FORCE TO PUT TOGETHER RECOMMENDATION FOR FUTURE BOARD CONSIDERATION.**

There being no further business, the meeting was adjourned at 12:30 p.m.

OFFICE OF THE BOARD CLERK  
MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad



# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

MAY 22, 1995 - MAY 26, 1995

Tuesday, May 23, 1995 - 9:30 AM - Budget Session . . . . .	Page 2
Tuesday, May 23, 1995 - 1:30 PM - Planning Items . . . . .	Page 2
Tuesday, May 23, 1995 - 3:30 PM - Budget Session . . . . .	Page 2
<b><u>(IMMEDIATELY FOLLOWING PLANNING ITEMS)</u></b>	
Wednesday, May 24, 1995 - 9:30 AM - Budget Session . . . . .	Page 2
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<b><u>(IMMEDIATELY FOLLOWING REGULAR MEETING)</u></b>	

Thursday Meetings of the Multnomah County Board of Commissioners are \*cablecast\* live and taped and can be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, **(LIVE)** Channel 30  
 Friday, 10:00 PM, Channel 30  
 Sunday, 1:00 PM, Channel 30

\*Produced through Multnomah Community Television\*

**INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.**

Tuesday, May 23, 1995 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**BUDGET SESSION**

WS-1 *Multnomah County Sheriff's Office Budget Overview, Highlights and Action Plans. MCSO Citizen Budget Advisory Committee Presentation. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget. Issues and Opportunities. Board Questions and Answers. 2.5 HOURS REQUESTED.*

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Tuesday, May 23, 1995 - 1:30 PM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**PLANNING ITEMS**

P-1 *SEC 8-94 DE NOVO HEARING, with Testimony Limited to 20 Minutes Per Side, Including Rebuttal, in the Matter of an Appeal of the April 3, 1995 Hearings Officer Decision AFFIRMING, AND MODIFYING the Planning Director Decision and DENYING an Appeal in the Matter of APPROVING, Subject to Conditions, a Requested Significant Environmental Concern (SEC) Permit for an Addition to an Existing Single Family Dwelling, for Property Located at 5830 NW CORNELL ROAD. 2 HOURS REQUESTED.*

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Tuesday, May 23, 1995  
**(IMMEDIATELY FOLLOWING PLANNING ITEMS)**  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**BUDGET SESSION**

WS-2 *District Attorney's Office Budget Overview, Highlights and Action Plans. DA Citizen Budget Advisory Committee Presentation. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget. Issues and Opportunities. Board Questions and Answers. 1.5 HOURS REQUESTED.*

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Wednesday, May 24, 1995 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**BUDGET SESSION**

WS-3 *Juvenile Justice Division Budget Overview, Highlights and Action Plans. JJD*

*Citizen Budget Advisory Committee Presentation. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget. Issues and Opportunities. Board Questions and Answers. 2.5 HOURS REQUESTED.*

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*Thursday, May 25, 1995 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**REGULAR MEETING**

**CONSENT CALENDAR**

**SHERIFF'S OFFICE**

- C-1 *Package Store OLCC License Change of Ownership Application Submitted by Sheriff's Office with Recommendation for Approval, for PLEASANT VALLEY MARKET, 16880 SE FOSTER ROAD, PORTLAND*
- C-2 *Ratification of Intergovernmental Agreement Contract 800156 Between Multnomah County and Mt. Hood Community College, Providing ABE/GED Instruction for Inmates within the Multnomah County Correctional Facility and the Multnomah County Inverness Jail, for the Period July 1, 1995 through June 30, 1996*

**AGING SERVICES DIVISION**

- C-3 *Ratification of Intergovernmental Revenue Agreement Contract 104645 Between Oregon Senior and Disabled Services Division and Multnomah County, Providing One-Time-Only Title XIX Funds for Personnel and Related Services to Provide Information and Assistance to Medicaid Eligible Clients for Enrollment in the Oregon Health Plan, for the Period November 1, 1994 through June 30, 1995*
- C-4 *Budget Modification ASD 8 Requesting Authorization to Add One-Time-Only Title XIX (Medicaid) Funds from the State of Oregon, Senior and Disabled Services Division, to Provide Enrollment of Medicaid Eligible Seniors into the Oregon Health Plan*
- C-5 *Ratification of Intergovernmental Revenue Agreement Contract 104655 Between the Oregon Department of Consumer and Business Services and Multnomah County, Providing Funds to Implement the Senior Health Insurance Benefits Assistance Program to Assist Seniors in Obtaining Health Insurance, Including Medicare, Medicaid and Long Term Care Insurance, for the Period Upon Execution through June 30, 1997*

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-6      *ORDER in the Matter of the Execution of Deed D951194 for Repurchase of Tax Acquired Property to Former Owner Robert David Meyer, Personal Representative of the Estate of Gerard J. Meyer, Deceased*
- C-7      *ORDER in the Matter of the Execution of Deed D951197 for Repurchase of Tax Acquired Property to Former Owner John Keller*

**COMMUNITY AND FAMILY SERVICES DIVISION**

- C-8      *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract 105054 Between Clackamas, Multnomah and Washington Counties, Defining the Funding Levels Contributed by Each County and Adding Language Regarding a Regional Acute Care Contracts System, for the Period July 1, 1994 through June 30, 1995*

**REGULAR AGENDA**

**PUBLIC COMMENT**

- R-1      *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

**SHERIFF'S OFFICE**

- R-2      *Budget Modification MCSO 16a in the Matter of Approval of a Supplemental Budget to Record Increased Revenue in the Concealed Weapons Program*
- R-3      *Ratification of Intergovernmental Agreement Contract 800146 Between Multnomah County and Portland Community College, Providing ABE/GED Instruction for Inmates within the Multnomah County Detention Center, Courthouse Jail and the Multnomah County Restitution Center, for the Period July 1, 1995 through June 30, 1996*

**COMMUNITY AND FAMILY SERVICES DIVISION**

- R-4      *PUBLIC HEARING and Consideration of a RESOLUTION in the Matter of Approving the 1995-99 Multnomah County Community Development Plan as a Required Part of the Consolidated Plan, as Well as the 1995-96 Annual Action Plan for the Community Development Block Grant Program and HOME Investment Partnership Program to be Submitted to the Department of Housing and Urban Development*

**AGING SERVICES DIVISION**

- R-5      *Budget Modification ASD 5 Requesting Authorization to Transfer Funds from ISD Budget, Granted through the Data Processing Management Committee Project Award, to ASD Budget, to Provide Local Match for Medicaid Funds for the Purchase of Computers and Software*

R-6 *Budget Modification ASD 6 Requesting Authorization to Add Title XIX (Medicaid) Funds from the Oregon Senior and Disabled Services Division to the ASD Budget, for the Purchase of Computers and Software*

R-7 *Budget Modification ASD 7 Requesting Authorization to Add City of Portland Funds to ASD Budget for the Southeast Multi-Cultural Senior Center and the Gatekeeper Program, and Adjusting ASD Budget to Reflect Actual Funds Received*

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

R-8 *Ratification of Intergovernmental Agreement Contract 202025 Between Multnomah County and the City of Wood Village, Providing for Engineering, Contracting and Project Management Services to Construct a City Reservoir Access Road*

R-9 *Ratification of Intergovernmental Agreement Contract 302115 Between Metro and Multnomah County, Providing Mapping Services Using Department of Land Conservation and Development Grants for Farm, Forest and Columbia River Gorge National Scenic Areas, for the Period March 17, 1995 through June 30, 1995*

R-10 *ORDER in the Matter of the Grant of a Right-of-Way and Easement on County Tax Title Land in Section 17, T1N, R3E, W.M., Multnomah County, Oregon*

#### **EMPLOYEE SERVICES DIVISION**

R-11 *First Reading of a Proposed ORDINANCE Relating to County Organization; Abolishing the Department of Social Services, Giving Departmental Status to Certain Existing Divisions within that Department, and Updating an Outdated Code Provision Relating to County Organization*

R-12 *First Reading of a Proposed ORDINANCE Amending Ordinance No. 792, in Order to Add and Delete Exempt Pay Ranges*

#### **DEPARTMENT OF HEALTH**

R-13 *Request for Approval of a Notice of Intent to Apply for a \$30,000 Grant from the National Library of Medicine to Develop Access to the Internet for Medical Information Purposes*

R-14 *RESOLUTION in the Matter of Accepting the Proposal Evaluation Report and Recommendation for Awarding an Exclusive Emergency Ambulance Service Contract*

#### **NON-DEPARTMENTAL**

R-15 *Budget Modification NOND 12 Requesting Authorization to Increase Revenues*

*and Expenditures by \$1,200 within the County Counsel Division Budget, for Participation in the Oregon State Bar Minority Clerkship Stipend Program*

- R-16 *RESOLUTION in the Matter of Using Shared Funds to Assist in Developing Affordable Housing Projects*
- R-17 *Ratification of Intergovernmental Agreement Contract 500016 Between the State of Oregon Office of State Fire Marshall, the City of Gresham and Multnomah County, for Participation in Regional Hazardous Materials Emergency Response Team Services, for the Period Upon Execution through June 30, 1995*
- R-18 *Ratification of Intergovernmental Agreement Contract 500026, Providing Regional Emergency Management Group Services Between Jurisdictions within Washington, Multnomah, Clackamas and Columbia Counties in Oregon, and Clark County Washington, and Approval of the 1995-1996 Proposed Workplan*
- R-19 *Ratification of Intergovernmental Agreement Contract 500036 Between the City of Portland, Multnomah County and Union Pacific Railroad, Providing 800 MHz, Simulcast and Trunking Radio Services*
- 

*Thursday, May 25, 1995*

**(IMMEDIATELY FOLLOWING REGULAR MEETING)**

*Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**BOARD BRIEFINGS**

- B-1 *Washington-Multnomah Counties Regional Strategies Board Presentation on the Strategic Plan Update and Recommended 1995-1997 Action Plan. Presented by Board Co-Chairs Patricia Scruggs and Jack Orchard. 30 MINUTES REQUESTED.*
- B-2 *Community Action Placement Task Force Report. Presented by Katie Gaetjens, Jerralynn Ness, Jan Savidge, Lorenzo Poe and Rey España. 30 MINUTES REQUESTED.*



**DAN SALTZMAN, Multnomah County Commissioner, District One**

1120 S.W. Fifth Avenue, Suite 1500 • Portland, Oregon 97204 • (503) 248-5220 • FAX (503) 248-5440

**M E M O R A N D U M**

**TO:** Clerk of the Board  
Board of County Commissioners

**FROM:** Andrea Jilovec, Commissioner Saltzman's Office

**RE:** Update: Absence from BCC Planning Session and Budget Work Session

**DATE:** May 17, 1995

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Commissioner Saltzman will be unable to attend the Planning Session and Budget Work Session on Tuesday afternoon, May 23, 1995, due to a prior commitment.

DRS:amj

BOARD OF  
COUNTY COMMISSIONERS  
1995 MAY 17 PM 2:45  
MULTNOMAH COUNTY  
OREGON



# Multnomah County



PACKET #10

DISTRICT ATTORNEY  
Budget Hearing

May 23, 1995

(distributed May 22, 1995)

1995-96

District Attorney  
Budget Worksession  
May 23, 1995 3:30pm

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*A. Department Overview*

Budget Highlights

1. CAMI Grant
2. Anti Drug Grant
3. FINVEST Grant
4. DUII Grant

Action Plans

1. Ballot Measure 11 Implementation
2. Office Space
3. AmeriCorps Members for Public Safety
4. Mid County Neighborhood DA
5. Tri-Met DA
6. Full integration of MDT into DA computer operations
7. Weekend Arraignments

*B. CBAC Presentation*

*C. Issues & Opportunities*

1. Continued Implementation of Ballot Measure 11
2. Increased Emphasis on Child Abuse Intervention
3. Adequate Office Space
4. DA Investigator
5. Community Court

*D. Board Q&A*

*E. Public Testimony*

*Office Memorandum* MICHAEL D. SCHRUNK, District Attorney

**TO** : Commissioner Dan Saltzman

**FROM** : Michael D. Schrunk  
District Attorney

**DATE** : May 23, 1995

**SUBJECT** : Teen Paternity Rights and Responsibilities Project

You asked us to prepare an "issue and opportunity" memorandum discussing what would be involved in devising a program that would develop a school-based effort for routinely and comprehensively informing teens about their paternity rights and responsibilities. What follows is our best estimate at what such an effort would entail.

**1. Topic**

Successful child support enforcement efforts are in large part a function of the custodial parent's understanding of and cooperation with public agencies responsible for collecting the support. The laws, rules, regulations and paperwork involved in establishing and receiving support can be daunting, particularly with single teen mothers. Providing a more focused and concentrated effort at this problem forms the central thrust of this memorandum.

**2. Introduction**

Single women and their children are the fastest growing poverty group in this country. More than 85 percent of the families who receive welfare do so, at least partly, because one parent (usually the father) is absent from the home rather than deceased. This means that, for every child in such a family, an absent parent exists with a potential obligation to pay child support, thereby offsetting welfare costs.

Teen mothers are especially liable to be or become single parents, and the problems they and their children encounter are even worse than those experienced by older mothers and their children. Not only are teen mothers more likely to receive public assistance; they also are more likely to experience long-term welfare dependence.

Paternity establishment and child support enforcement can defray at least some of these costs. Children are entitled to receive support from both parents regardless of marital status. Even if a young absent parent is not earning much today, his or her children deserve to benefit from what he or she can afford to give them. In addition, as the absent parent's earnings increase over the years, or as he or she receives medical, veteran's, or Social Security benefits, the children are entitled to benefit as

well.

There also are nonmaterial reasons to establish paternity. Children have the right, as well as the need, to know who their parents are. Conversely, absent parents have the right to play a part in their children's lives, and this right will be jeopardized forever if paternity is not established legally.

Strong child support enforcement is causing absent parents to support their families, and will continue to do so. However, the work of the Child Support Program at the Federal, State, and local levels need to be supplemented by an aggressive educational campaign for groups within the general population such as adolescents, who may soon know parents requiring public support and assistance, or become such parents themselves. These educational programs must assist them in making decisions about their lives before they have problems with unwanted pregnancies, paternity establishment, and child support. If they do encounter these problems, they need to know how and where to get help.

### **3. Analysis/Alternatives**

There are at least two alternatives available for implementing a program which addresses this issue: create a capacity within the District Attorney's Support Enforcement Division which would create and deliver an education/outreach effort targeting young people, or do essentially the same thing by employing contractors at varying stages of the project (i.e., curriculum development, printing and publications, in-school delivery, etc.). Employing staff to perform the function offers some short term advantages over contracting: the efforts would be more concentrated and without complications surrounding any procurement issues, and therefore the project would be implemented much more quickly. There may be some question as to the long-term importance of maintaining a position devoted to this effort.

### **4. Financial Impact**

It is estimated that the project would cost the county \$27,060 of a total project budget of \$82,000. This assumes that Oregon DHR would approve the project for federal financial participation (FFP). The budget would be as follows:

SED Program Development Specialist (Base + Fringe)	\$48,000
Associated M & S	27,000
Capital Outlay	7,000

### **5. Legal Issues**

No specific legal issues are readily apparent.

### **6. Controversial Issues**

It may be that the curricula and presentation on teen paternity rights and obligations may touch on sensitive issues in some teen's lives.

### **7. Link to Current County Policies**

This program would be supportive of activities involving the county's benchmark for reducing the rate of teen pregnancy.

**8. Citizen Participation**

Budget review process.

**9. Partnerships and Collaboration**

Discussions with the local school district would be necessary in the hopes of developing a direct delivery of the program's material to the target population. Other agencies who are working in this area would be canvassed for support, advice and program partnership.

Board Clerk



# MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN  
DAN SALTZMAN  
GARY HANSEN  
TANYA COLLIER  
SHARRON KELLEY

BUDGET & QUALITY  
PORTLAND BUILDING  
1120 S.W. FIFTH - ROOM 1400  
P. O. BOX 14700  
PORTLAND, OR 97214  
PHONE (503)248-3883

TO: Mike Schrunk, District Attorney  
Kelly Bacon, Executive Assistant  
Tom Simpson, Fiscal Specialist/Senior

FROM: Dave Warren DCW

DATE: May 24, 1995

SUBJECT: Follow Up Items from the Board's Budget Work Session of May 23, 1995

BOARD OF  
COUNTY COMMISSIONERS  
MAY 25 AM 9:51  
MULTNOMAH COUNTY  
OREGON

Here is a list of items about which the Board of Commissioners would like additional information.

Please prepare responses to the Board's questions. I suggest the responses state the question and then state the response. If appropriate, the response may be a reference to an attached document. Please respond to all the questions by Friday, June 2. If you cannot complete the analysis necessary by June 2, suggest a time by which the Board can expect an answer.

- Send a copy of the answer(s) to Shaun Coldwell. She will review it (for no more than one working day after it arrives), perhaps even supplement it with additional work, and forward it to the Chair's Office, suggest any proposed changes to you or give you the OK to print;
- Deliver 10 copies to Kathy Nash in Budget & Quality. She will package your material with a sequentially numbered cover page and an index so the Board can tell what they receive, tell that it is in response to issues raised and at which hearing, the date they received it, and be assured they have received all the packets.
- Budget & Quality will deliver the packets to the Office of the Board Clerk who will distribute them to the Board.

## **Follow up Items**

### District Attorney

1. Provide the Board with the District Attorney's written criteria for juvenile charges.
2. Discuss the long term plan for the neighborhood DA program.
3. Review the issue of collecting child support for homeless children and providing it to the agencies caring for them.

## **Amendments**

DA 1 - Add staffing for paternity rights education project (Commissioner Saltzman)

c. Board of Commissioners

Larry Aab  
Kelly Bacon  
Susan Clark  
Elyse Clawson  
Ginnie Cooper  
Lance Duncan  
Marie Eighmey  
Margaret Epting  
Bill Farver  
Tom Fronk  
Joanne Fuller  
Kathy Gillette  
Tamara Holden

Susan Kaeser  
Jim McConnell  
Sheriff-elect Dan Noelle  
Billi Odegaard  
Mike Oswald  
Lorenzo Poe  
Carol Rex  
District Attorney Mike Schrunk  
Tom Simpson  
Meganne Steele  
Kathy Tinkle  
Betsy Williams  
CIC  
Patrol

# Multnomah County



PACKET #17

District Attorney

Follow-up questions/packet

(distribution June 7, 1995)

1995-96



MICHAEL D. SCHRUNK, District Attorney for Multnomah County  
600 County Courthouse • Portland, Oregon 97204 • (503) 248-3162

## MEMORANDUM

TO: Board of County Commissioners

FROM: Michael D. Schrunck  
District Attorney

SUBJECT: Followup to Budget Hearings

DATE: June 2, 1995

During the course of the Board's Work Session on the District Attorney's Office held on May 23 three items were raised which needed some followup. I hope what follows is responsive to your questions.

1. **Provide the Board with the District Attorney's written criteria for juvenile charges.**

I mentioned to you that our office has established written policies on a wide variety of prosecutorial matters, including policies relating to charging decisions. Indeed, the policy manual has been frequently cited by the National District Attorneys Association as a model for prosecutors to adopt. I am attaching the section on Juvenile Prosecutions for you review and reference. I am also taking the liberty to include our general guidelines for adult charging decisions should you have any questions regarding those.

2. **Discuss the long term plan for the Neighborhood DA Program.**

Although I believe the Neighborhood DA Program is still in its infancy I do have to admit that it's been almost 5 years since we located the first one in the Lloyd District. To ask for a long term plan at this juncture in its history is most appropriate. I believe I have been pretty consistent in my statements to you and others about our plans involving neighborhood-based prosecutions. My interest has been to locate six DDAs in the County that would allow them to act as liaison between our office and

the activities involving the County's six service districts. They are there to assist residents, neighborhood organizations and other public agencies to find strategies and programs that improve the quality of life in those areas.

Five years ago we started the program not knowing whether it would, or could, grow to six DDAs. Today there are, as you know, five DDAs located in various offices in Multnomah County. I am still in search for a sixth, although it remains too early to request the position. We have to be cautious as we go about these placements since each requires a significant logistical effort on our part. Most critical is the selection, training and introduction of the DDA into the neighborhood.

The American Prosecutors Research Institute is now citing Multnomah County's Neighborhood DA Program as a national model for involving prosecutors in the entire community policing effort. After studying Multnomah County program and some others they are suggesting that the following elements are critical to the success of any community prosecution program.

- A Proactive Orientation

A community prosecution strategy must enforce and prevent crime. With the assistance of the residents, prosecutors target offenses that are of concern to that neighborhood and community.

- Involves Problem Solving, Public Safety and Quality of Life

Through interagency cooperation, a community prosecution program focuses both on crime control and on improving the quality of life in communities. Such improvements include physical renovations or vastly needed social and educational services.

- Prosecutors Interact Directly with the Communities that They Serve, Developing Mechanisms for Community Feedback and Methods of Incorporating the Community's Input into the Courtroom

A prosecutor interacts directly with the community through various activities and meetings. Often, prosecutors are assigned exclusively to handle cases from one area, thus acquainting themselves with community residents. Through this involvement, prosecutors can convey to the residents their strategies to combat crime, while the residents can provide intelligence to assist in their investigations and prosecutions.

- Partnerships with Law Enforcement, Other Private and Public Agencies and the Community

Formally or informally, prosecutors may join police departments, neighborhood organizations, local businesses, churches, schools and others in assessing problems, developing and implementing cooperative strategies and identifying and obtaining resources.

- Long-Term Strategy

For community prosecution to achieve successful results, and to establish credibility among community residents, community prosecution must be viewed as part of a long-term strategy. The residents must see a firm commitment through adequate funding and from the dedication of the staff of the prosecutor's office.

- Commitment of the Policy Makers

As with all new programs, community prosecution needs the support and commitment of policy makers. The policy makers must demonstrate this commitment through adequate funding and staffing and have access to appropriate facilities and other resources.

- Incorporation of Varied Enforcement Methods

Creative law enforcement methods (*e.g.*, civil sanctions and nuisance abatement) normally are not employed by prosecutors. Prosecutors, along with the other agencies involved in the community prosecution program, must identify various strategies to maintain strict enforcement of the law.

- Evaluation

Evaluation of a program is necessary to determine if the activities or strategies: 1) are being implemented properly, 2) are achieving desired effects, and 3) need to be changed. Various forms of evaluation must be administered frequently and regularly.

- Targeted Area Must be Clearly Defined

The prosecutor and the community must decide what area(s) to target, keeping in mind that the area must have some chance of success. Specifically, they must determine whether efforts will be targeted within a two square mile area, a housing development or police district.

As we have "grown" the Neighborhood DA Program others in the community have approached us to participate. In most instances we have declined their offer of funding, primarily because of the "buy-a-DDA" image that I think detracts from what we are trying to accomplish. While the County has been extremely generous in supporting our efforts once we have established the need and delivered on some early results, non-county seed money has played a critical role in the development of the program and that will probably remain the case. Tri-Met has approached us offering such an opportunity. Because safe and secure public transit is a key indicator of a community's civic health I believe we should enter into an agreement with them and I will be presenting their proposal to you in the near future.

### **3. Review the issue of collecting child support for homeless children and providing it to the agencies caring for them.**

The District Attorney's Office, in concert with Commissioner Saltzman's staff, explored the question of using child support payments to reimburse shelter and other nonprofit agencies for the services they were providing to individual, displaced teens in the County. It is a complicated legal question that also poses some serious administrative difficulties. Courts may order parents to pay child support to any individual or agency who is a willing and suitable guardian ad litem. In making the determination, the court has an obligation to insure that child support is spent wisely and for the benefit of the minor child. The agency would assume the responsibility and liability for the welfare and support of the child. Administratively, the agency would most likely not enter into such an arrangement unless its contact was going to be consistent. Unfortunately, many of their contacts with the "street teens" are intermittent, duplicative and less than comprehensive. In the final analysis, any request to alter the course of child support payments in a particular case will be determined by the court.

Additionally, DDAs should use discretion in ordering verification when the challenged conviction will not affect the presumptive sentence.

### 3.20 The Charging Decision

The process of determining and initiating criminal charges is the responsibility of the deputy district attorney. Within his discretion, the deputy shall determine what charges shall be filed, how many charges shall be filed, and how charges shall be presented. The deputy also has a responsibility to see that the charge selected adequately describes the offense or the offenses committed and provides for an adequate sentence for the offense or offenses.

The prosecutor is not obligated to file all possible charges which available evidence might support. The prosecutor may properly exercise discretion to present only those charges which are consistent with the evidence and in the best interests of justice. Among the factors which the prosecutor may consider in making the charging decision are:

- A. The nature of the offense;
- B. The characteristics of the offender;
- C. The age of the offender;
- D. The interests of the victim;
- E. Possible improper motives of the victim or witness;
- F. A history of nonenforcement of statute;
- G. Likelihood of prosecution by another criminal justice agency;
- I. Possible deterrent value of prosecution;
- J. Undue hardship caused the accused;
- K. Excessive cost of prosecution in relation to seriousness of the offense;
- L. Probability of conviction;
- M. Recommendations of the involved law enforcement agency; and
- N. Any mitigating circumstances.

In making the charging decision, the deputy district attorney shall file only those charges which the deputy believes can be reasonably substantiated by admissible evidence at trial. The deputy shall not attempt to use the charging decision as a leverage device (i.e., overcharging) in attempting to obtain a guilty plea to a lesser charge. Also to be avoided is the charging of an excessive number of counts, indictments or informations merely to provide sufficient leverage to persuade a defendant to enter a guilty plea to one or several charges.

### 3.21 Failure to Appear Policy

The crimes of Failure to Appear in the First and Second Degree were created by the legislature as part of the Criminal Code in 1971. At that time Oregon still maintained a system of "bail bondsmen" and appearance of defendants was generally enforced by the bondsmen. In 1973 the legislature enacted Article 8 of the Criminal Procedure Code which eliminated the bail bonds system and created a modern pretrial release statute. See, Snouffer, An Article of Faith Abolishes Bail in Oregon, 53 Or L.R. 273 (1974). That enactment created a presumption in favor of release and provided that only 10% of bail need be posted. Since many defendants are now released solely upon their promise to appear at trial, this office has adopted a policy of not charge-bargaining in failure to appear cases. Those cases should be issued in accordance with office issuing guidelines as stated in the policy manual. Prior approval of the Chief Deputy of District Court shall be required before issuing a Failure to Appear in the Second Degree.

ORS 162.195 and ORS 162.205 require the state to prove that the defendant's failure to appear was intentional. To establish the requisite mental state, it is sometimes necessary to subpoena the defendant's lawyer to appear before the grand jury. The attorney-client privilege does not extend to an attorney's advice to this client regarding the date of trial. U.S. v. Hall, 346 F2d 875 (2nd Cir 1965) cert. den. 382 U.S. 910; U.S. v. Bourassa, 411 F2d 69 (10th Cir 1969), cert. den. 396 U.S. 915. Recently in this jurisdiction the Chief Criminal Judge of the Circuit Court held an attorney in contempt for failure to disclose to the grand jury his advice to a client regarding the date of trial. In re Grand Jury Proceeding State ex rel Schrunk v. Jones, (July, 1981).

FAMILY JUSTICE DIVISION  
JUVENILE SECTION

INTRODUCTION

The Juvenile section is responsible for representing the State in cases arising in the Multnomah County Juvenile Court, including delinquency (ORS 419.476(1)(a)), dependency (ORS 419.476(1)(b)(c) (d)(e) and (f)), and remand (ORS 419.533). Additionally, specially assigned deputies handle termination of parental rights cases (ORS 419.423) pursuant to a contract with Children's Services Division.

STAFF

The Juvenile section is staffed by deputy district attorneys, investigators, office assistants, and a victim advocate.

CASE PROCESSING

A. Delinquency

1. Review

a. Custody Cases

Cases are reviewed based upon police reports received during the morning of the next business day following the placement of the juvenile in detention. In ordinary circumstances, cases should be issued or no complained by noon to allow time for the Juvenile Department and court to prepare the juvenile's appearance at the preliminary hearing. Delinquency preliminary hearings are held each business day at 1:30 p.m. When issuing a delinquency case, the issuing deputy refers to the indictment form book to describe the allegation(s) on the Juvenile Court District Attorney Screening Worksheet. The deputy of the week has the primary responsibility for issuing custody cases with other delinquency/dependency deputies providing assistance when necessary.

b. Noncustody Cases

These cases are logged in on the day of receipt. The delinquency deputies are responsible for reviewing these cases and issuing or no-complaining the case within 30 days.

## 2. Issuing Policy

### a. Duties of Juvenile Court Deputies in Screening Delinquencies

The National District Attorneys Association (NDAA) Prosecution Standard 19.2 provides that the primary duty of juvenile court deputy district attorneys is to seek justice while fully and faithfully representing the interests of the state. NDAA standard 19.2 provides that in deciding whether to formally charge a particular juvenile delinquent, the juvenile court deputy should also consider the special interests and needs of the juvenile to the extent possible without compromising the safety and welfare of the community. Consistent with that standard, the following guidelines are to be applied when screening juvenile court delinquency referrals.

### b. Juveniles 12 Years of Age and Older

Consistent with the screening criteria enumerated in section 3.10 of the District Attorney's policy manual, the District Attorney's Office will prosecute the following criminal offenses committed by juveniles 12 years of age and older:

- (1) All person felonies;
- (2) All Class A and B non-person felonies;
- (3) All Class C non-person felonies committed by individuals who have more than two prior criminal referrals; and
- (4) All criminal offenses involving the illegal possession or use of firearms.

### c. Juveniles Under 12 Years of Age

#### (1) Person Felonies

In addition to the screening criteria enumerated in section 3.10, the District Attorney's Office will prosecute person felonies committed by juveniles under the age of 12 years only after considering the following factors:

- (a) Whether the offender is of sufficient maturity and intellect to possess the requisite culpable mental state;
- (b) Whether there exists reliable evidence of one or more of the following:
  - (i) use of coercion by the offender (i.e., use of force, threat, or weapon);
  - (ii) physical or mental harm to the victim;
  - (iii) a large disparity in age between the offender and the victim (i.e., more than three years);
  - (iv) a particularly vulnerable victim;
  - (v) multiple victims;
  - (vi) Prior referrals for similar or related conduct;
- (c) Any other mitigating and aggravating circumstances, including the degree of harm to the victim.

**(2) Non-Person Felonies**

In addition to the screening criteria enumerated in section 3.10, the District Attorney's Office will prosecute non-person felonies committed by juveniles under the age of 12 years only in the following situations:

- (a) Where the victim suffered extensive injury of damage; or
- (b) Where the juvenile has a history of persistent involvement in criminal activity.

**d. Review of Cases at the Request of the Juvenile Department**

**(1) Informal Disposition Agreements**

The District Attorney's Office will review cases at the request of the Juvenile Department to determine whether sufficient evidence exists to meet the probable cause requirement for an informal disposition agreement under ORS 419.630. All such requests must be first screened and authorized by the supervisor of the Juvenile Department adjudication unit.

**(2) Prosecution of Cases**

Consistent with the screening criteria enumerated in section 3.10, the District Attorney's Office will prosecute any criminal offense upon the request of the Juvenile Department provided the Juvenile Department agrees that it will support formal adjudication and establishment of jurisdiction by the court.

**e. Sexual Assault**

More experienced deputies are assigned to handle sexual assault cases. Under normal circumstances, the deputy will meet with the victim and the legal custodian prior to issuing. Noncustody sexual assault cases must be issued or no-complained within ten days of receipt.

In cases involving sex offenders under 12 years of age, the following factors are to be considered in determining whether the filing of a delinquency petition is appropriate:

- (1) Whether the offender is of sufficient maturity and intellect to possess the requisite culpable mental state;
- (2) Whether there exists reliable evidence of one or more of the following:
  - (a) Coercion (i.e., use of force, threat, or weapon);
  - (b) Large disparity in age between the offender and victim (i.e., more than three years);
  - (c) A particularly vulnerable victim; or
  - (d) Multiple victims.
- (3) All cases are to be reviewed by the District Attorney's juvenile staff prior to filing. Mitigating circumstances are to be considered.
- (4) In those cases where it is determined that the filing of a delinquency petition is inappropriate, the filing of a dependency petition should be pursued whenever sufficient admissible evidence is available.

3. Preliminary Hearings/Release Hearings

A deputy will attend delinquency preliminary hearings in those cases where the juvenile's release would represent a substantial and immediate risk to public safety (i.e., homicides, first degree sex offenses, robberies and arsons) or when specifically requested by the court or the Juvenile Department in a particular case. Adverse decisions by juvenile court referees may be appealed to the judge assigned to Juvenile Court.

4. Pretrial Conferences

Generally, pretrial conferences are attended by a deputy, defendant, defendant's attorney, defendant's parents, and the juvenile court counselor. (In some cases, offers are transmitted to the defense attorney through the juvenile court counselor and no pretrial is held.) Pretrials are set within five days after the preliminary hearing when the juvenile is in detention, and within 15 days if not. The deputy has primary responsibility for conducting plea negotiations. Juvenile court counselors have primary responsibility for making disposition recommendations. The District Attorney's Office policies on plea negotiation apply.

5. Informal Dispositions

There are two kinds of informal dispositions: an Informal Disposition Agreement and an Order for Conditional Postponement of Proceedings (a "contract"). The Informal Disposition Agreement is governed by the provisions of ORS 419.630, et seq. By agreement with the Juvenile Department, counselors are to enter into informal dispositional agreements on felonies only after prior consultation with the assigned deputy. Informal dispositional agreements involving Class A and B felonies must be approved by the senior deputy in charge of the juvenile section. Disagreements between the juvenile court counselor and deputy district attorney are to be referred to their respective supervisors.

6. Remands (ORS 419.533)

Except when the senior deputy determines that the factors enumerated in ORS 419.533 would make remand inappropriate, the District Attorney's Office will seek the remand of juveniles to adult court in the following circumstances:

- a. Homicides where the juvenile is subject to remand;

- b. **Class A and B person felonies where:**
  - (1) **The juvenile is subject to remand, and**
    - (a) **The offense involved the use or threatened use of a firearm; or**
    - (b) **The juvenile has a prior adjudication for a Class A or B person felony.**
- c. **Sex offenses involving forcible compulsion committed by juveniles 16 or 17 years of age;**
- d. **Where the senior deputy determines the offense is of sufficient aggravation. Aggravating factors may include but are not limited to the following:**
  - (1) **Age of the juvenile,**
  - (2) **Number of prior felony referrals,**
  - (3) **Prior commitment(s) to state training school,**
  - (4) **Commission of remandable offense while on probation or parole,**
  - (5) **Particular violent or sophisticated nature of remandable offense,**
  - (6) **Degree of threat juvenile poses to public safety,**
  - (7) **Need to deter similarly situated juveniles from such conduct, and**
  - (8) **Whether the remandable offense was motivated in whole or part on the juvenile offender's perception of the victim's race, color, religion, national origin, or sexual orientation.**

**In all cases where a juvenile is remanded, the deputy should arrange with the appropriate police agency to transport the defendant to MCDC for booking. Juvenile deputies are responsible for routing the police reports and certified order of remand to the appropriate adult unit downtown immediately after the remand hearing.**

**7. Trial Preparation**

- a. Subpoena witnesses at the time of issuing for all felony cases.
- b. Prepare demonstrative evidence and legal memoranda.
- c. Interview witnesses.
- d. Have investigator conduct appropriate pretrial investigation and personal subpoena service.
- e. Conduct trial.

**8. Trial Scheduling**

Juvenile Court is presently scheduling most cases by a weekly call procedure. As soon as possible after a deputy is notified of the call date, the deputy should submit to the appropriate office assistant a subpoena sheet. That office assistant will prepare subpoenas for all witnesses.

Prior to call, the office assistant will have subpoenaed the witnesses and made efforts to contact them to confirm availability. Problems with witness availability are to be logged on the call docket. All deputies are responsible for ensuring the call docket contains the information necessary to accurately advise the court of the time needed for trial and the availability of the assigned deputy and witnesses.

**9. Coverage**

All deputies who will be unavailable for covering scheduled hearings due to conflicts, vacations, etc., are responsible to ensure that their own cases are covered and adequately prepared. Office assistants will assist in obtaining coverage and writing into the daily docket the name of the deputy covering individual cases. Deputies must inform the office assistant when deputies arrange coverage among themselves. The senior deputy has overall responsibility to determine that all appearances are covered.

## 10. Appeals

### a. Referees

- (1) Requests for de novo hearings of a referee's order before a judge must be filed within ten days from the date upon which notice of the referee's order was received. ORS 419.581(3) & (7).
- (2) In delinquency cases (ORS 419.476(1)(a)) a request for a rehearing of a referee's order is appropriate whenever authorized pursuant to ORS 419.561(6).
- (3) In dependency cases (ORS 419.476(1)(b)(c)(d) (e) & (f)) a request for a rehearing of a referee's order is appropriate whenever the referee's order endangers the welfare of the child or the safety of the community.
- (4) Whenever practicable, authorization of the senior deputy should be obtained prior to filing a formal request for a rehearing of a referee's order.

### b. Judges

- (1) Notice of appeal from a final order of the Juvenile Court must be filed within 30 days after entry. ORS 419.561
- (2) Appeals from Juvenile Court are subject to the same appellate review procedure applicable to appeals from District and Circuit Court.

## B. Dependency

### 1. Responsibilities

To process all cases involving physical and sexual abuse and neglect of children through the Juvenile Court and to advise Children's Services Division (CSD), police and juvenile court counselors regarding the handling of these cases. Certain physical abuse dependency cases where there is a concurrent prosecution in adult court will be handled by the Multidisciplinary Team (MDT) Unit.

## 2. Case Initiation

- a. Most cases are initiated when a petition is written by a juvenile court counselor either after the child(ren) is taken into custody or because CSD or a member of the public has requested a petition be filed.
- b. On occasion, the deputy may be requested to write a petition and obtain a warrant. Every case in the juvenile court is assigned to a juvenile court counselor and all paperwork and requests should be processed through the assigned counselor. If no juvenile court counselor is assigned to a case, the deputy should take steps to have one assigned.

## 3. Child Planning Conferences

Child Planning Conferences (CPC) are scheduled Tuesday, Wednesday and Thursday afternoons at CSD. These are now handled by the MDT deputy. (See MDT section).

## 4. Pretrial Conferences

- a. After the preliminary hearing, the juvenile deputy's first contact with the dependency file is normally at the pretrial conference. Pretrial conferences (PTC) are scheduled by the juvenile court counselor 30 days after a preliminary hearing. Notification of the date and time of the pretrial is given to all parties at the preliminary hearing.
- b. Present are the assigned deputy, the juvenile court counselor, the CSD caseworkers, the parent or parents, the various attorneys including the child's attorney, the CASA representative, and occasionally the child.
- c. The deputy must inform the parents and their attorneys of the details of the casework plan and determine their position on the petition and whether they are in agreement with the plan. Amendments to the petition in order to obtain an admission should be made with the permission of the CSD caseworker and the juvenile court counselor. If the parent(s) does not agree with the petition or the plan, the case must be set for contested hearing. The attorneys should determine the amount of time necessary for the hearing.

- d. The deputy and the juvenile court counselor share the responsibility of informing the parent(s) that the parent can bring an attorney to any of the proceedings.

5. Judicial Settlement Conferences

All contested dependency hearings scheduled to last for one-half (1/2) day or more must be scheduled for a Judicial Settlement Conference (JSC) prior to trial. JSCs are set before the court. Parties required to be present include the deputy, parents and their attorneys, CSD, and attorneys for the children. The court makes inquiries of all parties regarding the evidence each party intends to produce at trial and tries to arbitrate a resolution. If the parties are unable to reach an agreeable resolution, the court attempts to narrow the issues to be contested in an attempt to reduce the time needed for trial.

6. The Trial

- a. All cases are sent out for a plea, JSC, or trial from the call docket.
- b. If the case is contested, the deputy is responsible for subpoenaing all witnesses, interviewing these witnesses, subpoenaing exhibits, and preparing legal memoranda.
- c. The deputy is also available for review and dispositional proceedings where requested by the juvenile court counselor, the CSD worker, or the court. In addition, deputies appear on reviews of selected cases involving physical or sexual abuse.

7. Appeals

Same procedure as for delinquency cases. (See A.9. supra)

C. Termination of Parental Rights

1. Contract

This office contracts to represent CSD in their prosecution of Termination of Parental Rights (TPR) petitions. Deputies assigned to the TPR Unit are expected to work with the permanent planning department of CSD in developing their ongoing training, court reviews of their cases, consult in case planning and to make joint decisions on whether to file TPR

petitions, and to prosecute the TPR petitions. The Oregon Attorney General's Office ordinarily represents CSD when issues of intervention are contested and at post-termination placement hearings.

2. Consultations

Regular staffing of permanent planning cases are held on the first and third Wednesdays and second Thursday of each month. These are attended by a deputy, the CSD permanent planning supervisors and consultants, and the individual CSD caseworkers. The CSD caseworkers are required to submit the CSD file to the District Attorney's Office the Friday of the preceding week. The deputy is required to thoroughly review these records prior to the staffing. The purpose of the staffing is to provide CSD with legal input from the District Attorney's Office to assist in case planning and to make joint decisions on whether there is sufficient evidence for termination and whether termination is in the best interest of the child(ren). The deputy will also be frequently called upon to meet with and advise court counselors and caseworkers.

3. Reviews

Once a case is accepted into the permanent planning department of CSD, the case is assigned to a specific deputy. The assigned deputy must attend all court hearings and reviews involving the case. Frequently, issues in these cases will be raised by parents seeking return of the child to their physical custody, termination of temporary commitment to CSD and wardship, and expansion of visitation. The State often seeks orders in these reviews requiring parents to submit to expert evaluation or to cooperate in various forms of treatment, and admonishing parents that failure to cooperate could lead to termination.

4. Issuing

- a. Review for filing of a TPR petition is initiated by receipt of a Legal Assistance Referral (LAR) prepared by the CSD caseworker. Currently, the District Attorney's Office is obligated contractually to issue a TPR petition within 30 days of receiving the LAR. If a petition is not filed within 30 days, the District Attorney's Office is required to provide written explanation why a petition was not filed.

**b. Sources of Information**

Prior to and in the course of preparing a TPR petition, the deputy should review the following: The LAR, CSD file, caseworker's notes (when available), and deputy file.

**c. Drafting Allegations**

The deputy should first determine whether there is more than one ground (i.e., unfitness, neglect, abandonment) for termination and then allege all provable theories. Case law provides that the allegations in the petition may be general - recitation of statutory language is sufficient. Nonetheless, it is recommended that the deputy allege with specificity the grounds for termination. If the child is not yet a ward of the court, the petition must contain as a separate allegation grounds for court jurisdiction under ORS 419.476.

**d. Deputies are responsible for dictating the petition into the juvenile court word processing center.**

**5. Trial Preparation**

Witness lists are part of the LAR but the list must be reviewed by the assigned deputy at the time of subpoenaing. It is particularly important to interview witnesses prior to trial. Witnesses in termination cases are frequently unfamiliar with issues alleged and, therefore, such witnesses need advance notice of the issues about which they will be questioned. The investigators are available to assist in witness interviewing and trial preparation, personal service of subpoenas, and obtaining of criminal convictions, judgment rolls and hospital records.

**6. Trial**

a. Note: Since a termination is not a criminal case, the parents can be called as adverse witnesses. It is, therefore, frequently a useful tactic to call the parents first to either prove much of the case by the parents' own testimony, or to get their testimony fixed before they have an opportunity to adjust their testimony to meet the State's case.

b. Orders: Only upon specific request by the court is the deputy responsible for preparation of the order. Typically, the judge dictates the order.

7. Appeal

- a. Notice of appeal from a final order of the Juvenile Court must be filed within 30 days after entry. ORS 419.561.
- b. A deputy wishing to appeal from the denial of a termination case must contact CSD and obtain the permission of that agency to do so. Appeals of termination cases will be handled by the Attorney General's Office.

8. Post Termination Review Hearings

Termination deputies may be asked to cover hearings regarding custody, visitation, and placement issues which arise after a termination has been ordered. Post termination issues usually involve the assistance of the Attorney General's Office.

D. General Advisory and Assistance Function

1. Police and Juvenile Court Counselors

Deputies are available for consultation with police and Juvenile Court personnel. They will also assist the police in their investigation by reviewing affidavits for search warrants and mug and print orders, ORS 419.584, and by preparing appropriate accompanying motions.

2. Citizens

Deputies are available to assist the public regarding criminal and juvenile law issues and cases being handled by the District Attorney's Juvenile Section.

