

Computer 1st Dr.
BR 001L Kafoury

If you wave your hand
over the scroll pad
it interferes w/ the
mouse even if the
mouse is actively
engaged

Names of Presenters
people come not on
the APR

Powerpoints - Beehai

U didn't know we wd
have PPT on #4#

OLIVIA
QURROZ
4th Speaker
for Group on

Meeting Jan 14, ~~2009~~ 2010

Attendees:

Ted
Diane M
Jeff C

9:32 started

Kafoury & Shiprack came in too

Public testimony (4)
Doug Youngman
Ruth Bewdl
Tom Bachholz
Janet Beldo

Consent agenda vote: unan

Dog issue – wheeler will follow up

Re: electiosn process

Jeff Reynolds

Chair mult cty chapter Americans for prosperity
Working with ruth bendl voter integrity project
Volunteers who want to observe the elections

Janet bebb or bedd followed

Metro req cty apply for \$5.1 for trail connections to sandy river trail bridge

Bridge @ heart of plan

Links other state parks, delta, col hwy, gateway project
Timing strategic
Trail improve structure link to bridge replacement
Cost efficiencies to do this now
Economies in scale
Ntl scenic area 25th anniv this year
Ore paying for bridge path
Cty has opp to improve

Non voting

Dave Houghton and ???
Mult cty emer coord ctr
Useful for board ot hear things taken place part of emergency management
Sep from incident command at health dept

Allows h.c. prov. To red. H1na in community
Recognized them
Turning over to those responsible for the program

Dir mult cty purch mngmt
Health dept lead response
Responsible for tremendous amt of wk
Role diff
Emerg coord ctr (ECC) activated 6 wks supp coord role
4 areas: planning sect sub info gathering/dissemination response planning
Incl clark Portland wash Clackamas ctys
State pub health reg public health and hosp systems
Reg pub health jt info ctr plus cdc and world health
Report covered epidemiology vacc supply hospital status for 10 cty reg in nw ore and sw
wash
Thru logistics single ordering pt for hosp in reg
Thse hosp asked to work with single cty because of the design of their supply systems
They prefer 1 ordering point we designed system carry out that request
Gateway fed strategic stockpile supplies
Supp involved masks and anti virals
Hosted multi agency or MAC groups unprecedented
Serve as policy directing body scarce resource allocation decision making group
Decided health care, mass protocol, visiting protocols, for all hosp in area plus tri cty
MAG groups
Pub health made decisions about vaccines
Prov liaison andsupport to the command ctr
Worked w/comm. Based organ
Health command provid most their ownlogistic support worked w/cty supply system
We had joint info ctr w/public affairs folks pro active w/media
Critical was scarace vaccine supplies
Cty material management active too (RSS) worked closely w/them
Gary vanderzan can tell u abt ther work
Gv: we were only rss in ore
Auth distrib ctr for strategic allocation of these supplies
66K doses distrib 250k units ancillary vacc supplies
Constant contact w/ecc specific needs and re: resource allocation
Hard work and ded of staff in mtl management
Houghton: public express my appreciation
Cty manageennt justice all those who supported ecc incl those who volunteered

Wheeler recognized the people on list on pg 2 of R-1

Acknowledged all these employees involved directly & indirectly
Thank you for coming
Dave got good comments regional colleagues who made specific apprec to u for your
specific leadership
I'll send them to you via e mail
Credibility you are developing
Thanks to you and your team

Shiprack

Commented on Haiti about their disaster
Grateful that you are in the comm. And exercising and organizing here locally

Postpone vote on this
Shiprack 2nd proposed amendment fed portion
Wheeler; continue state portion
Shiprack 2nd

Ship: I have some discomfort with the state portion as well
On state portion we are in more urgency
Req we postpone amendment on table
Kafoury accept amendment
Postpone the entire R-2 until 2 weeks from today until Jan 28th

Wheeler in DC pushing agenda

Kafoury propose we postpone R-2 state and federal until Jan 28th
Shiprack seconded

Rationale:

There are issues contentious questions we have asked
Just answered last night we still have some unanswered questions
Rather have a little more time to look at the information we rec'd last night

Shiprack

Kafoury
Moved 2nd R-3

Kafoury: great timing
New year resol lose weight eat healthy more exercise
Proposal is a great way to do all those
Apprec your sponsorship of this res allow us to participate
Not only help us in our request to get in shape
Help most needy in our area such as de paul and ore food bank

Sharon and Sandra from st Vincent de paul
Barbara besdeeara and Olivia keye rose from cty health dept

Sandra dir of comm. For st Vincent de paul
Food recovery network
2 colleagues w/us
Partners ask you to support us today in our pound for pound challenge
Engage our comm. In behing healthy

Sharon Hills St Vincent De Paul
Rachel Bristol CEO Ore Food Bank
Cassandra Garrison St Vincen de Paul

Sharon read about referrals
More than any other soc serv agency
300K folks w/serv in nw ore
5 counties
Mobile kitchen brand new program serv 3 cty started feb served over 9K meals
Food bank recovery network distrib almost 2 mil #
Food for kids given to kids made for them nutritional bal
Senior supp food box
800 seniors now 1000 seniors providing food boxes
1500 volunteers
200K hours!

Rachel ore food bank
20 reg food banks
St Vincent de paul 1 agency help provide food to
1 in 5 people in ore eat from emergency food box
Served over 9500 last year
240K on avg 36% of those are kids
Moved 66 mil # of food last yr
Amt in mult cty 8 mil #
Work thru network of agencies
Statewide 935 agencies distrib food to families seniors children
In mult cty 147 agencies perform that work
Grateful for comm. Support
4 # key part

We havecorp partners
Ea # person pledges gen mills donates 14 cents to our local food bank
Sugg create team environment
Help us by doing some of the media with us
Create opps for us to come in thru outreach

Re support our resolution become our champions

We can help distrib materials
Thanks for opp

Health educator health prev chronic disease program
Supporting obesity ntl epidemic
Over half adults overweight or obese
Health dept chronic disease program is who she is with
Hispanic name?

Reduce health disparities in communities disproportionately affected by obesity
Campaign like this an play key role encourage folks to maintain healthy weight
Thank you for this opportunity

Kafoury
We as board could form a team and enter on website what our goal is to lose
Group team

Wheeler: thanks for coming
Thank comm. Kafoury for bringing this to our attention
I think this works well with our mission public health important to us
Interested in health equity and prevention strategies
Energizing and fun and community oriented approach

In april cty comm. Big ntl mtg
Req you speak about that and around obesity and public health awareness at that ntl mtg
Ship: yes mako mtg is one of them

Mult food initiative which is going to do some lanning around reg food plan – ship

We are on same page heps create critical mass in community hope we can achieve these
results

Kafouryhow long this go on
May 31
Finalizes in june

www.Feedingamerica challengeplus.org

wheeler: nutrition central to your efforts
I think we could all do better
Low income people don't have access to healthy nutritious food
Produce high protein food into food boxes

Cap management plan
Capt hendreich
Mechanics of plan

Involved city atty ofc da's ofc
Part of that process convene larger committee
Presiding judge jean mourer doug brader
John conners rep defense bar
Scott taylor rep ecj
Peter ozanne participi
What you

Jay Heidenrich, Jacquie Weber, Chuck French

Focus on post arraignment first
More stable to release
Been arraigned linked with defense atty likely stay connected w/their case is higher
Higher than rpe arraignment release

Chuck: we prefer this group hook up to appear in court cans program not available to pre
arraignment major concern we had has been addressed
Largely revolves around shifting mechanics of plan
Major diff is change o post arraignment
Think judges and defense attys agree with that
We seldom get that kind of unanimity in the court room

Shiprack: language of our resolution
Agnes, can you tell us
Ship: in finding A, we state board and sheriff committed in manner consistent...
Prevailing stat provisions
Hate to think we would modify our adherence to the constitution
It looks like an awkward
Agnes soul is how she pronounces sowle
Agnes: we want to be consistent with constitution and state of Oregon
Ship: constitution always prevails and interpreting that isn't our job
Agnes: it is our job I think
We do it all the time
Agnes: it's part of what we are required to do
Ship: change would be operate consistent with constitutional standards and prevailing
statutory provisions
Agnes:

Shiprack: I am offering this amendment
Doesn't county counsel review
Agnes: I don't see the diff in what you are offering
The language in this is consistent with what we have done in accordance with the Statutes
Cogen:

Wheeler: cogen seconded

Agnes: I wd wanta to take time to take a look at it
We generally get a little time to look at it before we get an opinon

Ship: we all took an oath to uphold the constitution not the prevailing constitution
Language and way we introduce our mission and goals at highest level
Prevailing statutory provisions which seem to change
And with Constitutional standards

Agnes: not just constitutiona but all the decisions that

Wheeler: voting no

Jeff: I don't see the distionction

Shiprack: I'll withdraw my motion
Thank you for entertaining my question
We can explore this further

Kafoury:

Wheeler: I don't understandthe argument
If you go back and evaluate and conclude shiprack poit s/b incorporated
Do you bring aback to an amendment
Yes per agnes

Ship: I suspect this language is boilerplate and it shows up over and over again
Explore discussion in terms of our aspirational statements

Kafoury: I spoke with Jay about this in my ofc the other day
Is there a way we have
We get e mail alert when we enered release situation
Looking at capacity management plan state 1 2 and 3 etc.
Stage 3 it seems like it would be chaos
Distinct difference between the 4
Could we institute so we know in the alert by e-mail or phone we are near or entering
stage 3
If there is an emergency action we can do here it would be helpful
Capt Jay: procedure in sheriff ofc simple to insert you are on threshold of stage 3
Send out another notice to you
Yes I think we can do that
Then if actions subsequent to that
Don't know it has to be part of the Plan but we can have it as part of the Procedures if
that is what you want
Yes

Wheeler: thanks jay chuck agnes

Apprec the outreach you've done
Believe you've balanced difficult tradeoffs
Thanks for Institutionalizing it thru this document
Tanks for all the deliberations you undertook

Before vote sheriff station anything you want to add? As courtesy, sheriff
Station: policies incorporate w/coop of board and we will respond
Looking at jail beds not being occupied and going to emergency process using those beds
Versus going to release
When we present that proposal the emergency cost impact of those free beds when we
come back to you

Adjourned at 10:45 am



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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Link to watch live Thursday Board meetings on-line:

www2.co.multnomah.or.us/cc/live_broadcast.shtml Link for on-line agendas and agenda info:

www.co.multnomah.or.us/cc/agenda.shtml

Free public access to wireless internet M-F from 6 AM to 9 PM during meetings in the Boardroom

Americans with Disabilities Act Notice: If you need this agenda in an alternate format or wish to attend a Board Meeting, please call the Board Clerk (503) 988-3277. Call the City/County Information Center TDD number (503) 823-6868 for info on available services and accessibility.

JANUARY 12 & 14, 2010

BOARD MEETINGS

FASTLOOK AGENDA ITEMS

Pg 2	9:00 a.m. Tuesday if needed Executive Session
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 3	9:30 a.m. Thursday - R-1 Recognition of Emergency Coordination Center during the recent H1N1 Influenza Event
Pg 3	9:30 a.m. Thursday - R-2 Approval of Multnomah County 2010 State and Federal Legislative Agenda
Pg 3	9:30 a.m. Thursday - R-3 Resolution to Support the "Pound for Pound" Campaign, a National Effort of Feeding America to Encourage Healthy Eating and Active Living while Supporting Local Food Bank Partners
Pg 4	9:30 a.m. Thursday - R-4 Resolution Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities to be Implemented in Accordance with ORS 169.044 in the Event of a County Jail Population Emergency

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

(Portland & East County)

Thursday, 9:30 AM, (LIVE) Channel 30

Sunday, 11:00 AM Channel 30

(East County Only)

Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media

(503) 667-8848, ext. 332 for further info

or: <http://www.metroeast.org>

Tuesday, January 12, 2010 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 **IF NEEDED**, the Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) (d)(e) and/or (h). Only representatives of the news media and designated staff may attend. News media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session. Final decisions are decided in public Board meetings. *Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.*

Thursday, January 14, 2010 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

- C-1 Amendment 1 to Intergovernmental Revenue Agreement 0809195 with the Oregon Department of Transportation for Halsey Street and Stark Street Sidewalks in Multnomah County, Utilizing Funds from the American Recovery and Reinvestment Act (ARRA) of 2009
- C-2 BUDGET MODIFICATION NOND-07, Reclassifying One Position in Information Technology, as Determined by the Class/Comp Unit of Central Human Resources

REGULAR AGENDA **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer. This is a time for the Board to hear public testimony, not the time for Board deliberation. Fill out a yellow speaker form available at the back of the Boardroom and turn it in to the Board Clerk. Persons will be called in the order the forms are submitted, unless otherwise recognized by the presiding officer.

NON-DEPARTMENTAL - 9:30 AM

- R-1 Recognition of Emergency Coordination Center's organization associated with the recent H1N1 Influenza Event. Presented by Jana McLellan, Chief Operating Officer and Dave Houghton, Director, Emergency Management Office. 10 MINUTES REQUESTED.
- R-2 RESOLUTION Adopting the Multnomah County 2010 State and Federal Legislative Agenda
- R-3 RESOLUTION to Support the "Pound for Pound" Campaign, a National Effort of Feeding America to Encourage Healthy Eating and Active Living while Supporting Local Food Bank Partners

SHERIFF'S OFFICE - 10:15 AM

R-4 RESOLUTION Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities to be Implemented in Accordance with ORS 169.044 in the Event of a County Jail Population Emergency

BOARD COMMENT - 10:25 AM

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.

Rehault

Joshua Todd

Amer Indian Kids 6x more likely
to be in foster care

Black Amer Kids 4x more likely to
be in foster care

Default in property taxes
take possession & dispose

Mr. Walters connects

Sister didn't sign - been on since 1989

Last 2007 - Requested time.

don't want to sell, wants to pay off
Sister on contract as heir

Entitled to sell Rights vest in siblings

→ Both parties have right to buy property

Walters: Buy back option

Cty foreclosed under state laws

Comm Shipnack ~ Board prep to vote on
merger

C. Judy - what does add time accomplish
working now - loan app Jan 1st
don't think valid contract

Atty forces in default 4 years.
issue contract walters - still have equal
right to purchase property

Kafony Matt - can he pay back taxes
now

Can't pay just part - stays in default
Can rewrite contract terms

Kafony not intent to be forced from
more Amendment to postpone the
decision Feb 15th proposed 200
Wheeler 2nd
matter postponed

Kafony give the Comm more notice
beforehand - maybe Jan 15th?

Mindy

Resolution advance Finance \$75K to

smaller communities

advance property tax rev.

Res. a 1st step nature reduces paperwork

27

Mark C

Resolution \$13,900,000

upper limits

not need to know future amt.

~~don't~~ doesn't obligate as to

2 state tax measures will

influence how much is needed

Kalburg:

another step how much bond is?

We come back give overview what's
needed specifically

Wheeler Thank you

Complex projects & proposals on table

C. Judy apprec. caution
before issuing Bonds

Impact of failure of ballot measures
on our ability to go to market?

R8 Kait West
Shiprach

Sustainable food system for all
residents

June food summit

25 member comm.

R-100

Gatekeeper program

works w/ meter readers

Seniors @ risk abuse or self
neglect

2nd part funding - identify & train
new volunteers

Long well with chronic conditions

R-11

Health Dept
Adult Dental

Wanted on Governor's Budget or it
won't

Wheeler - comment

depend on school for outreach prevention
since we don't have fluoridation
in our water

R-15 Grant

Victims Elder Abuse & Exploitation

Mohammad:

Protective Services Staff appreciate
their increased involvement

Gives us forensic specialists to build
cases for probable prosecution

Rod Underhill Dist Atty office

~~ODD~~ Shipnack attending next mtg

Best example why specialized crew significant

~~ODD~~ Email citizen elderly person bilked

Mickley is in charge of this & started
an investigation immediately
Happy w/ report reading

Judges were involved & will continue
Elders in Action
Elders Justice Coalition
other avenues to help

~~Keeping~~
~~Resolving parents~~

R17

INTERCEPT

Grant 2 yr this 1st year

Ken Ramon assigned to this program

There are 1000 of cases

Target highest volumes

Bringing in level 8 cases -

Unable to go below top tier

Tip of the ice berg

Judges glad word out

we are in relentless pursuit w

Multi Cty

• R# 18

Capt. Monty Resner again

Byrne, Grant (JAG)

Adjourned @ 10:55a

(I left never come back)

COLD FUSION (Adopted Documents
site)

board leak

PW: sp@rkle

CULLY - A PACTE

WSFTP

1: done

change date
past board meeting broadcast

STAR

WS FTP

PAST MEE

WS-FTP95 LE (APACHE)

Session PROPERTIES

OK

Tuesday, January 12, 2010 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Chair Ted Wheeler convenes the meeting at 9:___ a.m., with Vice-Chair Diane McKeel and Commissioners Deborah Kafoury, Jeff Cogen and Judy Shiprack present.

E-1 IF NEEDED, the Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) (d)(e) and/or (h). Only representatives of the news media and designated staff may attend. News media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session. Final decisions are decided in public Board meetings. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.

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Multnomah Building, First Floor Commissioners Boardroom 100
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REGULAR MEETING

Chair Ted Wheeler convenes the meeting at 9:___ a.m., with Vice-Chair Diane McKeel and Commissioners Deborah Kafoury, Jeff Cogen and Judy Shiprack present.

CONSENT CALENDAR - 9:30 AM

MAY I HAVE A MOTION ON THE CONSENT CALENDAR?

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE CONSENT CALENDAR

ALL IN FAVOR, VOTE AYE, OPPOSED ___?
THE MOTION FAILS
OR
THE CONSENT CALENDAR IS APPROVED

NON-DEPARTMENTAL

C-1 Amendment 1 to Intergovernmental Revenue Agreement 0809195 with the Oregon Department of Transportation for Halsey Street and Stark Street Sidewalks in Multnomah County, Utilizing Funds from the American Recovery and Reinvestment Act (ARRA) of 2009

C-2 BUDGET MODIFICATION NOND-07, Reclassifying One Position in Information Technology, as Determined by the Class/Comp Unit of Central Human Resources

REGULAR AGENDA
PUBLIC COMMENT - 9:30 AM

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DEB WILL LET YOU KNOW IF THERE ARE FOLKS SIGNED UP.

NON-DEPARTMENTAL - 9:30 AM

R-1 Recognition of Emergency Coordination Center's organization associated with the recent H1N1 Influenza Event. Presented by Jana McLellan, Chief Operating Officer and Dave Houghton, Director, Emergency Management Office. 10 MINUTES REQUESTED.

NON-VOTING ITEM. JANA MCLELLAN AND DAVE HOUGHTON PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

R-2 RESOLUTION Adopting the Multnomah County 2010 State and Federal Legislative Agenda

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-1

**PHILLIP KENNEDY-WONG EXPLANATION,
RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

**THE RESOLUTION ADOPTING THE COUNTY'S
2010 STATE AND FEDERAL LEGISLATIVE
AGENDA IS ADOPTED**

R-3 RESOLUTION to Support the "Pound for Pound" Campaign, a National Effort of Feeding America to Encourage Healthy Eating and Active Living while Supporting Local Food Bank Partners

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-3**

**COMMISSIONER DEBORAH KAFOURY, SHARON
HILLS (ST. VINCENT DE PAUL), RACHEL
BRISTOL (CEO OREGON FOOD BANK,) AND
CASSANDRA GARRISON, (ST. VINCENT DE
PAUL), HEALTH DEPARTMENT CHRONIC
DISEASE PREVENTION PROGRAM
EXPLANATION, RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE RESOLUTION IS ADOPTED

SHERIFF'S OFFICE - 10:15 AM

R-4 RESOLUTION Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities to be Implemented in Accordance with ORS 169.044 in the Event of a County Jail Population Emergency

COMMISSIONER _____⁵ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-4

JAY HEIDENRICH, JACQUIE WEBER AND
CHUCK FRENCH EXPLANATION, RESPONSE TO
QUESTIONS

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS
OR
THE RESOLUTION IS ADOPTED

BOARD COMMENT - 10:25 AM

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.

**THERE BEING NO FURTHER BUSINESS, THE MEETING IS
ADJOURNED.**

GROW Lynda

From: BOGSTAD Deborah L
Sent: Thursday, January 14, 2010 12:58 PM
To: GROW Lynda
Subject: FW: Metro Testimony Regarding Scenic Area Act . . .
Attachments: Jan 2010 Testimony to MCB OCC_NSA earmark.doc

Lynda – I just got this out of my Mail Manager. Did your Metro speaker bring copies this morning? If not, I've printed out a copy for today's file and will email this to the Board . . . let me know!

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
☎ (503) 988-3277
☎ (503) 988-3013
✉ deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>



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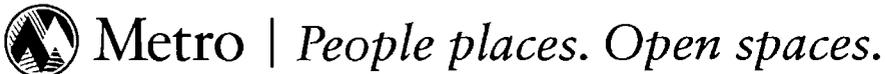
From: Jane Hart [<mailto:Jane.Hart@oregonmetro.gov>]
Sent: Wednesday, January 13, 2010 6:10 PM
To: BOGSTAD Deborah L
Subject:

Hi Deb,

Attached is written testimony that I sent to the commissioners as well for tomorrow's Jan. 14 meeting of the BOCC. I cc'd you on the commissioners e-mail but yours bounced back so am sending now.

Thanks.

Jane Hart
Senior Regional Planner
Metro Sustainability Center
600 NE Grand Avenue
Portland, OR 97232
503-797-1585



January 13, 2010

Multnomah County Board of Commissioners
501 SE Hawthorne Blvd.
Portland, OR 97232

Re: \$5.1 Million Scenic Area Act Earmark Request for Trail Connections to the Sandy River Bridge in Troutdale, OR

Dear Commissioners:

As a fellow partner in the Declaration of Cooperation for implementing the Sandy River Connections Concept Plan, Metro urges you to apply for a \$5.1 million earmark request for trail connections to the bicycle / pedestrian path on the I-84 replacement bridge over the Sandy River. This funding will complete missing links from the new bridge path to state and federal recreational resources on the Scenic Area side of the river including Lewis and Clark State Park, the several hundred acre Sandy River Delta natural area, the Columbia River Highway and points east throughout the Gorge.

This is really a once in a lifetime opportunity since the trail connections are integrally related to the bridge design. Significant economies of scale can be achieved in design, permitting and construction costs if the projects are done concomitantly. The National Scenic Area will enjoy its 25th anniversary this year, and what better way to commemorate this momentous occasion than to complete the public access intended and so needed to serve the visitors to this western gateway to the gorge.

For the last two years the Sandy River Connections Working Group has worked collaboratively to develop a design for the bike/pedestrian path on the bridge and the local and regional trail connections on either side of the river. All parties to the Declaration of Cooperation are in agreement with the design including ODOT, Multnomah County, Metro, US Forest Service, Port of Portland, Troutdale, 40-Mile Loop Land Trust, Oregon Parks and Recreation, Bureau of Land Management and The Confluence Project. The State of Oregon is paying for the bridge path, and the county has the chance to greatly improve alternative transportation options and trail connections in our region by applying for this \$5.1M earmark in 2010.

Sincerely,

Mary Anne Cassin, Planning and Development Division Manager
Metro Sustainability Center

GROW Lynda

From: BOGSTAD Deborah L
Sent: Thursday, January 07, 2010 12:13 PM
To: LANGLOIS Ruth R; #ALL CHAIR'S OFFICE
Cc: SCOTT Tim; GROW Lynda
Subject: RE: Next Week's Board Meeting Public Testimony - Doug Youngman 503.977.2235

He called me as well. They are going to speak under Public Comment. Next week's agenda is less than an hour.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
☎ (503) 988-3277
☎ (503) 988-3013
✉ deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>



Please consider the environment before printing this e-mail

From: LANGLOIS Ruth R
Sent: Thursday, January 07, 2010 11:34 AM
To: #ALL CHAIR'S OFFICE
Cc: SCOTT Tim; BOGSTAD Deborah L; GROW Lynda
Subject: Next Week's Board Meeting Public Testimony - Doug Youngman 503.977.2235

Hello,

Doug Youngman just left a message on my voicemail.

- He wants to give Chair Wheeler a "head's up" that he and a number of his colleagues plan to attend next week's board meeting.
- This group will be requesting transparency in the Elections Office during the upcoming election and would like to know if the Elections Office has addressed their request for changed that "they" recommended.
- He did not identify who his group is but I am sure that Tim/Rhys knows.
- He did not ask for a call back, but left his phone number.

He said he called Tim Scott also.

FYI.

R

Ruth Richman Langlois
Executive Assistant to
Multnomah County Chair Ted Wheeler
503.988.5531-direct line
ruth.r.langlois@co.multnomah.or.us

1/12/2010

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 1-14-2010

SUBJECT: VOTING INTEGRITY

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: RUTH BEWDL

ADDRESS: 10980 SW MUIRWOOD DR

CITY/STATE/ZIP: PORTLAND 97225

PHONE: _____ DAYS: 503-644-0506 EVES: _____

EMAIL: RUTHFB86@VERIZON.NET FAX: AS ABOVE

SPECIFIC ISSUE: ELECTIONS OFFICE ACCESS FOR
BALLOT HANDLING "OBSERVERS"

WRITTEN TESTIMONY: YES

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
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MEETING DATE: _____

SUBJECT: Voter Integrity

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Doug Youngman

ADDRESS: 1209 SW 6th Ave. #706

CITY/STATE/ZIP: Portland, OR 97204

PHONE: _____ DAYS: (503) 477-4564 EVES: _____

EMAIL: dyoungman@comcast.net FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: Attached

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
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County Commissioners and fellow citizens:

This will be the third time I come before you in as many elections to voice my concerns over voter integrity at the Multnomah County elections office. Elections office volunteer observers of various party affiliations have given testimony about a number of grave concerns over election transparency. It has come to light there needs to be better procedural safeguards in place to protect our electoral process from fraud – or even the appearance thereof.

When volunteer observers must stand outside a room and look through binoculars - through a window to scrutinize election workers checking integrity of ballots -- there is no transparency much less integrity to the process.

Not only have concerns over observation areas at the Multnomah County Elections office been brought to the commission twice before -- a number of volunteers brought forth accountability and disclosure concerns they encountered while monitoring ballot drop sites. There was a shameful lack of accountability throughout the entire chain of pick-up, transport and delivery... volunteer observers found large procedural holes when they attempted to track ballots. Simple monitoring procedures -- like recording the number of ballots handed-over at drop sites -- and once again checked off upon delivery -- was not being done. It was sadly discovered that very little accountability or transparency is even built into that process.

So, We The People come before you Commissioners a third time now - with great hope and expectation. We are not here to point fingers or cast blame – but we want the accountability and integrity that we all would expect in a free Democratic Republic. I'll end with a quote from one of our great statesman Patrick Henry – who said, "For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to deal with it." Thank you.

**In Liberty,
Doug Youngman
1209 SW 6th Ave. #706
Portland, OR 97204
(503) 477-4564**

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: _____ (R-2)

SUBJECT: Scenic Area Act Earmark Request
Sandy River Connection

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

BEDD

NAME: Janet Belby

ADDRESS: Metro

CITY/STATE/ZIP: _____

PHONE: DAYS: 503 797 1876 EVES: _____

EMAIL: Janet.Belby@oregonmetro.gov FAX: _____

SPECIFIC ISSUE: \$5.1

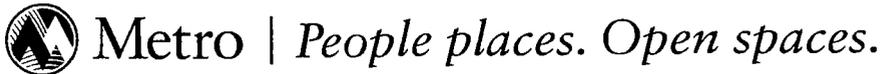
WRITTEN TESTIMONY: letter was sent / oral testimony

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January 13, 2010

Multnomah County Board of Commissioners
501 SE Hawthorne Blvd.
Portland, OR 97232

Re: \$5.1 Million Scenic Area Act Earmark Request for Trail Connections to the Sandy River Bridge in Troutdale, OR

Dear Commissioners:

As a fellow partner in the Declaration of Cooperation for implementing the Sandy River Connections Concept Plan, Metro urges you to apply for a \$5.1 million earmark request for trail connections to the bicycle / pedestrian path on the I-84 replacement bridge over the Sandy River. This funding will complete missing links from the new bridge path to state and federal recreational resources on the Scenic Area side of the river including Lewis and Clark State Park, the several hundred acre Sandy River Delta natural area, the Columbia River Highway and points east throughout the Gorge.

This is really a once in a lifetime opportunity since the trail connections are integrally related to the bridge design. Significant economies of scale can be achieved in design, permitting and construction costs if the projects are done concomitantly. The National Scenic Area will enjoy its 25th anniversary this year, and what better way to commemorate this momentous occasion than to complete the public access intended and so needed to serve the visitors to this western gateway to the gorge.

For the last two years the Sandy River Connections Working Group has worked collaboratively to develop a design for the bike/pedestrian path on the bridge and the local and regional trail connections on either side of the river. All parties to the Declaration of Cooperation are in agreement with the design including ODOT, Multnomah County, Metro, US Forest Service, Port of Portland, Troutdale, 40-Mile Loop Land Trust, Oregon Parks and Recreation, Bureau of Land Management and The Confluence Project. The State of Oregon is paying for the bridge path, and the county has the chance to greatly improve alternative transportation options and trail connections in our region by applying for this \$5.1M earmark in 2010.

Sincerely,

Mary Anne Cassin, Planning and Development Division Manager
Metro Sustainability Center

NON Agenda matter

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 1-14-10

SUBJECT: MCR 13.505

AGENDA NUMBER OR TOPIC:

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Tom Buchholz

ADDRESS: 109 10th St.

CITY/STATE/ZIP: Oregon City Ore 97045

PHONE: DAYS: 503-650-1884 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Letter to Phillip K. Wang

WRITTEN TESTIMONY:

(Handwritten mark)

IF YOU WISH TO ADDRESS THE BOARD:

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3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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2. Written testimony will be entered into the official record.

January 12, 2010

Phillip K. Wong
Intergovernmental Relations
501 SW Hawthorne
Portland, OR 97214

Dear Mr. Wong:

On April 22, 2009, at the Oregon State Legislature, you represented Multnomah County in a "No" vote on Senate Bill 810.

Your concern, as I understand it, is that Senate Bill 810 would take away the ability of Animal Control Officers during exigent circumstances to enter onto private property when an animal is in immediate physical danger.

In a June 2, 1995 letter to me, David Flagler stated, "In the case involving your dog, your dog was impounded under Emergency Animal Rescue. Two Portland Police Officers, a Multnomah County Sheriff Deputy, and a Multnomah County Animal Control Officer jointly decided that your dog needed immediate rescue. If they had waited for a search warrant to be issued, your dog would likely have died in the 105 degree heat on that day."

The disturbing part of the Emergency Animal Rescue is found in the notice of impoundment. This document states, "...The animal(s) will be held for 144 hours six (6) days, from the date of impoundment given above. ...**If the animal(s) is not claimed during this time it becomes the property of Multnomah County for whatever disposition it deems most humane.**"

The above disposition of the animal(s) is echoed in Multnomah County Code 13.505 Impoundment (B). "...When an animal requires protective custody and care because of mistreatment or neglect by its owner or keeper... (C) Animals should be considered impounded from the time the Director or the Director's designee takes physical custody if the animal (D) Impoundment is subject to the following holding period and notice requirements (1) Animal bearing identification of ownership shall be held for 144 hours from the time of impoundment. (E) (3) The Director shall dispose of animals held for the prescribed period without redemption or adoption only by humane means."

I'd like to call to your attention to ORS 161.005 (Oregon Criminal Code of 1971). A small part of the Code ORS 167.310 to ORS 167.340 and ORS 167.350, deals with animal abuse, animal neglect and animal abandonment. ORS 167.350 is the only forfeiture statute in the entire Criminal Code, it deals with the forfeiture rights in mistreated animals. ORS 167.350 states, "...a court may require a defendant convicted under ORS 167.315 to ORS 167.333, ORS 167.340, ORS 167.355 or ORS 167.365, to forfeit any rights of the defendant in the animal subjected to the violation, and to repay the reasonable costs incurred by any person or agency...".

I would imagine the preferred condition of the animal at the time of the court's forfeiture decree would be one of breathing. I would also encourage you to read ORS 167.345 (2009 Senate Bill 810) and ORS 167.347.

As a reasonable person, can you explain or justify Multnomah County's need to destroy an animal that's subject to mistreatment before the requirement of a hearing is met in ORS 167.350 and ORS 167.347?

I await your reply to my concerns.



Tom Buchholz
109 10th Street
Oregon City, OR 97045

Senate Bill 810

Sponsored by COMMITTEE ON JUDICIARY (at the request of Tom Bucholz)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Transfers authority to enter premises for probable cause in case of animal abuse to police officers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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Relating to police officers; amending ORS 167.345; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 167.345 is amended to read:

167.345. (1) As used in this section, [*peace officer*] "**police officer**" has the meaning given that term in ORS [*161.015*] **133.525**.

(2) If there is probable cause to believe that any animal is being subjected to treatment in violation of ORS 167.315 to 167.333 or 167.340, a [*peace*] **police officer**, after obtaining a search warrant or in any other manner authorized by law, may enter the premises where the animal is located to provide the animal with food, water and emergency medical treatment and may impound the animal. If after reasonable effort the owner or person having custody of the animal cannot be found and notified of the impoundment, the notice shall be conspicuously posted on the premises and within 72 hours after the impoundment the notice shall be sent by certified mail to the address, if any, where the animal was impounded.

(3) A [*peace*] **police officer** is not liable for any damages for an entry under subsection (2) of this section, unless the damages were caused by the unnecessary actions of the [*peace*] **police officer** that were intentional or reckless.

(4) A court may order an animal impounded under subsection (2) of this section to be held at any animal care facility in the state. A facility receiving the animal shall provide adequate food and water and may provide veterinary care.

SECTION 2. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in boldfaced type.



MULTNOMAH
COUNTY

DEPARTMENT OF ENVIRONMENTAL SERVICES
ANIMAL CONTROL DIVISION
1700 W. COLUMBIA RIVER HIGHWAY
TROUTDALE, OR 97060-1093
(503) 248-3790 EXT 234 FAX: (503) 248-3002

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN - CHAIR OF THE BOARD
DAN SALTZMAN - DISTRICT 1 COMMISSIONER
GARY HANSEN - DISTRICT 2 COMMISSIONER
TANYA COLLIER - DISTRICT 3 COMMISSIONER
SHARRON KELLEY - DISTRICT 4 COMMISSIONER

June 2, 1995

Thomas Buchholz
109 10th Street
Oregon City, OR 97045

Dear Mr. Buchholz:

I am responding to your May 31, 1995, letter to Beverly Stein, Multnomah County Chair, concerning Search Warrants, Record Keeping, and Audits. I will respond in the order that you submitted your questions:

1. Search Warrants: I would like to refer you back to my August 16, 1994, letter to you where I explained Search Warrants to you. A Search Warrant is a document issued by a Judicial officer which directs a law enforcement officer to conduct a search for specified property or persons at a specific location, to seize the property or persons, if found, and to account for the results of the search to the issuing judicial officer. Multnomah County Animal Control executed two Search Warrants in the past year. You have confused Search Warrants situations with Emergency Animal Rescue which are situations where an animal is on or in private property and where evidence exists that the animal is in immediate physical danger. Examples include, but are not limited to, injured animals, sick animals, animals left in "hot cars," abandoned animals (more than 24 hours), animals confined without shelter in inclement weather, or any similar emergency situation. In the case involving your dog, your dog was impounded under Emergency Animal Rescue. Two Portland Police Officers, a Multnomah County Sheriff Deputy, and a Multnomah County Animal Control Officer jointly decided that your dog needed immediate rescue. If they had waited for a search warrant to be issued, your dog would have likely died in the 105 degree heat on that date.

2. Statistics: Multnomah County Animal Control keeps records of every enforcement action that we are involved in. We track the number of Emergency Animal Rescues; however, our statistics may not reflect whether the rescue is from a house, car, or kennel.

3. Audit: Multnomah County Animal Control, like every other governmental agency, is constantly being watched to insure compliance with local, State, and Federal regulations. The citizens of this County are encouraged to ask questions about what we do and we respond openly and honestly. Your letter to Ms. Stein is a form of audit. It is through letters from citizens like yourself and my response to those letters that Ms. Stein is kept informed as to how I manage the Animal Control Division.

Sincerely,


David R. Flagler
Animal Control Division Manager

May '86

EMERGENCY ANIMAL RESCUE

PURPOSE

To provide appropriate response from MCAC in situations where an animal needs to be removed from private property on an emergency basis, for the animals immediate safety.

INFORMATION

MCAC impounds animals following Emergency Animal Rescue procedures under situations where an animal(s) is on or in private property and where evidence exists that the animal is in immediate physical danger. Examples include, but are not limited to, injured animals, sick animals, animals left in "hot cars," abandoned animals (more than 24 hours), animals confined without shelter in inclement weather, or any similar emergency situation.

ACTION TAKEN BY OFFICER

1. Officer shall impound animal, requesting assistance or back-up if necessary, via Field Supervisor.
2. Initiate an Incident Report, which includes the reason for Emergency Animal Rescue. Report shall include names and addresses of witnesses, any statements made, and information as to any evidence collected.
3. Complete Notice of Impoundment Receipt.
 - A. White copy (original) attach to Incident Report.
 - B. Canary copy - attach to ARF with a copy of Incident Report.
 - C. Pink copy - post the green copy securely and conspicuously on vehicle, residence or building.
 - D. Goldenrod - give to legal agent standing by, if applicable.
4. Officer may make recommendations to the Shelter Supervisor regarding the waiving of fees in the comments section on the ARF.

FOLLOW UP ACTION

MCAC staff processing redemption shall complete canary copy of NIR receipt and route to Field Supervisor, with copy of Incident Report, for completion and follow up as necessary.

NOTICE OF ANIMAL IMPOUNDMENT FORM

Complete Notice of Animal Impoundment Form in the following manner:

1. MCAC R#.
2. Enter date that animal(s) were impounded.
3. Enter time that animal(s) were impounded.
4. Check only one box, as appropriate for incident.
5. Enter name of law enforcement agency requesting MCAC assistance (example: Portland Police, Gresham, Multnomah County Civil Deputy).
6. Name of Law Enforcement Officer.
7. Enter brief description of conditions requiring impoundment (i.e. animal left in hot car, animal injured-H.P.C.).
8. Enter location from which animals were taken, (i.e. street address, intersection, business, etc.).
9. Enter description of animal, including breed, color age, and sex.
10. Enter ARF#.
11. Enter name of MCAC personnel impounding animal.
12. Enter owner's name, if known.
13. Enter owner's complete address, if known.
14. Enter description of vehicle involved in incident, if applicable.
15. Enter license # of vehicle described in (14) including state, if applicable.

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24450 W. Columbia Hwy.
Troutdale, OR 97060

Report # _____ (1)

Impoundment Date _____ (2) Time _____ (3)

NOTICE OF ANIMAL IMPOUNDMENT

Your animal(s) has been impounded by Multnomah County Animal Control or its agents for the following reasons:

(4) Protective Custody, at the request of _____ (5)

Officer's Name _____ (6) BPST

Incident # _____

Emergency Animal Rescue, (for animal's immediate welfare).
Reason for impoundment _____ (7)

Animal(s) impounded from: _____ (8)

Description of animal(s): _____ (9)

RP # _____ (10)

Animal(s) impounded _____ (11)

Owner's name: _____ (12)

Owner's address: _____ (13)

Vehicle: _____ (14)

License Plate #: _____ (15)

- COPIES: white - MCAC Records
 - canary - Impound Facility
 - pink - Owner's Copy
- Goldenrod Agency Requesting Impoundment,
(if applicable)

Your animal(s) has been taken to the Multnomah County Animal Control Shelter in Troutdale, OR. The shelter is open to the public from Noon-7 pm, Monday-Friday and Noon to 5 pm, on Saturday. Closed Sunday and Holidays.

The animal(s) will be held for 144 hours (six (6) days, from the date of impoundment given above.

During that time, you must call the shelter to make arrangements for the animal(s).

CALL: 667-7387 between the hours of 9:30-7 pm, Monday-Friday, and 9:30-5 pm, on Saturday.

If the animal(s) is not claimed during this time, it becomes the property of Multnomah County for whatever disposition it deems most humane.

MCAC Operations Manual Impoundment - 519
 Forfeiture without A hearing
 Cruel and unusual punishment
 Deprived of property without opportunity to

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**§ 13.504 ADMISSION OF INFRACTION;
CONDITIONS.**

(A) Any party who is issued a notice of infraction for any offense listed under § 13.999(A) may, in lieu of requesting a hearing, admit the infraction and submit the fine as stated on the notice of infraction to the animal control division. The party may attach a written explanation of mitigating circumstances with the payment of the fine.

(B) Any written explanations submitted under division (A) shall be reviewed by the hearings officer. The hearings officer shall have discretion to reduce the submitted fine and refund any portion not retained based on the written explanation.

(C) When a person issued a notice of infraction for violation of any of the following sections of this chapter: § 13.305(B)(2), (5), (10), (11), or (12); or § 13.306(A), the violation may be compromised as provided in division (D) of this section.

(D) (1) If the person injured, damaged, or otherwise detrimentally impacted by the commission of the violation acknowledges in writing any time before the final decision of the director, hearings officer, or a court of requisite jurisdiction, that the person has received satisfaction for the injury, damage or detrimental impact, the director, hearings officer or court may in their discretion, on payment of any cost or expense incurred, order the notice of infraction dismissed.

(2) The director, hearings officer, or court when issuing an order to dismiss under this section, may impose additional conditions or requirements upon the party issued the violation, if in their determination the additional requirements are necessary to further protect the public health or safety.

(3) Any condition or requirement imposed pursuant to division (D)(2) of this section shall be complied with prior to the entry of the final order dismissing the notice of infraction(s).

(E) The order authorized by division (D) of this section, when made and entered by the director,

hearings officer or court is a bar to another enforcement action for the same violation.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.038, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.505 IMPOUNDMENT.

(A) The director shall operate, maintain or provide for an adequate facility to receive, care for and safely confine any animal delivered to the director's custody under provisions of this chapter, which facility shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.

(B) Any animal may be impounded and held at the facility when it is the subject of a violation of this chapter, when an animal requires protective custody and care because of mistreatment or neglect by its owner or keeper or when otherwise ordered impounded by a court, a hearings officer, or the director.

(C) An animal shall be considered impounded from the time the director or the director's designee takes physical custody of the animal.

(D) Impoundment is subject to the following holding period and notice requirements:

(1) An animal bearing identification of ownership shall be held for 144 hours from time of impoundment. The director shall make reasonable effort by phone to give notice of the impoundment to owner or keeper and, if unsuccessful, shall mail written notice to the last known address of the owner or keeper advising of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release.

(2) An animal for which no identification of ownership is known or reasonably determinable shall be held for 72 hours from time of impoundment before any disposition may be made of the animal.

(3) Animals held for periods prescribed under this section, or as otherwise required by ORS 433.340 or 433.390, and not redeemed by the owner

or keeper, shall be subject to such means of disposal as the director considers most humane.

(4) Animals delivered for impoundment by a peace officer who removed the animal from possession of a person in custody of the peace officer shall be held for the period prescribed in division (D)(1) of this section. A receipt shall be given the peace officer, who shall deliver the receipt to the person in custody from whom the animal was taken. The receipt shall recite redemption requirements and shall serve as the notice required by this section.

(E) (1) Any impounded animal shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of impoundment, care, rabies, vaccination deposits, license fees, past due fines, and all fees and deposits related to potentially dangerous dog regulations with the addition of the following conditions:

(a) Any animal impounded by court, hearings officer's or director's order shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of all fees required in division (E)(1) of this section, and upon receipt of a written order of release from the court of competent jurisdiction or the hearings officer or the director issuing the order.

(b) Any classified potentially dangerous dog shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of all fees required in division (E)(1) of this section, and upon verification of satisfactory compliance with the regulations required in §§ 13.401 through 13.406. Failure to be in satisfactory compliance with the potentially dangerous dog regulations within twenty days after the date of impoundment shall result in the owner or keeper forfeiting all rights of ownership of the dog to the county.

(2) An animal held for the prescribed period and not redeemed by its owner or keeper, and which is neither a dangerous or exotic animal or in an unhealthy condition, may be released for adoption subject to the provisions of § 13.506.

(3) The director shall dispose of animals held for the prescribed period without redemption or adoption only by humane means.

(4) At any time the director may euthanize any unlicensed and feral animal, or any unhealthy or injured animal by humane means without regard to the holding period specified in (D)(1)(2) above, provided the animal's injuries must be determined to be life threatening or if the animal is unhealthy the animal's condition must be found to present a health threat to the other animals in the shelter.

(5) Any device attached to any animal upon impoundment shall be retained 30 days by the director should the animal be disposed of as provided in division (E)(3) of this section. Otherwise, the device shall accompany the animal when redeemed or adopted.

(F) (1) Whenever a person in possession of an animal which has been used in the commission of a violation of this chapter and which is the subject of a lawful order of impound refuses to voluntarily release said animal to an animal control officer upon timely and reasonable request, the director shall determine the need to procure the animal's immediate impoundment.

(2) A limited search warrant authorized under this section shall be sought by the division after the director has determined the animals immediate impoundment is necessary based on one or more of the following factors:

(a) The public's health and safety is at risk by the subject animal remaining in the possession of the owner.

(b) The health and welfare of the subject animal is at risk by the animal remaining in the possession of the owner or keeper.

(c) The owner/keeper has failed to comply with requirements specified in § 13.307.

(3) The director shall request the assistance of the Sheriff to procure and execute the limited search warrant. The Sheriff shall prepare the application for the warrant including the affidavit in support thereof. The Sheriff shall obtain the warrant in



MICHAEL D. SCHRUNK, District Attorney for Multnomah County
1021 SW Fourth Avenue • Room 600 • Portland, OR 97204-1193
Phone: 503 988-3162 • Fax: 503 988-3643 • www.co.multnomah.or.us/da/

May 1, 2003

Tom Buchholz
109 10th Street
Oregon City, Oregon 97045

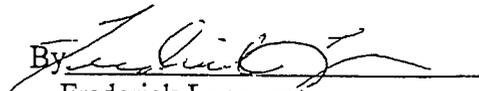
Dear Mr. Buchholz:

Mr. Schrunk has referred your letter of April 17, 2003 to me. In response to your first set of questions, a police officer must apply for and execute a search warrant. There is no prohibition to an Animal Control Officer being present during the execution of a warrant.

In response to your second set of questions, MC 13.505 sets out the reasons why an animal may be impounded under the code. This is a separate procedure from the criminal law procedures set out in the Oregon Revised Statutes. It is possible that in some circumstances, both procedures might be applicable. MC 13.505 sets out the time periods for which an animal may be held and the notice requirements that owners must be given. If these terms have been met and the owner does not redeem the animal, the animal may be released for adoption or disposed of. These procedures are designed to ensure that owners' rights are protected.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney
Multnomah County, Oregon

By 
Frederick Lenzser
Senior Deputy District Attorney

FL:jc

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PRINCIPLES

161.005 Short title. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.505 to 163.575, 163.665 to 163.693, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.054, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340 and 167.350, 167.810 and 167.820 shall be known and may be cited as Oregon Criminal Code of 1971. [1971 c.743 §1; 1979 c.476 §1; 1983 c.740 §25; 1983 c.792 §1; 1985 c.366 §2; 1985 c.557 §9; 1985 c.662 §10; 1985 c.755 §1; 1989 c.982 §3; 1989 c.1003 §5; 2003 c.383 §3; 2007 c.475 §4; 2007 c.684 §2; 2007 c.811 §6; 2007 c.867 §16; 2007 c.869 §5; 2007 c.876 §5; 2009 c.783 §6; 2009 c.811 §15]

161.010 [Repealed by 1971 c.743 §432]

161.015 General definitions. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires otherwise:

(1) "Dangerous weapon" means any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.

(2) "Deadly weapon" means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.

(3) "Deadly physical force" means physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

(4) "Peace officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, investigator of the Criminal Justice Division of the Department of Justice or investigator of a district attorney's office and such other persons as may be designated by law.

(5) "Person" means a human being and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas or mace.

(7) "Physical injury" means impairment of physical condition or substantial pain.

(8) "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

(9) "Possess" means to have physical possession or otherwise to exercise dominion or control over property.

(10) "Public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation. [1971 c.743 §3; 1973 c.139 §1; 1979 c.656 §3; 1991 c.67 §33; 1993 c.625 §4; 1995 c.651 §5]

Note: Legislative Counsel has substituted "chapter 743, Oregon Laws 1971," for the words "this Act" in sections 2, 3, 4, 5, 6, 7, 19, 20, 21 and 36, chapter 743, Oregon Laws 1971, compiled as 161.015, 161.025, 161.035, 161.045, 161.055, 161.085, 161.195, 161.200, 161.205 and 161.295. Specific ORS references have not been substituted, pursuant to 173.160. These sections may be determined by referring to the 1971 Comparative Section Table located in Volume 20 of ORS.

161.020 [Amended by 1967 c.372 §9; repealed by 1971 c.743 §432]

161.025 Purposes; principles of construction. (1) The general purposes of chapter 743, Oregon Laws 1971, are:

(a) To insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the correction and rehabilitation of those convicted, and their confinement when required in the interests of public protection.

(b) To forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests.

(c) To give fair warning of the nature of the conduct declared to constitute an offense and of the sentences authorized upon conviction.

(d) To define the act or omission and the accompanying mental state that constitute each offense and limit the condemnation of conduct as criminal when it is without fault.

(e) To differentiate on reasonable grounds between serious and minor offenses.

(f) To prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders.

Chapter 167

2009 EDITION

Offenses Against Public Health, Decency and Animals

PROSTITUTION AND RELATED OFFENSES	
167.002	Definitions for ORS 167.002 to 167.027
167.007	Prostitution
167.012	Promoting prostitution
167.017	Compelling prostitution
167.027	Evidence required to show place of prostitution
OBSCENITY AND RELATED OFFENSES	
167.051	Definitions for ORS 167.054 and 167.057
167.054	Furnishing sexually explicit material to a child
167.057	Luring a minor
167.060	Definitions for ORS 167.060 to 167.095
167.062	Sadomasochistic abuse or sexual conduct in live show
167.075	Exhibiting an obscene performance to a minor
167.080	Displaying obscene materials to minors
167.085	Defenses in prosecutions under ORS 167.075 and 167.080
167.090	Publicly displaying nudity or sex for advertising purposes
167.095	Defenses in prosecutions under ORS 167.090
167.100	Application of ORS 167.060 to 167.100
GAMBLING OFFENSES	
167.108	Definitions for ORS 167.109 and 167.112
167.109	Internet gambling
167.112	Liability of certain entities engaged in certain financial transactions
167.114	Application of ORS 167.109 and 167.112 to Oregon Racing Commission
167.116	Rulemaking
167.117	Definitions for ORS 167.108 to 167.164 and 464.270 to 464.530
167.118	Bingo, lotto or raffle games or Monte Carlo events conducted by charitable, fraternal or religious organizations; rules
167.121	Local regulation of social games
167.122	Unlawful gambling in the second degree
167.127	Unlawful gambling in the first degree
167.132	Possession of gambling records in the second degree
167.137	Possession of gambling records in the first degree
167.142	Defense to possession of gambling records
167.147	Possession of a gambling device; defense
167.153	Proving occurrence of sporting event in prosecutions of gambling offenses
167.158	Lottery prizes forfeited to county; exception; action by county to recover
167.162	Gambling device as public nuisance; defense; seizure and destruction
167.164	Possession of gray machine; penalty; defense
167.166	Removal of unauthorized video lottery game terminal
167.167	Cheating
OFFENSES INVOLVING CONTROLLED SUBSTANCES	
167.203	Definitions for ORS 167.212 to 167.252
167.212	Tampering with drug records
167.222	Frequenting a place where controlled substances are used
167.238	Prima facie evidence permitted in prosecutions of drug offenses
167.243	Exemption contained in drug laws as defense to drug offenses
167.248	Search and seizure of conveyance in which drugs unlawfully transported or possessed
167.252	Acquittal or conviction under federal law as precluding state prosecution
167.262	Adult using minor in commission of controlled substance offense
OFFENSES AGAINST ANIMALS	
167.310	Definitions for ORS 167.310 to 167.351
167.312	Research and animal interference
167.315	Animal abuse in the second degree
167.320	Animal abuse in the first degree
167.322	Aggravated animal abuse in the first degree
167.325	Animal neglect in the second degree
167.330	Animal neglect in the first degree
167.332	Prohibition against possession of domestic animal
167.333	Sexual assault of animal
167.334	Evaluation of person convicted of violating ORS 167.333
167.335	Exemption from ORS 167.315 to 167.333
167.337	Interfering with law enforcement animal
167.339	Assaulting law enforcement animal
167.340	Animal abandonment
167.345	Authority to enter premises; search warrant; notice of impoundment of animal; damage resulting from entry
167.347	Forfeiture of animal to animal care agency prior to disposition of criminal charge
167.348	Placement of forfeited animal
167.349	Encouraging animal abuse
167.350	Forfeiture of rights in mistreated animal; costs; disposition of animal
167.351	Trading in nonambulatory livestock
167.352	Interfering with assistance, search and rescue or therapy animal
167.355	Involvement in animal fighting
167.360	Definitions for ORS 167.360 to 167.372

(b) Notwithstanding paragraph (a) of this subsection, a court may waive for good cause shown the requirement that the defendant post a security deposit or bond.

(4) If a security deposit or bond has been posted in accordance with subsection (3) of this section, and the trial in the action is continued at a later date, any order of continuance shall require the defendant to post an additional security deposit or bond in an amount determined by the court that shall be sufficient to repay all additional reasonable costs anticipated to be incurred by the petitioner in caring for the animal until the new date of trial.

(5) If a security deposit or bond has been posted in accordance with subsection (4) of this section, the petitioner may draw from that security deposit or bond the actual reasonable costs incurred by the petitioner in caring for the impounded animal from the date of initial impoundment to the date of final disposition of the animal in the criminal action.

(6) The provisions of this section are in addition to, and not in lieu of, the provisions of ORS 167.350 and 167.435. [1995 c.369 §2; 2001 c.926 §13; 2009 c.550 §2]

167.348 Placement of forfeited animal.

(1) If an animal is forfeited according to the provisions of ORS 167.347 or 167.350, the agency to which the animal was forfeited may place the animal with a new owner. The agency shall give placement preference to any person or persons who had prior contact with the animal, including but not limited to family members and friends of the former owner whom the agency determines are capable of providing necessary, adequate and appropriate levels of care for the animal. As a condition of placement, the agency shall require the new owner to execute an agreement to provide minimum care to the animal. The agreement must indicate that allowing the former owner to possess the animal constitutes a crime.

(2) Notwithstanding subsection (1) of this section, the agency may not place the animal with any person who resides with the former owner. [1995 c.369 §3; 2009 c.273 §1]

167.349 Encouraging animal abuse. (1)

A person commits the crime of encouraging animal abuse if the person:

(a) Obtains a previously abused, neglected or abandoned animal from an animal care agency under ORS 167.348 or the court under ORS 167.350; and

(b) Knowingly allows the person from whom the animal was forfeited to possess the animal.

(2) Encouraging animal abuse is a Class C misdemeanor. [2009 c.273 §3]

Note: Section 4, chapter 273, Oregon Laws 2009, provides:

Sec. 4. Section 3 of this 2009 Act [167.349] and the amendments to ORS 167.348 and 167.350 by sections 1 and 2 of this 2009 Act apply to animals forfeited on or after the effective date of this 2009 Act [January 1, 2010]. [2009 c.273 §4]

Note: 167.349 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 167 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

167.350 Forfeiture of rights in mistreated animal; costs; disposition of animal. (1) In addition to and not in lieu of any other sentence it may impose, a court may require a defendant convicted under ORS 167.315 to 167.333, 167.340, 167.355 or 167.365 to forfeit any rights of the defendant in the animal subjected to the violation, and to repay the reasonable costs incurred by any person or agency prior to judgment in caring for each animal subjected to the violation.

(2)(a) When the court orders the defendant's rights in the animal to be forfeited, the court may further order that those rights be given over to an appropriate person or agency demonstrating a willingness to accept and care for the animal or to the county or an appropriate animal care agency for further disposition in accordance with accepted practices for humane treatment of animals. The court may not transfer the defendant's rights in the animal to any person who resides with the defendant.

(b) This subsection does not limit the right of the person or agency to whom rights are granted to resell or otherwise make disposition of the animal. A transfer of rights under this subsection constitutes a transfer of ownership. The court shall require a person to whom rights are granted to execute an agreement to provide minimum care to the animal. The agreement must indicate that allowing the defendant to possess the animal constitutes a crime.

(3) In addition to and not in lieu of any other sentence it may impose, a court may order the owner or person having custody of an animal to repay the reasonable costs incurred by any person or agency in providing minimum care to the animal.

(4) A court may order a person convicted under ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428 to participate in available animal cruelty prevention programs or education programs, or both, or to obtain psychological counseling for treatment of mental health disorders that, in the court's judgment, contributed to the commission of the crime. The person shall bear any costs incurred by the person for participation in counseling or treatment programs under this subsection.

is a law enforcement animal while the law enforcement animal is being used in the lawful discharge of its duty.

(2) Interfering with a law enforcement animal is a Class A misdemeanor.

(3) When a person is convicted of interfering with a law enforcement animal, in addition to any other sentence the court may impose, the court shall impose a fine in the amount of \$500. [Formerly 164.369; 2009 c.555 §1]

167.339 Assaulting law enforcement animal. (1) A person commits the crime of assaulting a law enforcement animal if:

(a) The person knowingly causes serious physical injury to or the death of a law enforcement animal, knowing that the animal is a law enforcement animal; and

(b) The injury or death occurs while the law enforcement animal is being used in the lawful discharge of the animal's duties.

(2) Assaulting a law enforcement animal is a Class C felony.

(3) When a person is convicted of assaulting a law enforcement animal, in addition to any other sentence the court may impose, the court shall impose a fine in the amount of \$1,000. [2003 c.543 §3; 2009 c.555 §2]

167.340 Animal abandonment. (1) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves a domestic animal or an equine at a location without providing minimum care.

(2) It is no defense to the crime defined in subsection (1) of this section that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(3) Animal abandonment is a Class B misdemeanor. [1985 c.662 §8; 2001 c.926 §11; 2009 c.233 §1]

167.345 Authority to enter premises; search warrant; notice of impoundment of animal; damage resulting from entry.

(1) As used in this section, "peace officer" has the meaning given that term in ORS 161.015.

(2) If there is probable cause to believe that any animal is being subjected to treatment in violation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428, a peace officer, after obtaining a search warrant or in any other manner authorized by law, may enter the premises where the animal is located to provide the animal with food, water and emergency medical treatment and may impound the animal. If after reasonable effort the owner or person having custody of the animal cannot be found and notified of the

impoundment, the notice shall be conspicuously posted on the premises and within 72 hours after the impoundment the notice shall be sent by certified mail to the address, if any, where the animal was impounded.

(3) A peace officer is not liable for any damages for an entry under subsection (2) of this section, unless the damages were caused by the unnecessary actions of the peace officer that were intentional or reckless.

(4)(a) A court may order an animal impounded under subsection (2) of this section to be held at any animal care facility in the state. A facility receiving the animal shall provide adequate food and water and may provide veterinary care.

(b) A court may order a fighting bird impounded under subsection (2) of this section to be held on the property of the owner, possessor or keeper of the fighting bird in accordance with ORS 167.433. [Formerly 167.860; 1993 c.519 §1; 1995 c.663 §5; 2001 c.926 §12; 2009 c.550 §1]

167.347 Forfeiture of animal to animal care agency prior to disposition of criminal charge. (1) If any animal is impounded pursuant to ORS 167.345 and is being held by a county animal shelter or other animal care agency pending outcome of criminal action charging a violation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428,

prior to final disposition of the criminal charge, the county or other animal care agency may file a petition in the criminal action requesting that the court issue an order forfeiting the animal to the county or other animal care agency prior to final disposition of the criminal charge. The petitioner shall serve a true copy of the petition upon the defendant and the district attorney.

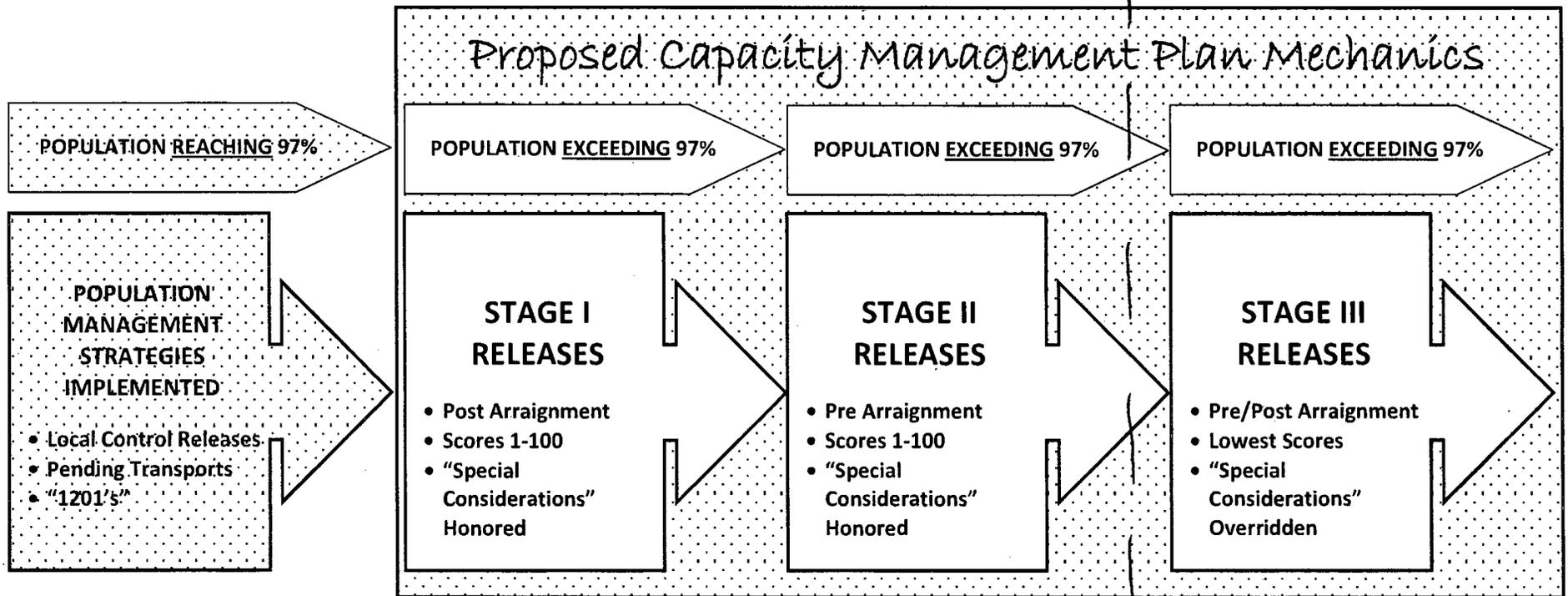
(2) Upon receipt of a petition pursuant to subsection (1) of this section, the court shall set a hearing on the petition. The hearing shall be conducted within 14 days after the filing of the petition, or as soon as practicable.

(3)(a) At a hearing conducted pursuant to subsection (2) of this section, the petitioner shall have the burden of establishing probable cause to believe that the animal was subjected to a violation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428. If the court finds that probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner, unless the defendant, within 72 hours of the hearing, posts a security deposit or bond with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the petitioner in caring for the animal from the date of initial impoundment to the date of trial.

CAPACITY MANAGEMENT PLAN

Population Emergency Process Management/Mechanics

August 30, 2009



"Special Considerations":

- Sex Crime – If defendant is designated as "predatory"
- Domestic Violence Charge or Violation of Stalking Order
- Failure to Register – If defendant is designated as "predatory"

- Refusal of Release by Inmate
- As specifically requested by Parole/Probation, District Attorney, Law Enforcement, County Health Department

Exclusions – which can't be overridden:

- Serious Medical Condition
- Any Sentenced Offender or Probation Violations

- Court Order specifically "prohibiting" Population Release
- Repeat DUI Offenders – Charged with 3 or more in last 2 years or, 2 or more convictions within last 5 years.

CAPACITY MANAGEMENT ACTION PLAN

- I. This Capacity Management Action Plan ("Plan") is adopted pursuant to ORS 169.044 to resolve a county jail population emergency. A jail population emergency exists when the total jail population exceeds 97 percent of the jail population capacity as defined by Ordinance No. . In the event of a county jail population emergency, the Sheriff or his designee will implement this Plan.

- II. The intent of this Plan is to resolve a jail population emergency consistent with state statute and the best interests of the citizens of Multnomah County by holding in jail those that have been evaluated and found to represent the greatest threat to the safety of the community and releasing those that pose the least risk. Such evaluations will be based on objective criteria reasonably calculated to:
 - A. Resolve the jail population emergency;
 - B. Ensure public and victim safety and later appearance in court consistent with pretrial release criteria (ORS 135.245 (3)); and
 - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.

- III. DEFINITIONS:
 - A. Criminal Charges: The charge or charges that resulted in the arrest and current booking of an inmate into jail.
 - B. Criminal History: Prior arrests or convictions within 10 years unless otherwise specified within this Plan, performance while on a supervised program, and history of failure to appear.
 - C. Forced Release: Temporary freedom of an inmate from lawful custody before judgment of conviction due to a county jail population emergency. (ORS 169.005)
 - D. Special Consideration: A designation placed upon an inmate based upon criminal history or behaviors listed in Section V. below that indicate the inmate poses a special risk to community safety or significant short-term conditions exist whereby it is in the community's best interest for the inmate to be ineligible for forced release despite having a Emergency Population Release Score pursuant to Exhibit A of less than 100.
 - E. Emergency Population Release Score: A numerical score assigned to each inmate based upon their criminal charge, criminal history, housing classification, and other relevant factors as listed in Sections IV and V below.
 - F. Capacity Management Plan Review Committee: A group representing the Courts, the Defense Bar, and the Department of Community Justice, the Sheriff's Office, County Attorney's Office, and the District Attorney's Office convened to make a recommendation to the Board of specific standards for determining a county jail population emergency and a specific plan for resolving the emergency. (ORS169.044)

- IV. The Capacity Management Plan Review Committee has agreed to an Emergency Population Release scoring mechanism that shall be used to create an EPR score for every person in custody of the Sheriff who is eligible for forced release pursuant to state statute and this Plan. The EPR scoring mechanism evaluates each eligible inmate using the criteria set forth below, with input from the Recognizance Officers based upon their interviews with the inmates, and automatic updates based on the inmate's classification. Attachment "B" sets forth the added factors affecting the population score based on the following criteria
 - A. Risk to self or other persons;
 - B. Propensity for violence as documented or illustrated in Criminal History;
 - C. Criminal Charge score as specified on Attachment A;
 - D. Prior failures to appear;
 - E. Parole, probation, or post-prison violations history; and
 - F. Institutional behavior or Classification.

- V. Persons whose current charge relates to or who have a criminal history involving any of the following will be identified for special consideration and will be the last category of inmates eligible for forced release.
 - A. A sex crime, or failure to register as a sex offender charge AND if defendant is identified as a "predatory sex offender" as defined in ORS 181.585;
 - B. Child abuse or crimes relating to children;
 - C. Risk to a known victim;
 - D. Exceptional danger to the community;
 - E. Pretrial Release Program Failure
 - F. Violation of Stalking Order;
 - G. Subject to periodic review, when specifically ordered by a Judge, or as requested in writing for compelling reasons by a Parole/Probation Supervisor, Senior Deputy District Attorney, Law Enforcement or Corrections Supervisor, or County Health Officer; or,
 - H. A history of Driving Under the Influence of Intoxicants as follows: three or more DUII charges in the last two years, including the current charge, or two or more convictions for DUII in the last five years.
 - I. Any Domestic Violence charge.

- VI. Inmates who are identified by Corrections Health as being at a substantial risk if released due to serious medical condition shall be excluded from forced release.

- VII. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category on Attachment A.

- VIII. The Sheriff may institute gender specific forced releases on occasions in which gender-neutral releases will not alleviate the population emergency.

- IX. Forced releases under the provisions of this Plan will occur in the following order:
 - A. Inmates who have been arraigned, when none of the special considerations listed in Section IV are present, until a release score over 100 is reached;
 - B. Inmates who have not been arraigned, when none of the special considerations listed in Section IV are present, until a release score over 100 is reached; then,
 - C. Post or Pre-Arrestment inmates regardless of whether special considerations are present, excepting those inmates with a judicial order specifying no forced release.
- X. MCSO policies will ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
- XI. The Sheriff may adopt, amend, and rescind MCSO policies and procedures as necessary to ensure compliance with the intent of this Plan.

POPULATION MANAGEMENT STRATEGIES

- I. Before declaring a population emergency the Sheriff will implement strategies to manage the population and avoid forced releases. These strategies will be set in place by Special Order issued by the Sheriff and will be modified as necessary. Strategies to manage population prior to declaring a population emergency will include, but are not limited to:
 - A. Housing all appropriate inmates scheduled for transport the following day in Processing at MCIJ, removing these inmates from the facility population, and filling behind any beds created by this process.
 - B. When feasible, releasing inmates, who are scheduled to be released that day from their sentences, sometime after midnight on that day.
 - C. When MCSO has information of law enforcement activities or other circumstances from which it can be reasonably anticipated that a population emergency will occur for the coming weekend, work in cooperation with Department of Community Justice to arrange for release of local control inmates in advance of their previously scheduled release date.

ATTACHMENT "A" – CAPACITY MANAGEMENT PLAN

CHARGE LEVEL¹	PERSON²	NON PERSON
<ul style="list-style-type: none"> • Restrain Order Vio • DV Charges – "A" Misd and above • DV Att Assault 4 • DV Att Strangulation • DV Att Sex Abuse 3 	170	
Measure 11	150	150
Class A Felony	135	100
Exceptions	100 • Burglary I	35 • All MCS I and DCS I charges, excluding DCS to a Minor or Using a Minor in a Drug Offense.
Class B Felony	80	35
Exceptions	135 • Escape I	50 • MCS II, Possession of Precursor 20 • PCS I
Class C Felony	50	20
Exceptions	80 • Attempt Escape I • Negligent Homicide • Stalking • Violation of a Court Protective Order • Unlawful Use of a Weapon • Felony DUII	35 • Identity Theft • Forgery • UUMV 50 • Tampering with a Witness • Riot • Attempted Theft by Extortion • FTA I
Class A Misdemeanor	25	14
Exceptions	50 • DUII • Strangulation 80 • Stalking • Violation of a Court Protective Order	35 • Mail Theft
Class B Misdemeanor	14	7
Class C Misdemeanor	NA	7
Unclassified Misd/Ord	7	7
Violation	NA	7

¹ The charge of Conspiring to Commit a crime is scored the same as the charge itself (i.e., "Conspiring to Commit Burglary 1" is the same score as "Burglary 1".)

² Person crimes are those defined by the Oregon Criminal Justice Commission, all child abuse and crimes relating to children, including delivering controlled substances to a child, using a child in a drug offense, all sex abuse, firearms related crimes, escape and any conspiring to commit those crimes are defined here as person crimes.

ATTACHMENT "B" – CAPACITY MANAGEMENT PLAN

EPR SCORING MECHANICS – POTENTIAL CUMULATIVE ELEMENTS

Scoring Element	Value
Current Primary Charge Score	Attachment A
Other Current Charge(s) in Addition to Primary Charge	
• Person Misdemeanor	2
• Non-Person Misdemeanor	1
• Person Felony	5
• Non-Person Felony	3
Charge "Modifiers"	
• Current Charge is an FTA	2
• Current Charge is a "Revoked Recog"	2
Arrest / Conviction & Supervision History (within 10 years)	
• Person Misdemeanor Arrest	2
• Person Misdemeanor Conviction	5
• Person Felony Arrest	4
• Person Felony Conviction	10
• Probation Violations	3
• Parole Violations	5
Classification	
• Administrative Segregation	20
• Transitional Housing	10
• General Housing	0
• Acute Medical/Mental Health	20
• (AS/AI) Assault on Staff or Inmate within 5 years	50
• (E1) Escape or attempt escape from secure custody (within 10 years)	50
• Currently on Disciplinary Lockdown in Jail	50



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 01/14/2010
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 12/30/09

Amendment 1 to Intergovernmental Revenue Agreement 0809195 with the Oregon Department of Transportation for Halsey Street and Stark Street Sidewalks in Multnomah County, Utilizing Funds from the American Recovery and Reinvestment Act (ARRA) of 2009

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>January 14, 2010</u>	Amount of Time Needed:	<u>Consent Calendar</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use & Trans Program</u>
Contact(s):	<u>Brian Vincent, PE, County Engineer</u>		
Phone:	<u>(503) 988-5050</u>	Ext.	<u>29642</u>
Presenter(s):	<u>Brian Vincent, PE, County Engineer</u>		
I/O Address:	<u>#425/2nd Floor</u>		

General Information

1. What action are you requesting from the Board?

The Department of Community Services' Land Use and Transportation Program requests approval of an amendment to an Intergovernmental Agreement with Oregon Dept. of Transportation (ODOT) for Halsey Street and Stark Street Sidewalk Improvements in Multnomah County utilizing funds from the American Recovery and Reinvestment Act (ARRA) of 2009.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Upon bid opening and subsequent contract award for this project, the County was left with approximately \$580,000 of unneeded ARRA funding. Transportation staff quickly developed and submitted another qualifying project (Asphalt Overlays) to utilize this \$580,000. This amendment transfers the \$580,000 from this sidewalk project to the asphalt overlay project.

3. Explain the fiscal impact (current year and ongoing).

No impact. ARRA funds will fully compensate costs associated with this work.

4. Explain any legal and/or policy issues involved.

None

5. Explain any citizen and/or other government participation that has or will take place.

None required. There is no change to the project scope as it was reviewed and approved for selection via the East Multnomah County Transportation Committee (EMCTC), of which Multnomah County is a member.

Required Signature

**Elected Official
or Department/
Agency Director:**



Date: 12/30/09

Jerry Elliot

GROW Lynda

From: RINEHART Tom
Sent: Wednesday, January 13, 2010 3:17 PM
To: BOGSTAD Deborah L; GROW Lynda
Subject: heads up

Deb and Lynda,

I wanted to give you a heads up on a placement/time change Ted will make at the beginning of the board meeting tomorrow. He will move R-2 to the end of the agenda and allocate 45 minutes instead of 15. We may not need that long, but wanted to be safe and put it at the end of what is scheduled to be a short meeting since legislative items have gone way overtime the past two times on the BCC agenda.

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