

# ANNOTATED AGENDA

Tuesday, May 1, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

## PLANNING ITEMS

*Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present.*

5. RPD 1-90 and LD 1-90 Adoption of the Decision with findings for RPD 1-90 and LD 1-90 (continued from 4/24/90)

**COUNTY COUNSEL JOHN DuBAY DISCUSSED APRIL 27, 1990 LETTER FROM APPLICANT'S ATTORNEY STEVEN JANIK REGARDING TIMING ISSUES AND PRESENTED LEGAL OPINION THAT BOARD CAN PROCEED WITH ITS DECISION TODAY PLANNER LORNA STICKEL ADVISED STAFF HAS SUBMITTED A PROPOSED ORDER. CHAIR McCOY DIRECTED THAT OTHER PLANNING ITEMS BE CONSIDERED FIRST.**

Decisions of the Planning Commission of April 9, 1990:

1. CS 2-90 Approve, subject to conditions, change in zone designation from CFU-80 to CFU-80, C-S, community service, in order to develop the site with an 18-hole golf course with a clubhouse, caretaker's quarters structure and a shop building, all for property located at 21881 NW St. Helens Road.
2. CU 6-90 Approve, subject to conditions, conditional use request to develop this site with a non-resource related single family residence, for property located at 6189 NW Cornell Road
3. CU 4-90 Deny requested conditional use request to use an existing commercial building as a refrigeration equipment repair shop for property located at 35905 East Crown Point Highway.

**AT THE REQUEST OF CHAIR McCOY,  
FOLLOWING DISCUSSION WITH MS. STICKEL,  
AND UPON MOTION OF COMMISSIONER**

**KELLEY, SECONDED BY COMMISSIONER ANDERSON, DECISIONS 1, 2 AND 3 WERE UNANIMOUSLY ACCEPTED.**

5. RPD 1-90 and LD 1-90 Adoption of the Decision with findings for RPD 1-90 and LD 1-90 (continued from 4/24/90)

**PLANNER MARK HESS EXPLANATION OF PROPOSED FINAL ORDER. MR. DuBAY, MS. STICKEL AND MR. HESS RESPONSE TO COMMISSIONER BAUMAN'S QUESTIONS CONCERNING TIMELINES OF PLANNING COMMISSION DECISION, FILING A NOTICE OF REVIEW, APPEAL PERIODS PRIOR TO ADOPTION OF A FINAL ORDER, AND BOARD PLANNING MEETINGS. IN RESPONSE TO COMMISSIONER BAUMAN EXPRESSING CONCERN OVER POSSIBLE CLOUD ON LAND USE DECISIONS, CHAIR McCOY DIRECTED PLANNING STAFF TO BEGIN PROCESS TO ADDRESS ORDINANCE LANGUAGE AMBIGUITIES REGARDING DATES PLANNING AND ZONING DECISIONS BECOME FINAL. AT THE REQUEST OF CHAIR McCOY, COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER ANDERSON, APPROVAL OF THE FINAL ORDER. STEVEN JANIK ADVISED HE REFERRED MR. DuBAY TO A COURT OF APPEALS CASE THAT SAYS THE DEFECT COMPLAINED OF IS JURISDICTIONAL, IN THAT THE BOARD FAILED TO ACT WITHIN 120 DAYS AS ESTABLISHED UNDER ITS OWN PROCEDURES AS WELL AS STATE LAW. MR. JANIK COMMENTED IN OPPOSITION TO THE PROPOSED FINDINGS, ADVISING HE BELIEVES THEY ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, THAT A NUMBER OF THEM ARE CONCLUSIONARY AND NOT FINDINGS OF FACT, AND THAT THEY DO NOT ADDRESS THE EVIDENCE SUBMITTED BY APPLICANT OR APPLICABLE LEGAL CRITERIA ADDRESSED BY APPLICANT. FINAL ORDER 90-66 DENYING RPD 1-90 AND LD 1-90 IN THE MATTER OF THE REVIEW OF THE PLANNING COMMISSION DECISIONS WHICH APPROVED "SKYLINE**

**MEADOWS", A 12-LOT RURAL PLANNED DEVELOPMENT AND LAND DIVISION UNANIMOUSLY APPROVED.**

4. PD 1-90 Review the decision of the Planning Commission of February 26, 1990, denying requested change in zoning designation from LR-10, low density residential district (minimum lot size of 10,000 square feet) to LR-7, low density residential district (minimum lot size of 7,000 square feet) for the northerly portion of the subject site; thereby disallowing a planned development for the entirety of the site, which would have allowed its development with a 124-unit mobile home park, all property located at 13300 SE Holgate Blvd. This item has been appealed by the applicant. Scope of Review: On the record plus additional testimony regarding the topographic aspects of the site and flooding. Oral Argument: 20 minutes per side to present oral argument to the Board.

**LORNA STICKEL EXPLAINED PLANNER BOB HALL IS UNABLE TO BE HERE TODAY. MS. STICKEL AND MARK HESS PRESENTED STAFF REPORT, DISCUSSED FILLING IN THE FLOOD FRINGE AREA, GRADING AND EROSION CONTROL STANDARDS, AND HOLGATE LAKE AND JOHNSON CREEK FLOODPLAIN ISSUES. MS. STICKEL ADVISED MR. HALL HAS BEEN IN CONTACT WITH FEDERAL EMERGENCY MANAGEMENT AGENCY AND DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT AND WAS INFORMED THE PROPERTY IS NOT WITHIN THE ACTIVE MOVING WATER AREA OF THE JOHNSON CREEK FLOODPLAIN, BUT STAFF FEELS THAT THE BOARD HAS THE LATITUDE UNDER THE DEVELOPMENT LIMITATIONS POLICY OF THE FRAMEWORK PLAN TO REQUIRE THAT ADDITIONAL ANALYSES AND ASSURANCES BE MADE TO ASSURE THAT ANY FILLING IN THE AREA WOULD NOT HAVE AN IMPACT ON ADJACENT RESIDENCES. IN RESPONSE TO QUESTIONS OF CHAIR McCOY, MS. STICKEL ADVISED MANY RESIDENCES WERE BUILT BEFORE THE 100 YEAR FLOODPLAIN MAPPING WAS DONE IN THE 1970'S, BUT SINCE ADOPTION OF THE COUNTY FLOODPLAIN ORDINANCE, NEW**

DEVELOPMENTS ARE REQUIRED TO BE ELEVATED SO THE FIRST HABITABLE FLOOR OF THE STRUCTURE IS LOCATED ABOVE THE 100 YEAR FLOOD LEVEL, EITHER BY RAISING THE FOUNDATION OR WITH A FILL. MS. STICKEL SUBMITTED A COPY OF AN APRIL 27, 1990 LETTER FROM DLCD ADVISING THE PROPOSED PROPERTY IS WITHIN THE 100 YEAR FLOODPLAIN, THAT MOST OF THE LOCAL FLOODING IS NOT ASSOCIATED WITH JOHNSON CREEK, BUT WITH THE CLOSED BASIN IN WHICH NEIGHBORS RESIDE. MS. STICKEL ADVISED THAT DRAINAGE HAS NO WHERE TO GO WITHIN THE CLOSED DEPRESSION AND CANNOT PENETRATE THE IMPERMEABLE LAYER. IN RESPONSE TO QUESTIONS OF COMMISSIONER ANDERSON, MS. STICKEL EXPLAINED THE ISSUE TO BE CONSIDERED AND ADDRESSED CONCERNS THE PROPOSED SITE WHICH IS A LARGE PORTION OF THE CLOSED BASIN, AND WHETHER IF ONE AREA IS FILLED AND ANOTHER NOT FILLED, WILL IT RESULT IN ADDITIONAL WATERS BEING DIRECTED TO ANOTHER AREA AND THEREFORE PERHAPS ENLARGING THE AREA OF FLOODING. MR. HESS, APPLICANT JEFFREY PAYNE AND AREA NEIGHBOR LEO BASCH PRESENTED SLIDES OF PROPOSED SITE AND RESPONDED TO BOARD QUESTIONS. GORDON DAVIS, ATTORNEY REPRESENTING APPLICANT, TESTIFIED IN SUPPORT OF REZONING AND CONCEPT DEVELOPMENT PLAN APPROVAL USING 1963 FLOODPLAIN AND CURRENT MAPS, MR. DAVIS SUBMITTED AND DISCUSSED AN APRIL 27, 1990 LETTER FROM JOSEPH HOWE, HYDROLOGIST WITH ODGEN BEEMAN & ASSOCIATES, ADDRESSING PROBABLE CAUSES OF FLOODING AND WHETHER ADDITIONAL FILL MAY SIGNIFICANTLY EFFECT THE FLOOD ELEVATION IN THE AREA. LEO BASCH, REPRESENTING AREA NEIGHBORS, TESTIFIED IN OPPOSITION TO THE PROPOSED DEVELOPMENT, USING AN AERIAL PHOTO DEPICTING HOLGATE LAKE AREA AND CITING

**SECTIONS OF THE APRIL 27, 1990 DLCD LETTER AND A MARCH 2, 1987 DAVID DOUGLAS SCHOOL DISTRICT REAL ESTATE MEMORANDUM OF OPINION. MR. BASCH RESPONDED TO BOARD QUESTIONS, ADVISING HE FEELS THE AREA WOULD BE MORE APPROPRIATE FOR ANY LARGE DEVELOPMENT WITH OPEN SPACE AND A MINIMUM OF ASPHALT AND DRIVEWAYS IN HEARING HELD, AND THAT HE WOULD NOT OBJECT TO THE PROPOSED DEVELOPMENT OCCURRING EAST OF THE AREA. MR. DAVIS REBUTTAL TESTIMONY, ADVISING THAT THE FILL WILL BE REDONE AND THAT APPLICANT PROPOSES LEAVING THE NORTHERN AREA UNDEVELOPED. MR. DAVIS RESPONDED TO BOARD QUESTIONS CONCERNING FLOODING AND FILL. COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER ANDERSON, TO SUPPORT THE PLANNING COMMISSION DECISION TO DENY THE REQUEST. COMMISSIONER KELLEY ADVISED SHE SUPPORTS THE MOBILE HOME DEVELOPMENT BUT IS NOT PERSUADED THAT THIS PROPOSAL WOULD NOT HARMFULLY IMPACT THE NEIGHBORS. COMMISSIONER KAFOURY ADVISED SHE FEELS APPLICANT HAS MADE SIGNIFICANT CONCESSIONS TO RESPOND TO PLANNING COMMISSION CONCERNS, AND THAT THIS BOARD COULD PUT ADDITIONAL CONDITIONS ON APPLICATION TO ASSURE FLOODING POTENTIAL IS MITIGATED AS MUCH AS POSSIBLE. COMMISSIONER BAUMAN ADVISED HE WOULD SUPPORT A MOTION TO ALLOW THE DEVELOPMENT WITH POTENTIAL CONDITIONS ADDED IN TERMS OF THE TRANSITION OF THE FILL INTO NEIGHBORING LOTS. CHAIR McCOY EXPRESSED CONCERN WITH ALLOWING DEVELOPMENT IN A FLOODPLAIN AREA. IN RESPONSE TO A QUESTION OF CHAIR McCOY, MR. HESS ADVISED THAT PLANNING STAFF COULD CRAFT CONDITIONS TO MITIGATE FLOOD HAZARDS TO NEIGHBORS AND PERSPECTIVE MOBILE HOME RESIDENTS AS PART OF DESIGN**

**REVIEW OF THE PROJECT, IMPOSE CONDITIONS REQUIRING THAT THE DEVELOPER PROVIDE ENGINEERING AND HYDROLOGIC ANALYSES IDENTIFYING FLOOD IMPACTS FROM THE PROPOSED FILL; CONDITIONS ASSURING THEY DO NOT INCREASE STORMWATER RUNOFF TO SURROUNDING PROPERTY OWNERS; AND CONDITIONS REQUIRING THAT ANY FILL AREAS HAVE TRANSITIONS OF AT LEAST A THREE TO ONE SLOPE, SO THE NEIGHBORS WOULD HAVE NO ABRUPT EDGES OF FILL TO LOOK AT. COMMISSIONER KELLEY ASKED IF A CONDITION COULD BE PLACED REQUIRING A PERFORMANCE BOND OR SOME OTHER KIND OF ASSURITY FROM APPLICANT AND SUGGESTED THAT STAFF LOOK AT WHETHER 117 UNITS IS THE APPROPRIATE INTENSITY FOR THE DEVELOPMENT. FOLLOWING DISCUSSION WITH CHAIR McCOY, MR. HESS AND MR. DuBAY, AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT THE DECISION IN THIS MATTER BE CONTINUED ONE WEEK, TO TUESDAY, MAY 8, 1990, IN ORDER TO ALLOW STAFF TO PREPARE THE RECOMMENDED CONDITIONS AS DISCUSSED.**

*There being no further business, the planning meeting was adjourned at 11:25 a.m. and the formal meeting was convened at 11:35 a.m.*

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Tuesday, May 1, 1990 - 10:30 AM  
Multnomah County Courthouse, Room 602

### FORMAL AGENDA

#### NON-DEPARTMENTAL

- R-1 In the Matter of Re-appointments to the Investment Advisory Board - Rebecca Marshall, George Scherzer and Richard Harris. All terms expire 1993

**UPON MOTION OF COMMISSIONER ANDERSON,  
SECONDED BY COMMISSIONER KAFOURY, R-1  
WAS UNANIMOUSLY APPROVED.**

R-2 Proclamation in the Matter of Proclaiming May 7, 1990 as  
NATIONAL NURSES' DAY in Multnomah County

**UPON MOTION OF COMMISSIONER ANDERSON,  
SECONDED BY COMMISSIONER KAFOURY,  
PROCLAMATION 90-67 WAS UNANIMOUSLY  
APPROVED.**

R-3 Proclamation in the Matter of Proclaiming April 21 through May 19 as  
1990 PORTLAND AREA CLEANUP/BAG-A-THON MONTH in  
Multnomah County

**COMMISSIONER ANDERSON MOVED,  
SECONDED BY COMMISSIONER KAFOURY,  
APPROVAL OF R-3. NANCY BIASI, CITY OF  
PORTLAND OFFICE OF NEIGHBORHOOD  
ASSOCIATIONS EXPLANATION AND  
PRESENTATION OF PROJECT COORDINATORS  
HANDBOOK AND T-SHIRTS TO BOARD  
MEMBERS. PROCLAMATION 90-68  
UNANIMOUSLY APPROVED.**

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

R-4 Resolution in the Matter of Endorsing Ballot Measure 1

**FOLLOWING EXPLANATION, COMMISSIONER  
ANDERSON MOVED, SECONDED BY  
COMMISSIONER KAFOURY, APPROVAL OF R-4.  
LARRY NICHOLAS AND STEVE SEGAL  
EXPLANATION AND RESPONSE TO BOARD  
QUESTIONS AND DISCUSSION. RESOLUTION 90-  
69 UNANIMOUSLY APPROVED.**

#### **SERVICE DISTRICTS**

(Recess as the Board of County Commissioners and convene as the  
Governing Body of Dunthorpe-Riverdale Service District No. 1)

R-5 Budget Modification DES #16 Authorizing transfer of \$17,865 from Dunthorpe-Riverdale Service District No. 1 General Fund Contingency to Materials and Services for sewage treatment and system maintenance

***RICHARD HOWARD EXPLANATION. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-5 WAS UNANIMOUSLY APPROVED.***

(Recess as Dunthorpe-Riverdale Service District No. 1 and convene as the Governing Body of West Hills Service District)

R-6 In the Matter of Approval of the West Hills Service District Budget to revise appropriations and unappropriated balance prior to submitting budget to Tax Supervising and Conservation Commission

***RICHARD HOWARD EXPLANATION. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-6 WAS UNANIMOUSLY APPROVED.***

(Recess as the Governing Body of West Hills Service District and reconvene as the Board of County Commissioners)

### **DEPARTMENT OF GENERAL SERVICES**

R-7 Budget Modification DGS #16 for the establishment of three new Residential Property Appraiser positions in the Division of Assessment & Taxation

***JANICE DRUIAN EXPLANATION. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER ANDERSON, R-7 WAS UNANIMOUSLY APPROVED.***

R-9 Budget Modification DGS #17 requesting approval of the transfer of \$21,000 from Personnel Services (5100) to Postage (6200) in Assessment & Taxation Appraisal

***JANICE DRUIAN EXPLANATION. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY***

**COMMISSIONER KELLEY, R-9 WAS UNANIMOUSLY APPROVED.**

- R-8 Ratification of an Intergovernmental Agreement to allow the County's contract for the purchase of Herman Miller furnishings to be used by the Unified Sewerage Agency of Washington county in accordance with Bid B43-100-3028

**FOLLOWING EXPLANATION AND UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-8 WAS UNANIMOUSLY APPROVED.**

- R-10 In the Matter of Ratification of the Deputy Sheriffs Labor Agreement pursuant to the award of Arbitrator Gary Axon

**DARRELL MURRAY EXPLANATION. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER KELLEY, R-10 WAS UNANIMOUSLY APPROVED.**

**DEPARTMENT OF HUMAN SERVICES**

- R-11 Ratification of an Intergovernmental Agreement Amendment #2 with Mt. Hood Community College and the Developmental Disabilities Program. Decreases Work Activity Center funding to Mt. Hood by (\$3,557.84) due to the transfer of slots to another provider

**FOLLOWING EXPLANATION AND UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, R-11 WAS UNANIMOUSLY APPROVED.**

- R-12 Budget Modification DHS #50 requests approval of several appropriation changes to the Health Division budget reflecting Revisions #3 and #4 on Intergovernmental Agreement with the Oregon State Health Division Grant (next 2 items)

- R-13 Ratification of an Intergovernmental Agreement Amendment #3 with Oregon State Health Division to provide additional funds \$127,950, for various programs funded by the State Health Division

- R-14 Ratification of an Intergovernmental Agreement Amendment #4 with Oregon State Health Division provides additional funds \$2,400, for Central Drug Purchasing. These grant revisions must be processed simultaneously with Bud Mod DHS #50

***FOLLOWING EXPLANATION AND UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KAFOURY, ITEMS R-12, R-13 AND R-14 WERE UNANIMOUSLY APPROVED.***

**NON-DEPARTMENTAL**

- R-15 Budget Modification MCSO #2 requests approval of reclassification of three positions in the Sheriff's Office budget, changing two existing positions to higher classifications and changing one position to a lower classification

***UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER BAUMAN, R-15 WAS UNANIMOUSLY APPROVED.***

- R-16 Ratification of an Intergovernmental Agreement with the US Department of Agriculture/Forest Service for Multnomah County Sheriff's Office (MSCO) to enforce Federal/State laws and regulation in the National Forest

***FOLLOWING EXPLANATION, COMMISSIONER KAFOURY MOVED, SECONDED BY COMMISSIONER KELLEY, APPROVAL OF R-16. RANDY AMUNDSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. R-16 UNANIMOUSLY APPROVED.***

- R-17 Request for Approval of Notice of Intent for the Sheriff's Office, Law Enforcement Division, to join the City of Gresham Fire Department in responding to the State of Oregon's request for proposals to develop a Regional Hazardous Materials Emergency Response Team - booklet on file in the Clerk's Office

***COMMISSIONER KAFOURY APPROVED, SECONDED BY COMMISSIONER BAUMAN, APPROVAL OF R-17. RANDY AMUNDSON ADVISED JOE PARROTT OF GRESHAM HERE TO ANSWER QUESTIONS. PENNY MALMQUIST***

**EXPLANATION.  
APPROVED.**

**R-17 UNANIMOUSLY**

*There being no further business, the formal meeting was adjourned at 12:05 p.m. and the work session was convened at 1:40 p.m.*

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Tuesday, May 1, 1990 - 1:30 PM  
Multnomah County Courthouse, Room 602

**WORK SESSION**

1. Public Safety Budget Discussion to include Board of County Commissioners, Sheriff, District Attorney, and staff on full range of sanctions for offenders. Goal is to determine priorities for funding of public safety programs.

**GRANT NELSON, CARY HARKAWAY, WAYNE SALVO, SHERIFF ROBERT SKIPPER, GARY WALKER, LARRY REILLY AND MICHAEL SCHRUNK PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. WORK SESSION CONTINUED TO 9:00 AM, WEDNESDAY, MAY 9, 1990 WITH PARTICIPATION OF BOARD, SHERIFF, DA, DJS AND DHS STAFF. DJS STAFF DIRECTED TO PROVIDE BOARD WITH COPIES OF SENATE BILL 1065 AND CRIMINAL JUSTICE POLICY.**

*There being no further business, the work session was adjourned at 3:15 p.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

**Deborah L. Bogstad**

Deborah L. Bogstad



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

April 30 - May 4, 1990

- Tuesday, May 1, 1990 - 9:30 AM - Planning Items . . . Page 2
- Tuesday, May 1, 1990 - 10:30 AM - Formal . . . . . Page 3
- Tuesday, May 1, 1990 - 1:30 PM - Work Session . . . . Page 5
- Thursday, May 3, 1990 - NO MEETING - FORMAL ON TUESDAY,  
MAY 1, 1990

PLEASE NOTE CHANGE IN FORMAL MEETING DATE

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

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

Tuesday, May 1, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING AGENDA

Decisions of the Planning Commission of April 9, 1990

1. CS 2-90

Approve, subject to conditions, change in zone designation from CFU-80 to CFU-80, C-S, community service, in order to develop the site with an 18-hole golf course with a clubhouse, caretaker's quarters structure and a shop building, all for property located at 21881 NW St. Helens Road.

2. CU 6-90

Approve, subject to conditions, conditional use request to develop this site with a non-resource related single family residence, for property located at 6189 NW Cornell Road

3. CU 4-90

Deny requested conditional use request to use an existing commercial building as a refrigeration equipment repair shop for property located at 35905 East Crown Point Highway.

4. PD 1-90

Public Hearing-On the Record Plus Additional Testimony

Review the decision of the Planning Commission of February 26, 1990, denying requested change in zoning designation from LR-10, low density residential district (minimum lot size of 10,000 square feet) to LR-7, low density residential district (minimum lot size of 7,000 square feet) for the northerly portion of the subject site; thereby disallowing a planned development for the entirety of the site, which would have allowed its development with a 124-unit mobile home park, all property located at 13300 SE Holgate Blvd.

This item has been appealed by the applicant

Scope of Review: On the record plus additional testimony regarding the topographic aspects of the site and flooding.

Oral Argument: 20 minutes per side to present oral argument to the Board.

5. RPD 1-90 and LD 1-90

Adoption of the Decision with findings for RPD 1-90 and LD 1-90 (continued from 4/24/90)

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Tuesday, May 1, 1990, 10:30 AM

Multnomah County Courthouse, Room 602

**Formal Agenda**

REGULAR AGENDA

NONDEPARTMENTAL

- R-1 In the Matter of Re-appointments to the Investment Advisory Board - Rebecca Marshall, George Scherzer and Richard Harris. All terms expire 1993
- R-2 Proclamation in the Matter of Proclaiming May 7, 1990 as NATIONAL NURSES' DAY in Multnomah County
- R-3 Proclamation in the Matter of Proclaiming April 21 through May 19 as 1990 PORTLAND AREA CLEANUP/BAG-A-THON MONTH in Multnomah County

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 Resolution in the Matter of Endorsing Ballot Measure 1

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of the Service District

- R-5 Budget Modification DES #16 Authorizing transfer of \$17,865 from Dunthorpe-Riverdale Service District No. 1 General Fund Contingency to Materials and Services for sewage treatment and system maintenance
- R-6 In the Matter of Approval of the West Hills Service District Budget to revise appropriations and unappropriated balance prior to submitting budget to Tax Supervising and Conservation Commission

(Recess as the Governing Body of the and reconvene as the Board of County Commissioners)

DEPARTMENT OF GENERAL SERVICES

- R-7 Budget Modification DGS #16 for the establishment of three new Residential Property Appraiser positions in the Division of Assessment & Taxation
- R-8 Ratification of an Intergovernmental Agreement to allow the County's contract for the purchase of Herman Miller furnishings to be used by the Unified Sewerage Agency of Washington county in accordance with Bid# B43-100-3028
- R-9 Budget Modification DGS #17 requesting approval of the transfer of \$21,000 from Personnel Services (5100) to Postage (6200) in Assessment & Taxation Appraisal
- R-10 In the Matter of Ratification of the Deputy Sheriffs Labor Agreement pursuant to the award of Arbitrator Gary Axon

CONTRACT AVAILABLE IN THE CLERK'S OFFICE

DEPARTMENT OF HUMAN SERVICES

- R-11 Ratification of an Intergovernmental Agreement Amendment #2 with Mt. Hood Community College and the Developmental Disabilities Program. Decreases Work Activity Center funding to Mt. Hood by (\$3,557.84) due to the transfer of slots to another provider
- R-12 Budget Modification DHS #50 requests approval of several appropriation changes to the Health Division budget reflecting Revisions #3 and #4 on Intergovernmental Agreement with the Oregon State Health Division Grant (next 2 items)
- R-13 Ratification of an Intergovernmental Agreement Amendment #3 with Oregon State Health Division to provide additional funds \$127,950, for various programs funded by the State Health Division. These grant revisions must be processed simultaneously with Bud Mod DHS #50
- R-14 Ratification of an Intergovernmental Agreement Amendment #4 with Oregon State Health Division provides additional funds \$2,400, for Central Drug Purchasing. These grant revisions must be processed simultaneously with Bud Mod DHS #50

NONDEPARTMENTAL

- R-15 Budget Modification MCSO #2 requests approval of reclassification of three positions in the Sheriff's Office budget, changing two existing positions to higher classifications and changing one position to a lower classification

R-16 Ratification of an Intergovernmental Agreement with the U.S. Department of Agriculture/Forest Service for Multnomah County Sheriff's Office (MSCO) to enforce Federal/State laws and regulation in the National Forest

R-17 Request for Approval of Notice of Intent for the Sheriff's Office, Law Enforcement Division, to join the City of Gresham Fire Department in responding to the State of Oregon's request for proposals to develop a Regional Hazardous Materials Emergency Response Team - booklet on file in the Clerk's Office

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Tuesday, May 1, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

**WORK SESSION**

1. Public Safety Budget Discussion to include Board of County Commissioners, Sheriff, District Attorney, and staff on full range of sanctions for offenders. Goal is to determine priorities for funding of public safety programs

**TIME CERTAIN 1:30 PM**

**PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS**

0701C.28-32  
cap

Meeting Date: MAY 1 1990

Agenda No.: Part Session - 1:30pm

(Above space for Clerk's Office Use)

REQUEST TIME CERTAIN -2PM

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Public Safety Budget Discussion

BCC Informal May 1, 1990 BCC Formal \_\_\_\_\_  
(date) (date)

DEPARTMENT BCC Non-Departmental DIVISION Commissioner Kafoury

CONTACT Bax/Weit TELEPHONE 248-5219

PERSON(S) MAKING PRESENTATION \_\_\_\_\_

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 hours

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

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

Discussion to include BCC, Sheriff, District Attorney, and staff on full range of sanctions for offenders. Goal is to determine priorities for funding of public safety programs.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gretchen Kafoury / MAB

Or

DEPARTMENT MANAGER \_\_\_\_\_

(All accompanying documents must have required signatures)

1990 APR 23 11 09 AM  
MULTI-MULTI-COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUSTICE SERVICES  
610 S.W. ALDER, SUITE 515  
PORTLAND, OREGON 97205  
(503) 248-3701

GLADYS McCOY  
COUNTY CHAIR

## MEMORANDUM

**TO:** Members of Policy Development Committee

**THRU:** Gladys McCoy, County Chair

**FROM:** Grant Nelson, Acting Director  
Department of Justice Services

**DATE:** October 11, 1989

**SUBJECT:** Sanction Options and Strategic Planning

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Sanction options which compliment the available jail space in Multnomah County can provide the Board with alternatives that consider the need for community safety, ensure offenders appear in court and complete court imposed sanctions and conditions, minimize potential repeated criminal activity, and seek to reintegrate offenders into the community. Additional programs such as house arrest and some form of triage diversion may also be considered in the mix of options available to the Board.

Options

	<u>Capacity</u>	<u>Served Annually</u>	<u>Average Annual Cost</u>
<b>Pretrial Programs:</b>			
Intensive Pretrial Supervision Program	100 @ 1:20	800	\$ 205,000
<b>Programs for Offenders:</b>			
Men's Contract Probation Center (depending on length of stay)	40	160-480	546,000
Intensive Out-Patient Alcohol & Drug with Electric Monitoring	40	400	491,556
Work Camp	20	120	368,350
Intensive Probation Supervision 1:20 supervison ratio	<u>120</u>	<u>156</u>	<u>339,021</u>
<b>Totals</b>	<b>320</b>	<b>1600-2000</b>	<b>\$1,949,927</b>

In addition to the package of options above, we have developed estimates for two additional sanctions options the Board may wish to consider:

	<u>Capacity</u>	<u>Served Annually</u>	<u>Average Annual Cost</u>
Expansion of Capacity for A&D Treatment for Women with Children	10	24-30	\$ 200,750
Day-reporting Center	25	150	182,500

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### INTENSIVE PRETRIAL SUPERVISION

Intensive Pretrial Supervision would allow Multnomah County to supervise 100 pretrial defendants who are now most likely to be released as a population matrix release. Population monitoring is now available for population releases at a staff-to-defendant ratio of 1:75. About 44% of population releases fail to appear for their court dates and/or trial; this amounts to about 112 of the 254 average matrixed out population each month.

Intensive Pretrial Supervision is a vital component of a balanced approach to managing the population now being "matrixed out". In 1988 an average of 254 inmates were released each month when population limits at MCDC and CHJ were exceeded. If Multnomah County increases its jail capacity by 114 new beds, an average of 140 individuals would still need to be released each month because of federal population limits. This program would deal with 100 of those inmates. The 114 beds should be filled with those among our present release population who are deemed most likely to fail to appear. Intensive supervision would be provided for 100 individuals at a supervision ratio of 1 staff per 20 releasees. Population monitoring could then be responsible to manage approximately the same number of releasees currently managed but the expansion of jail and intensive supervision would make it possible to bring in 260 additional people each month who are now being cited and released. Providing sanctions for these individuals should have a significant impact on criminal behavior which presently is not accompanied by any immediate sanction.

The Intensive Supervision unit is expected to have an 80% success rate. Success is defined as defendant returning for court dates/trials.

#### Outputs

- A) 800 defendants supervised per year. Average stay in program 45 days. 100 capacity.
- B) Average expected success rate 640 defendants return for court dates.

System and Offender Outcomes

- A) Reduction of present FTA rate among this population by at least 50%, concurrent reduction in prosecution, court record keeping and jail costs.
- B) Decreased supervision ratios in population monitoring which would reduce case load ratio; or
- C) Consistent use of existing capacity in population monitoring bringing thousands of arrestees now being cited and released through the jail for a short stay followed by supervision at 1:75 (Note: These individuals presently have no jail stay and no supervision following citation.).

Costs

Supervision of 100 defendants for a average of 45 days - total supervised in one year 800, \$5.70 per offender per day. (See attached budget information)

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DEPARTMENT OF JUSTICE SERVICES

PRETRIAL PROGRAMS

FIRST YEAR BUDGET DETAIL

Personnel Services

5.0 FTE Corrections Technicians @ \$27,750 =	138,750	
1.0 FTE Office Assistant 2 @ \$26,250	26,250	
Subtotal		165,000

Material & Services

Supplies	5,000	
Phones	2,000	
Printing	500	
Education & Training	3,500	
Motor Pool	4,000	
Space	7,500	
Subtotal		22,500

Capital Outlay - Equipment

Celular phones	6,000	
Computers & Related Equipment	8,000	
Office Equipment	3,500	
Subtotal		17,500

TOTAL		205,000
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DEPARTMENT OF JUSTICE SERVICES

PRETRIAL PROGRAMS

THREE YEAR PROGRAM COSTS

	First Year	Second Year	Third Year
Personal Services	165,000	178,200	192,500
Material & Services	22,500	24,000	25,000
Capital Outlay	17,500	6,000	6,000
<b>TOTALS</b>	<b>205,000</b>	<b>208,200</b>	<b>223,500</b>
3 Year Total		636,700	

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**MEN'S RESIDENTIAL PROBATION CENTER**

The following summary lists the expected impacts and outcomes of a contract Men's Residential Probation Center.

Outputs (per year)

- A) Average 320 slots for adult probationers (26 per month).
- B) Average 250 successful completions with no return to more restrictive custodial environment. Of this population a successful completion will be determined by compliance with all program imposed conditions of residence. These conditions will be influenced by recommendations from the courts and probation officers (22% of total referrals).
- C) Average 70 partial completions with return to more restrictive levels of custody. This group will have completed a portion of the program and failed to comply with conditions as imposed or agreed to by courts, probation officers or program officials.

System and Offender Outcomes

- A) Provide increased sanctioning capacity for county justice system by providing 40 new contract program beds for adult probationers. This program is available for the courts to consider and use for "custody units" accrual as required by sentencing guidelines. Under the new sentencing format the program could be used for presumptive probationary sentences for the following guideline ranges: 6-g, 5-f, 4-f, 4-g, 3-f, 7-f, 7-g, 7-i.
- B) Provide probation officers with 10-day "time out" facility for persons where jail would be inappropriate or unnecessary.
- C) Maintain a 20% non-reoffense rate for duration of probation for those who complete the program.
- D) Provide a contract correctional program facility that operates at less than jail space costs which incorporates the correctional goals of incapacitation, deterrence, and rehabilitation.

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Costs

Contracted treatment at \$35 per day for 40 beds	\$511,000
Adds 1 FTE to Division Staff for monitoring	<u>35,000</u>
Total	\$546,000

Cost benefit is based upon the county offering the service as described in the attached narrative. The county cost would most likely be in the MCRC range if we assume correctional officer involvement. It would be approximately \$50 per day or \$730,000 per year. The contract rate of \$35 per day is higher than any other per diem reimbursement rate currently offered by the Division and still approximately 40% less than the costs associated with the county provided program amount. The rate is competitive. Contractors contacted both in and out of state indicated that the rate proposed would allow for the development of a comprehensive program.

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## INTENSIVE OUTPATIENT ALCOHOL AND DRUG TREATMENT

### Overview

Substance abuse is a pervasive and re-occurring element of many criminal behaviors. It is clear that simple interruptions of the abuse cycle via arrest and jail do not change the offenders fundamental relationship to drugs and alcohol. One program model which has had a high degree of relative success modifying abusive behavior is intensive outpatient treatment combined with probation supervision.

Substance abusers tend to structure their entire life around their abuse patterns. Friends, activities, criminal acts, and daily choices are geared towards maintaining access and use of addictive substances. Intervention must therefore be geared towards global changes in the offender's life to promote an entire life pattern that does not support continued addiction. For many offenders this process is best achieved when therapy is combined with close supervision while the offender lives in the community. Only with exposure to "real world choices" can any addictive person learn new behaviors of coping with the world without chemicals.

Probation supervision ensures that offenders comply with treatment and provides the surveillance and supervision that supports drug-free living. Offenders on intensive outpatient can continue supportive social relationships with friends and family and maintain employment.

It is important to note that varying degrees of "success" are often attributed to alcohol and drug programs. As the goal of this program is drug and alcohol free living without criminal behavior objectives will be centered on long term behavior changes, not program completion. Typically intensive outpatient programs use evaluation points at 90 days, 180 days, and one year. Most local programs, generally treating non-offender populations, consider themselves highly successful if fifty percent of the program graduates are drug and alcohol free after one year.

### Program Outline

This program will target offenders incarcerated or statistically comparable to offenders incarcerated for use, distribution, or transport of drugs due to addiction or who engage in other offenses primarily to support addictions. A combination of Alcohol and Drug therapists, casemanagers, probation officers, and psychological testing will be used to provide community supervision, therapy, work/educational referrals, basic skills training, and monitoring of Court conditions. The selective use of electronic surveillance technology provides an additional element of community control during the initial phase of treatment.

To ensure program integrity and to underscore offender responsibility immediate sanctions will be imposed for violations of program goals. A tourniquet model will be used, with low level violations receiving internal program sanctions such as curfew, electronic supervision, et al, and repeated violations or major problems resulting in arrest and detention pending resolution.

Two tracks will be offered dependent upon the offender's employment status. In both tracks therapy will be limited to 3 hours per day, a typical limit to the intensive counseling process. Unemployed offenders will then spend additional hours in "directed activities" which are part of the probation plan to improve social functioning. Employed offenders will experience a higher degree of community supervision but dependent upon employment will not engage in job search, educational programs, or other activities of this type. Both tracks will have three program modules. For the unemployed the first and second modules are three weeks long, with required attendance and activities for 8 hours per day and 4 hours per day respectively. The final module is scheduled for 10 weeks at 3 hours per day. Employed offenders will participate 4 hours per evening for the first three weeks, 3 hours per evening for the second three week module, and followup of 2 hours per day on alternate days for six weeks. All modules will be scheduled on a rotating weekly pattern which maximizes community supervision and uses all days of the week.

To prevent staff burn-out and to ensure close supervision staff will work as teams and follow treatment groups through the followup phase. After conclusion of all treatment probation supervision will be transferred to the responsible agency.

As so few resources are currently available for addicted offenders and because chemical abuse is a major determinant of criminal behavior it seems reasonable that a program of this type would enjoy wide-spread support.

#### Performance Measures

1. Target population indicators; conviction offense, criminal history, alcohol and drug assessment, demographic items.
2. Program performance indicators; caseload size, number and type of contacts, number and type of abuse screenings, satisfaction rates of Court conditions.
3. Outcome measures; number and type of program violations, number and type of re-arrests, number and type of positive abuse screenings, successful completion rates at 90, 180, and 365 days.

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Outline Budget

Personnel; salary and benefits

4 Probation Officers	100,761	
3 A & D Casemanagers	85,503	
2 A & D Therapists	63,587	
1 Supervisor	49,694	
2 OA II	46,010	
.25 FTE Psychologist	15,000	
		374,056
Office Rental		17,500
Travel, Motor pool		12,000
Office supplies, printing		5,000
Training, education		6,000
Surveillance electronics		55,000
OTO Capital (chairs, desks, ect)		13,000
Telephone		9,000
		<hr/>
Total		\$ 491,556

As configured this unit would provide intensive outpatient chemical abuse therapy, high level probation supervision, program referrals and resources, and community surveillance for 400 offenders per year. The cost per offender in this program is \$ 1229 per year, or \$ 3.36 per day.

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## WORK CAMP

### Need

The implementation of sentencing guidelines November 1, 1989 necessitates the development and expansion of community based sanctions which will allow offenders to complete court imposed "custody units" as a condition of probation. One type of program which meets the guideline criteria for completion of "custody units" is a residential community service program where offenders reside under close supervision while completing their sentences.

The Community Service Forest Project with capacity of 30 probationers (360 per year) is an example of such a program which has proven highly effective in diverting offenders from prison and local jail. The community and criminal justice system benefit from an intensified period of supervision for high risk property, drug, and driving offenders. Offenders in this program are supervised 24 hours per day for 30 days while completing 500 hours of community service work. Offenders are involved in labor intensive projects during the work day and participate in basic skill and job readiness curriculum in the evenings. The program combines the correctional goals of rehabilitation, restitution and incapacitation.

Expansion of this project or the development of an urban project would allow for further use of this highly successful correctional program concept.

### Target Population

Adult, male offenders requiring a structured, custody sanction of 30-60 days in duration. Specifically focusing on the property, drug, and driving offender in Sentencing Guidelines 7-F, 7-G, 6-F, 6-G, 5-F, 5-G, 4-F, 4-G, 3-F (each with ranges of 90-180 custody units or 60-120 custody units).

### Program Components

Offenders will serve four- to twelve-week sentences based upon judicial order and offender needs. Emphasis will be on community work projects for the U.S. Forest Service (specifically the Estacada and Zig Zag Ranger District), state and county parks, and non-profit agencies; job readiness training through WERC; housing assistance; and self-awareness.

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WORK CAMP

Outputs Per Year

- A) Provide 20 supervised beds for adult offenders.
- B) Provides courts with a 60-day length of stay for all offenders committed to program as a presumptive condition of probation. Program will provide up to maximum of 60 custody units.
- C) Process 120 offenders per year.

Client Outcomes

- A) Completion of eight weeks of community service restitution in a highly structured, rehabilitative correctional program.
- B) Improved employability as a result of completion of job preparedness, readiness, and basic skills component.
- C) Reduction of drug use through participation in drug treatment, counseling, and abstinence for period under program supervision.
- D) Resocialized to more acceptable community norms.

System Outcomes

- A) Creates capacity to punish 120 offenders with an intermediate rehabilitative sanction.
- B) Increases the offenders' ability to pay restitution by affording them opportunities to learn job skills.
- C) Contributes thousands of hours of public service to the community.
- D) Allows more efficient use of hard jail beds.
- E) Provides for the constructive incapacitation of offenders.
- F) Restricts offenders' ability to victimize citizens while program involved.

DEPARTMENT OF JUSTICE SERVICES  
COMMUNITY CORRECTIONS DIVISION  
WORK CAMP

FIRST YEAR BUDGET DETAIL

Personal Services

1 FTE Facility Manager @ \$47,600	47,600
4 FTE Resident Supervisors @ \$34,000	136,000
2 FTE Crew Project Leaders @ \$34,000	[*68,000]
1 FTE Office Assistant @ \$26,250	26,250
1 FTE Service Coordinator @ \$ 40,000	40,000
Subtotal	\$ 249,850

Material & Services

Food	42,000
Supplies	5,000
Phones	2,000
Printing	500
Education & Training	3,500
Motor Pool	7,000
Space	7,500
Subtotal	\$ 67,500

Capital Outlay - Equipment

Vans 2 @ \$16,000	34,000
Cellular Phones	6,000
Computers & Related Equipment	8,000
Office Equipment	3,500
Subtotal	\$ 51,000

TOTAL \$ 368,350

\*Funded by recipient agency

Cost \$43.00 per person/per day - excluding capital outlay

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## INTENSIVE PROBATION UNIT

### Overview

"..Intensive probation supervision programs are a response to pressures for incarceration that exceed capacity. To date these programs have provided cost effective options to jail and prison space, satisfying demands for punishment, public safety, and treatment objectives.." [U.S. Department of Justice].

Intensive probation is used to supervise offenders who would otherwise be incarcerated. Current programs use frequent face-to-face contacts with the offender and his/her friends and family, surveillance via urinalysis testing, alcohol testing, electronic "bracelets", polygraph testing, 'round-the-clock contact schedules, required community service, employment or educational programs, curfews, a high degree of technical support, and planned, rapid responses to condition violations or offender failures.

Several states have used intensive probation to reduce incarcerated populations while significantly improving offender functioning. In several studies offenders who completed intensive probation have lower re-arrest rates than offenders released from prison or standard probation.

In Georgia intensive programs reduced prison populations by ten percent while having lower recidivism rates than offenders who completed prison. In New Jersey only four percent of the intensive parole cases were re-arrested for significant new charges, and the program diverted 600 offenders from prison in 24 months. The New Jersey program averaged 27 probation officer-offender contacts per month and saved 62,000 offender custody days.

### Program Outline

This program will target offenders convicted of property crimes who are currently sentenced to jail for more than 30 days. Program length for each offender will be 9 months. After completion of intensive probation the offender may be continued on standard probation if the Court has so ordered. During the term of intensive probation the offender will be subject to 24 hour per day, 7 day per week contacts, and required to participate in a wide variety of directed programs which will monitor activities as well providing the opportunity for improvement in social functioning.

To ensure the widest possible understanding of this program the Courts and Citizen groups will be involved in defining operational guidelines and sanction points.

To promote esprit and the team work necessary for such programs this will be a "stand alone" unit in the Probation

Services Division. Prior to implementation all staff will need to be well trained and equipped. Most intensive supervision units immediately arrest and detain program violators and as a consequence intensive units generally operate in teams. In practice an intensive probation unit functions much like a mini-police agency with a very select group of offenders. The choices for the offender are to change or return to jail.

Performance Measures

1. Target population indicators; conviction offense, criminal history, needs and risk score, demographic items, comparison to incarcerated offenders to insure actual displacement of jail bound offenders.
2. Program performance indicators; caseload size, number and type of offender contacts, program referrals and completions, condition satisfactions.
3. Outcome measures; number and type of program violations, number and type of new arrests.
4. Cost comparisons; costs of program operation compared to other sentencing alternatives including the costs of re-offense within 6 months of program completion.

Outline Budget

Personnel, salary and benefits:	
6 Probation officers	201,522
1 Supervisor	49,694
1 OA II	23,005
	274,221
Office rental	14,800
Motor pool	15,000
Office supplies, printing	4,000
Training and education	6,000
Radiophones	6,000
OTO Capital, (desks, chairs, et al)	12,000
Telephones	7,000
Total	<u>\$ 339,021</u>

As configured this unit could supervise 120 offenders per year for an average of nine months. Cost per offender per year is \$ 2118, or \$ 7.84 per day.

A video tape of an intensive probation unit in operation filmed by NBC is available upon request.

August 29, 1989

To: Grant Nelson

From: Joanne Fuller

Subject: Expansion of Ecumenical Ministries Type Women's and Children's  
Recovery Housing for Female Offenders and their Children

#### PROBLEM STATEMENT

Women in the criminal justice system have a high incidence of substance abuse. In the Client Needs Assessment completed by the Community Corrections Division in January 1989, 46% of the female offenders on probation in the community are abusing at least one substance. The medical staff of the Multnomah County Jail report that approximately 70% of the women treated for medical issues in the jail are abusing drugs and/or alcohol. This drug and alcohol abuse can effect many areas of each woman's life. Women who are involved in substance abuse are more likely to be under employed, unemployed, and lack the education and skills required to become employed. These women often experience difficulties making appropriate decisions in relationships, and parenting deficits.

Women in the criminal justice system often have custody of minor children or children who are in the temporary custody of the Children's Services Division. The jail staff estimate that 50% of the female offenders incarcerated in Multnomah County have minor children who are in their custody or who are going to be returned to their custody. The Community Corrections Division Needs Assessment indicated that 31% of female offenders on probation with substance abuse problems have custody of minor children, and an additional 31% have minor children in the custody of others. Evaluations and information from programs for female offenders such as the Council for Prostitution Alternatives, the Volunteers of America Women's Center, and The Office of Women's Transition Services indicate that approximately 50% of the women served in these community based programs have minor children. Most of these women come from dysfunctional drug abusing families who can not care for these children without exposing them to drugs and physically dangerous situations.

These multiple problems result in a situation where women in jail and/or women about to be convicted often can not enter residential substance abuse treatment programs without giving up custody of their children to the state or leaving them in dangerous situations.

Traditional drug and alcohol treatment programs do not address the need for children to reside with their parents in treatment. Nor do traditional treatment programs address the issues of homelessness, parenting, income issues, and women's special needs in treatment. Some out-patient treatment programs maybe appropriate for women if the women have a stable drug free living situation for themselves and their

children. However, most frequently these women are living in unstable environments or situations where drug use is frequent and staying drug free in the face of this drug use is extremely difficult.

In May 1989, the Ecumenical Ministries of Oregon opened a women's and children's recovery house for eight women and their children. This project is the only one of it's kind in Oregon where women in the criminal justice system can go to live with their children for recovery from substance abuse. Many of the women who have utilized the program in the first three months of operation have been pregnant substance abusing women who can not return to their abusive and drug influenced homes and/or women who have been involved with men who are selling and distributing drugs. These women seek out the EMO Recovery House to remove themselves and their children from these dangerous circumstances and to live in a drug free and supportive environment for up to three months. During the first three months of operation, this program has received 200 referrals for services. The current program can serve approximately 24-30 women and their children in a year. Clearly this type of drug free housing for women with children is in demand. Currently within the population of women in jail approximately 40 per month would benefit from this type of program.

#### PROGRAM DESCRIPTION

Multnomah County could contract with a non-profit organization to create a drug free living situation for female offenders and their minor children modelled on the Ecumenical Ministries of Oregon program. This program would be housed in a large home to facilitate the family style living environment. Women could be moved to this living situation from jail or other short term treatment programs. Staff on-site would facilitate the residents participation in treatment on an out-patient basis. Staff would provide parenting training and assistance in the location of GED, training programs, child care, housing and other assistance during residence and as women leave the facility. Women could stay in the residence for three to six months depending on their need for assistance and willingness to participate in treatment. The program staff would coordinate care with the Children's Services Division, health care, mental health, alcohol and drug treatment providers, and the corrections system.

Women entering the residence would be expected to care of themselves and their children. They would be taught basic living skills through the participation in household chores, budgeting their money, and other daily living situations.

The program goals would include both decreasing the number of women and length of stay for women in the jail, and decreasing drug use by program

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participants.

**BUDGET**

The program costs would be approximately \$35.00 per day for each woman

and \$10.00 per day for each child for a total estimated cost of \$200,750.00 per year for 10 women and their children to be housed in one facility. A total cost for three years would be \$602,250.00.

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DAY REPORTING CENTER

Outputs Per Year

- A) 152 enrollments per year with an average length of stay of 60 days.
- B) 80% successful completion of all assigned pre- and post-trial candidates.

System Outcomes

- A) Provide offenders with central location at which a wide range of rehabilitative services such as counseling, job readiness, preparedness, and job placement activities can be found and accessed; drug testing can be conducted; and supervision conditions can be coordinated (completion of community service, outpatient treatment attendance, etc.).
- B) Provide enhanced surveillance of select probationers without scheduled daily activities. Contact standards and frequency of daily reporting can be assigned on a schedule as determined by program officials.
- C) Offer the criminal justice system enhanced supervision capacity over adult pre- or post-trial offenders.
- D) Meets sentencing guideline eligibility for accrual of "custody units" if offered as component of house arrest.

Offender Outcomes

- A) High structure, high surveillance, eight-hour per day accountability for 100% of assigned probationers.
- B) Increased opportunities for access to rehab services for 100% of assigned probationers.

Cost

152 offenders at \$5 per day for 365 days                      \$182,500

DA - 5/1/90

CHILD ABUSE INVESTIGATION AND PROSECUTION  
IN MULTNOMAH COUNTY:  
A REPORT ON INTERAGENCY MULTI-DISCIPLINARY TEAMS  
(ORS 418.640-418.760)

1. INTRODUCTION

In 1989, legislation (ORS 418.640-418.760) was enacted requiring the District Attorney to establish multi-disciplinary child abuse teams. This statute was passed because of testimony and evidence presented to the legislature concerning:

- The lack of coordination among agencies charged with child abuse investigations.
- The desperate need for training of individuals investigating and conducting interviews in child abuse cases.
- The need for uniform and consistent criteria when taking children into custody.
- The absence of any audit or review of completed cases.

2. STATUTORY REQUIREMENTS

The new legislation requires the District Attorney to do the following:

- "Develop interagency and multi-disciplinary teams" involving specified and unspecified agencies who conduct child abuse investigations.
- Develop written protocols for the investigation of child abuse cases and for interviewing child abuse victims.
- Develop agreements for risk assessment, criteria, and procedures for removal of the child from a home.
- Facilitate training all team members and investigators.
- Establish procedures for the multi-disciplinary team's classification, assessment, and review of cases under investigation.
- Develop policies for independent review of investigation procedures of sensitive cases after completion of court actions, including independent citizen input.

3. PROBLEM IDENTIFICATION

In Multnomah County there have been alarming increases in the reporting of child abuse cases. The following is a statistical synopsis of current demands placed on the various agencies involved in child abuse investigation and prosecution.

Child Protective Services, Children's Services Division

Since 1981, there has been a 100% increase in child abuse investigations conducted by CPS. In that year CPS did 10,621 investigations. In 1988, it was 21,822.

Portland Police Bureau

In 1989, there were 1,497 child abuse cases reported to PPB. These included 709 possible neglect and abuse, 176 possible sex abuse, 484 sex abuse, 128 rapes and sodomies.

Multnomah County Sheriff's Office

The MCSO investigates approximately 300 child sex abuse cases per year.

CARES - Emanuel Hospital

CARES performs a portion of the medical examinations in child maltreatment cases. Over 200 cases per year are referred to other facilities. Last year CARES conducted 640 examinations of child victims, a 7% increase over the previous year.

Multnomah County District Attorney

The "child-on-child" abuse cases are increasing as shown below. Dependency cases and termination of parental rights cases are also showing rapid and significant increases.

	1988	1989
Rape	24	37
Sex abuse	50	91
Sodomy	30	60
Dependency	869	1,292
Termination of Parental Rights	73	104

In addition, criminal prosecutions of adults charged with child abuse have also risen, 335 in 1989 versus 280 the previous year.

The number of child victims, particularly those under age 12, has also risen dramatically in the past five years.

AGE OF VICTIM

	Under 6yrs.	7-12 yrs.	13-15 yrs.	TOTAL
1984	48	70	79	197
1985	34	52	70	156
1986	56	99	95	250
1987	77	137	95	309
1988	54	124	97	275
1989	91	153	126	370
% Increase	90%	118%	60%	88%

4. CURRENT STATUS OF MULTI-DISCIPLINARY TEAM IMPLEMENTATION AS OF APRIL, 1990

The District Attorney in coordination with other concerned agencies, including Children's Services Division, Portland Police Bureau, Multnomah County Sheriff's Office, CARES at Emanuel Hospital, and Portland Public Schools have been meeting on an ad hoc basis since November, 1989, to develop interim protocols pursuant to ORS 418.640-418.760. The interim protocols were completed in February, 1990.

The first formal meeting of the Multnomah County Multi-Disciplinary Team took place on Monday, March 19, 1990. The District Attorney addressed the statutory requirements and directives of the legislation and reviewed what the ad hoc group had developed to meet the immediate requirements of the legislation. Helen Smith, Chief Deputy for the Family Justice Division, was appointed chair of the committee. An informal agreement recognizing the interim protocols had been prepared and is circulating among the participating agencies for signatures.

Significant headway has been made in the area of training as required by the statute. The Bureau of Police Standards and Training (BPST) with assistance from MCSO Detective Dave Hadley and PPB Bob Wallicker, has incorporated basic training on investigating child abuse into the BPST curriculum. This training on child abuse investigation reporting will be presented four times each year over the next two years to trainers in local police agencies. In Multnomah County the training will be provided directly to the officers and will take place in September, 1990. Another training opportunity for all multi-disciplinary team member agencies sponsored by CSD is scheduled for June 22, 1990.

Other subcommittees focusing on uniform and consistent protocols among schools and hospitals are in progress as is an effort to define "first response" on hospitalized children.

Each of the agencies involved in the interagency multi-disciplinary team is seriously hampered by a lack of resources and staff within their own organizations to meet the requirements of the legislation. Every effort has been made by the District Attorney's Office to prioritize need, increase coordination, particularly between the juvenile component and adult prosecution, and provide direction to investigating agencies. However, there are several program components required for full compliance with the statute.

5. SUMMARY

The District Attorney's Office, even after reviewing internal operations and realigning internal resources is unable to meet the full statutory requirements of the new legislation. It is essential that additional resources be made available to meet these requirements. The needed resources are identified in the attached budget. Job descriptions are also included which define the use of the new required resources.

BUDGET AMENDMENT NO. \_\_\_\_\_

Date Proposed 4/30/90  
 Date Approved \_\_\_\_\_

1. PROPOSED BY Kelly Bacon

DEPARTMENT 2441 DIVISION 020 FUND 100 BUDGET PAGES \_\_\_\_\_

2. DESCRIPTION OF AMENDMENT

This amendment funds a multi-disciplinary prosecution team.

3. PERSONNEL CHANGES

JOB TITLE	FTE	BASE	FRINGE	INS	TOTAL
Deputy DA 3 Investigator	2.00	84,988	22,734	9,810	117,532
Legal Assistant	1.00	28,698	7,677	4,287	40,662
Office Assistant2	1.00	25,938	6,938	4,163	37,039
	1.00	19,885	5,319	3,892	29,096

4. REVENUE IMPACT (Explain revenues being changed and the reason for the change.)

New revenue of \$246,123 is needed to fund this program.

FUND	AGENCY	ORGANIZATION	OBJECT	INCREASE (DECREASE)	NOTES
100	020	2441	5100	159,509	Permanent
100	020	2441	5500	42,668	Fringe
100	020	2441	5550	22,152	Insurance
100	020	2441	6110	10,000	Professional Services
100	020	2441	6230	900	Supplies
100	020	2441	6310	1,200	Education & Training
100	020	2441	6620	500	Dues
100	020	2441	7150	4,264	Telephones
100	020	2441	8400	4,930	Capital Equipment

EFFECT ON \_\_\_\_\_ FUND CONTINGENCY \_\_\_\_\_

Job Descriptions  
for  
Child Abuse Investigation/Prosecution

DDA 3 (Juvenile/CSD)

Examples of principal duties:

1. Deputy will be responsible for coordinating child abuse cases with the Childrens' Services Division and police agencies in order to maintain control of all child abuse cases reported in Multnomah County.
2. The deputy district attorney will staff designated child abuse cases as part of the general trial responsibilities. Further, deputy will be responsible for assuring that the case is assigned to the appropriate unit within the D.A.'s Office.
3. Deputy will attend Child Planning Conferences for juvenile dependency cases. This will be conducted at Childrens' Services Division and will incorporate the interagency, multi-disciplinary approach.
4. Deputy will handle initial pretrial offers for dependency cases and will review as many child abuse cases as possible that are referred for prosecution. Cases that would be excluded from this review are those that have been directly referred to Unit D and which have no juvenile involvement (see below).

DDA 3 (Circuit Court)

1. Deputy will be assigned to Circuit Court trial unit with responsibility for the investigation and prosecution of child abuse and sex crimes.
2. The deputy will work with police officers in investigating and reviewing potential cases for prosecution of adults where child abuse, including sexual abuse, is alleged.
3. The deputy will present such cases to the grand jury for review and handle the ensuing litigation, sentencing, and parole and probation follow-up on such cases. It is anticipated that the deputy would have a heavy trial load because of the trial impact of the new sentencing guidelines in this area.
4. Deputy will be on call to serve as a resource to PPB, CSD and other investigatory agencies.

#### DA Investigator (Juvenile)

1. Investigator will check child abuse juvenile cases to determine need for further investigation; request additional follow-up in investigating police officers or agencies, and conduct investigations to supplement information previously obtained; prepare and organize exhibits and other evidence for hearings and trial.
2. Identify, select, and locate relevant records, expert and lay witnesses to be subpoenaed.
3. Assist in the conduct of Child Planning Conferences with Juvenile Court counselors and CSD staff to ensure legal sufficiency.
4. Prepare reports on assignments and testify in court, where necessary.

#### Legal Assistant (Circuit Court Trial)

1. Legal assistant will provide support services for prosecution of child abuse and sex crimes in Circuit Court trial unit.
2. Legal assistant will process court orders and judgments, handle routine requests from defense attorneys and court staff, coordinate trial and grand jury preparation with victims, witnesses and Victims Assistance Program, and assist the deputies in preparing cases for trial.
3. Legal assistant will coordinate the covering of court appearances including sentencings, pleas, and probation violations by the unit.
4. Legal assistant also will assist the deputy in case related correspondence and in discovery problems.

#### Office Assistant 2 (Juvenile)

1. Office Assistant 2 performs clerical duties in support of deputies at Juvenile Court at an intermediate level requiring proficiency in one or more skills obtained through training and some experience.
2. Office Assistant 2 performs a variety of tasks utilizing more than one skill and works independently under intermittent supervision.
3. Office Assistant 2 applies learned procedures, instructions, practices and policies to make minor decisions, to resolve complaints and to deal with unfamiliar situations.
4. Office Assistant 2 prioritizes work, handles several assignments simultaneously, performs some analysis of standard data and provides competent general clerical support.

another as vice-chairperson, for such terms and with such duties as the task force determines.

(2) A majority of the members of the task force constitutes a quorum for the transaction of business.

(3) The task force shall meet at least once every three months at a place, day and hour determined by the task force members. The task force shall also meet at other times and places specified by the call of the chairperson or of a majority of the members of the task force.

**SECTION 3.** Notwithstanding any other law, the amount of \$1 is established for the biennium beginning July 1, 1989, as the maximum limit for payment of expenses from gifts and grants or other revenues received by the Task Force on Head Injury, to carry out the provisions of section 1 of this Act.

**SECTION 4.** (1) There is appropriated, out of the General Fund, for the biennium beginning July 1, 1989, the sum of \$10 to the Task Force on Head Injury for the purpose of this Act.

(2) The task force shall report to the Emergency Board if an increase in the expenditure limitation is required for receipt of any gifts and grants or if the inability of the task force to acquire sufficient gifts or grants requires an increase in the General Fund appropriation.

**SECTION 5.** This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect July 1, 1989.

Approved by the Governor August 3, 1989  
Filed in the office of Secretary of State August 4, 1989

**CHAPTER 997**

**AN ACT**

**SB 1143**

Relating to regional adolescent residential and outpatient treatment centers.

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

**SECTION 1.** (1) Subject to the availability of funds, the Department of Human Resources may fund regional centers for the treatment of adolescents with drug and alcohol dependencies.

(2) The office of Alcohol and Drug Abuse Programs shall define by rule a minimum number of inpatient beds and outpatient slots necessary for effective treatment and economic operation of any regional center funded by state funds.

(3) The areas to be served by any treatment facility shall be determined by the following:

(a) Areas that demonstrate the most need;

(b) Areas with no treatment program or an inadequate program; and

(c) Areas where there is strong, organized community support for youth treatment programs.

(4) The area need is determined by:

(a) Current area youth admissions to treatment programs;

(b) Per capita consumption of alcohol in the area;

(c) Percentage of area population between 10 and 18 years of age;

(d) Whether the area has effective, specialized outpatient and early intervention services in place;

(e) Whether the area suffers high unemployment and economic depression; and

(f) Other evidence of need.

(5) As used in this section, "regional center" means a community residential treatment facility including intensive residential and outpatient care for adolescents with drug and alcohol dependencies.

Approved by the Governor August 3, 1989  
Filed in the office of Secretary of State August 4, 1989

**CHAPTER 998**

**AN ACT**

**SB 967**

Relating to child abuse; creating new provisions; and amending ORS 418.640 and 418.760.

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

**SECTION 1.** ORS 418.640 is amended to read:

418.640. (1) The Children's Services Division shall [make] adopt such rules [and regulations], not inconsistent with ORS 418.625 to 418.645, as it deems necessary or advisable to protect the best interests of children in foster homes and to carry out the intent and purpose of ORS 418.625 to 418.645.

(2) The Children's Services Division shall adopt rules assuring that all foster parents receive training designed to assist the foster parent in both understanding the mental and emotional problems that occur in child victims of abuse and neglect, including sexual abuse, and in managing the behavior that may result from such problems. The training shall be provided in accordance with rules adopted by the Children's Services Division.

(3) By July 1, 1991, the Board on Police Standards and Training shall develop a training program for law enforcement officers investigating child abuse cases and interviewing child abuse victims. The curriculum shall address the area of training and education necessary to facilitate the skills necessary to investigate reports of child abuse. The curriculum shall include, but not be limited to:

(a) Assessment of risk to child;

(b) Dynamics of child abuse; and

(c) Legally sound and age appropriate interview and investigatory techniques.

[(2)] (4) The division or duly authorized representative shall visit every certified foster home from time to time and as often as appears necessary to determine that such foster home consistently main-

tains the standards fixed by the division and that proper care is being given to the children therein.

**SECTION 2.** ORS 418.760 is amended to read:

418.760. (1) Upon receipt of oral report required under ORS 418.750, the Children's Services Division or the law enforcement agency shall immediately cause an investigation to be made to determine the nature and cause of the abuse of the child. If the investigation is conducted on public school premises, the school administrator shall first be notified that the investigation is to take place unless the school administrator is a subject of the investigation. The school administrator or a school staff member designated by the administrator may, at the investigator's discretion, be present to facilitate the investigation. The Children's Services Division or the law enforcement agency making the investigation shall be advised of the child's handicapping conditions, if any, prior to any interview with the affected child. A school administrator or staff member is not authorized to reveal anything that transpires during an investigation in which the administrator or staff member participates nor shall the information become part of the child's school records, except that the school administrator or staff member may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

(2) If the law enforcement agency conducting the investigation finds reasonable cause to believe that abuse has occurred, the law enforcement agency shall notify *[in writing]* by oral report followed by written report the local office of the Children's Services Division. The Children's Services Division shall provide protective social services of its own or of other available social agencies if necessary to prevent further abuses to the child or to safeguard the child's welfare.

(3) If a child is *[placed in]* taken into protective custody by the Children's Services Division, the division shall promptly make reasonable efforts to ascertain the name and address of the child's parent or guardian. *[If the name and address can be ascertained, the division shall notify the parent or guardian that the child is in protective custody.]*

(4)(a) If a child is taken into protective custody by the division or a law enforcement official, the division or law enforcement official shall, if possible, make reasonable efforts to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child has been taken into custody and general information about the child's placement, and the telephone number of the division office and any after-hours telephone numbers.

(b) Notice may be given by any means reasonably certain of notifying the parents, including but not limited to written, telephonic or in-person oral notification. If the initial notification is not in writing, the information requested by paragraph (a) of this subsection also

shall be provided to the parents in writing as soon as possible.

(c) The division also shall make a reasonable effort to notify the noncustodial parent of the information requested by paragraph (a) of this subsection in a timely manner.

(d) If a child is taken into custody while under the care and supervision of a person or organization other than the parent, the division, if possible, shall immediately notify the person or organization that the child has been taken into protective custody.

(5) If a law enforcement officer or the Children's Services Division, when taking a child into protective custody, has reasonable cause to believe that the child has been affected by sexual abuse as defined in ORS 418.740 (1)(c) and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purposes of preserving evidence if the court finds that it is in the best interest of the child to have such an examination. Nothing in this section affects the authority of the Children's Services Division to consent to physical examinations at other times.

(6) A minor child of 12 years of age or older may refuse to consent to such examination. The examination shall be conducted by or under the supervision of a physician licensed under ORS chapter 677 or a nurse practitioner licensed under ORS chapter 678 and, whenever practical, trained in conducting such examinations.

**SECTION 3.** Sections 4 and 5 of this Act are added to and made a part of ORS 418.740 to 418.775.

**SECTION 4.** (1) The district attorney in each county shall be responsible for developing interagency and multidisciplinary teams to consist of but not be limited to law enforcement personnel, Children's Services Division protective service workers, school officials, health departments and courts, as well as others specially trained in child abuse and child sexual abuse investigation.

(2) The teams shall develop a written protocol for investigation of child abuse cases and for interviewing child abuse victims. Each team also shall develop written agreements signed by member agencies that specify the role of each agency, procedures to be followed to assess risks to the child and criteria and procedures to be followed when removal of the child is necessary for the child's safety.

(3) Each team member and those conducting child abuse investigations and interviews of child abuse victims shall be trained in risk assessment, dynamics of child abuse and child sexual abuse, legally sound and age appropriate interview and investigatory techniques.

(4) All investigations of child abuse and interviews of child abuse victims shall be carried out by appropriate personnel using the protocols and procedures called for in this section. If trained personnel are not available in a timely fashion and, in the

judgment of a law enforcement officer or division employe, there is reasonable cause to believe a delay in investigation or interview of the child abuse victim could place the child in jeopardy of physical harm, the investigation can proceed without full participation of all personnel. This authority applies only for as long as reasonable danger to the child exists. A reasonable effort to find and provide a trained investigator or interviewer shall be made.

(5) Protection of the child is of primary importance. In no case should the criminal investigation take precedence over the safety of the child.

(6) Each team shall classify, assess and review cases under investigation.

(7) Each multidiscipline team shall develop policies that provide for an independent review of investigation procedures of sensitive cases after completion of court actions on particular cases. The policies shall include independent citizen input. Parents of child abuse victims shall be notified of the review procedure.

**SECTION 5.** The Children's Services Division shall form a state-wide interdisciplinary team to meet twice a year to review child fatality cases where child abuse is suspected, identify trends, make recommendations and take actions involving state-wide issues.

**SECTION 6.** (1) The Children's Services Division shall implement a training and continuing education curriculum for persons other than law enforcement officers required by law to investigate allegations of child abuse. The curriculum shall address the areas of training and education necessary to facilitate the skills necessary to investigate reports of child abuse and shall include but not be limited to:

- (a) Assessment of risk to the child;
- (b) Dynamics of child abuse and child sexual abuse; and
- (c) Legally sound and age appropriate interview and investigatory techniques.

(2) The Oregon State Bar and each board that licenses, certifies or registers public and private officials required to report child abuse under ORS 418.750 shall identify those persons regulated by the board who in their official capacity have regular and on-going contact with children and shall notify those persons every two years of their duty to report child abuse. Such notice shall contain what the person is required to report and where such report shall be made and also advise of the symptoms to look for and provide a contact number for further information.

(3) The Children's Services Division shall develop content of the notice for such a mailing. The cost of distribution shall be paid by the board.

(4) The Children's Services Division shall develop and make available, at cost, training materials that may be used at training conferences and other similar events involving such public and private officials, as defined in ORS 418.740.

Approved by the Governor August 3, 1989  
Filed in the office of Secretary of State August 4, 1989

## CHAPTER 999

### AN ACT

SB 78

Relating to public utilities; creating new provisions; amending ORS 221.420, 221.450 and 757.005; and declaring an emergency.

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

**SECTION 1.** ORS 757.005 is amended to read:

757.005. (1)(a) As used in this chapter, except as provided in paragraph (b) of this subsection, "public utility" means:

(A) Any corporation, company, individual, association of individuals, or its lessees, trustees or receivers, that owns, operates, manages or controls all or a part of any plant or equipment in this state for the provision of telecommunications service, for the transportation of persons or property by street railroads or other street transportation as common carriers, or for the production, transmission, delivery or furnishing of heat, light, water or power, directly or indirectly to or for the public, whether or not such plant or equipment or part thereof is wholly within any town or city.

(B) Any corporation, company, individual or association of individuals, which is party to an oral or written agreement for the payment by a public utility, for service, managerial construction, engineering or financing fees, and having an affiliated interest with the public utility.

(b) As used in this chapter, "public utility" does not include:

(A) Any plant owned or operated by a municipality.

(B) Any railroad, as defined in ORS 760.005, or any industrial concern by reason of the fact that it furnishes, without profit to itself, heat, light, water or power to the inhabitants of any locality where there is no municipal or public utility plant to furnish the same.

(C) Any corporation not providing intrastate telecommunications service to the public in this state, whether or not such corporation has an office in this state or has an affiliated interest with a public utility as defined in this chapter.

(D) Any corporation, company, individual or association of individuals providing heat, light or power:

(i) From any energy resource to fewer than 20 customers, if it began providing service to a customer prior to July 14, 1985;

(ii) From any energy resource to fewer than 20 residential customers so long as the corporation, company, individual or association of individuals serves only residential customers;

(iii) From solar or wind resources to any number of customers; or