



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: mult.chair@co.multnomah.or.us

Deborah Kafoury, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: district1@co.multnomah.or.us

Jeff Cogen, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

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Judy Shiprack, Commission Dist. 3

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Diane McKeel, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
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Email: district4@co.multnomah.or.us

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:
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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

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(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.



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Multnomah Building, Sixth Floor Commissioners Conference Room 635
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File

Thursday, January 14, 2010 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
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REGULAR MEETING

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

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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
2010-007 RESET TO 1/28/2010
- 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
2010-008

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

2010-009

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.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 01/12/2010
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 01/07/2010

Agenda Title: **Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: January 12, 2010 Amount of Time Needed: 5-55 mins
Department: Non-Departmental Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Agnes Sowle and Invited Others

General Information

1. What action are you requesting from the Board?

No final decision will be made in the Executive Session.

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.

Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

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

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

ORS 192.660(2)(d),(e)and/or(h)

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

Required Signature

Elected Official or
Department/
Agency Director:

Date: 01/07/2010



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 1-14-2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date: 01/14/2010
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 01/05/2010

BUDGET MODIFICATION: NOND - 07

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

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting	<u>January 14, 2010</u>	Amount of Time Needed:	<u>N/A (Consent)</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Information Technology</u>
Contact(s):	<u>Richard Martinez</u>		
Phone:	<u>(503) 988-4528</u>	Ext.	<u>84528</u>
		I/O Address:	<u>503 / 4</u>
Presenter(s):	<u>N/A</u>		

General Information

1. What action are you requesting from the Board?

The Information Technology is requesting Board approval of a budget modification authorizing the reclassification of one position, as Determined by the Class/Comp Unit of Central Human Resources.

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.

Information Technology (IT) requests Board approval of a reclassification request for the following position.

<u>Position Title (Old)</u>	<u>Position Title (New)</u>	<u>Position Number</u>	<u>FTE</u>
Development Analyst Sr	HR Analyst 2	712636	No FTE Change

Information Technology requested the Central Class Compensation Unit to examine the duties of this position. The HR Analyst 2 will be responsible for enhancing employee capacity to make

intelligent use of technology applications and decrease reliance on the IT Help Desk by way of training.

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

The reclassification request is being accomplished within current resources for FY 2010. Ongoing expenses for these positions will be recovered via standard service rates.

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

The reclassification, for which approval is sought in this request, has been reviewed by the Human Resources Division.

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

NA

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- **What revenue is being changed and why?**
Risk Management revenue increased (decrease) by (\$600).
- **What budgets are increased/decreased?**
Risk Management budget increased (decrease) by (\$600).
- **What do the changes accomplish?**
Reclassification of one position.
- **Do any personnel actions result from this budget modification? Explain.**
Reclassification of one position.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
N/A
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**
N/A
- **If a grant, what period does the grant cover?**
N/A
- **If a grant, when the grant expires, what are funding plans?**
N/A

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: NOND - 07

Required Signatures

Elected Official
or Department/
Agency Director:



Date: 01/05/2010

Sherry Swackhamer

Budget Analyst:



Date: 01/05/2010

Julie Neburka

Department HR:

Date:

Countywide HR:



Date: 12/10/2009

Elisabeth S. Nunes

Budget Modification ID: **NOND - 07****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	10-10	3503		0020		709130		60000	768,394	690,824	(77,570)		Reclass 712636
2	10-10	3503		0020		709130		60130	241,819	217,407	(24,412)		Dev Analyst Sr to
3	10-10	3503		0020		709130		60140	159,387	142,263	(17,124)		HR Analyst 2
4										0			
5	10-10	3503		0020		709105		60000	485,409	554,982	69,573		Reclass 712636
6	10-10	3503		0020		709105		60130	152,762	174,656	21,894		Chg to 709105 from 709130
7	10-10	3503		0020		709105		60140	138,165	154,689	16,524		
8	10-10	3503		0020		709105		60240	0	11,115	11,115		
9										0			
10	72-10	3500		0020		705210		50316		600	600		
11	72-10	3500		0020		705210		60330		(600)	(600)		
12										0			
13										0			
14										0			
15										0			
16										0			
17										0			
18										0			
19										0			
20										0			
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3503	6406	63375	709130	Development Analyst Sr	712636	(1.00)	(77,570)	(24,412)	(17,124)	(119,106)
3503	9670	61307	709130	HR Analyst 2	712636	1.00	69,573	21,894	16,524	107,991
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.00	(7,998)	(2,518)	(600)	(11,115)

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3503	6406	63375	709130	Development Analyst Sr	712636	(1.00)	(77,570)	(24,412)	(17,124)	(119,106)
3503	9670	61307	709130	HR Analyst 2	712636	1.00	69,573	21,894	16,524	107,991
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	(7,998)	(2,518)	(600)	(11,115)



Department of County Management
MULTNOMAH COUNTY OREGON
Human Resources

Multnomah Building
501 SE Hawthorne, Suite 400
Portland, Oregon 97214
(503) 988-5015 Phone
(503) 988-3009 Fax

To: Wayne Scott, DCM, Central HR, Talent Development
From: Elisabeth S. Nunes, Classification and Compensation Unit (503/4)
Date: December 10, 2009
Subject: Reclassification Request #1368 (NEW TBD)

We have completed our review of your request and the decision is outlined below.

Request Information:

Date Request Received: December 1, 2009	Position Number: 712636
Current Classification: Development Analyst Sr.	Requested Classification: TBD
Job Class Number: 6406	Job Class Number: TBD
Pay Grade: 37	Pay Grade: TBD

Request is: ☒ Approved as Requested Effective Date: December 10, 2009
☐ Approved - Revised
☐ Denied

Allocated Classification: HR Analyst 2	Job Class Number: 9670
Pay Range: \$49,696.23 - \$69,572.50 annually	Pay Grade: 124

Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.

Position Information:

☒ Vacant - see New/Vacant Section
☐ Filled & incumbent reclassified - see Employee Information Section
☐ Filled & incumbent not reclassified with position See New/Vacant Section

New/Vacant Position Information:

If the position is vacant or incumbent not reclassified with position, position must be filled in accordance with the normal appointment procedures. If position is reclassified due to reorganization, a limited recruitment process may be conducted. Please consult with the Department Human Resources Unit for assistance.

Reason for Classification Decision:

This new position will be responsible for enhancing employee capacity to make intelligent use of technology applications and decrease reliance on the IT Help Desk by way of training. Essential job functions include developing and delivering training courses; assisting in developing and implementing online training and events; communicating internally on behalf of Talent Development using diverse media; and assisting in strategic planning for the use of technology.

A Human Resources Analyst 2 provides professional and technical support in a single human resources area within central human resources and may perform duties of a specialist with advanced knowledge of a single discipline. The work has frequent variations of moderate to high levels of complexity. Duties may include providing technical support, advice and counsel; and designing, implementing, and delivering training sessions to meet County or department needs.

Considering these and other responsibilities, this new position best fits the criteria for Human Resources Analyst 2 (9670).

If you have any questions, please feel free to contact me at 503-988-5015 ext. 22342.

cc: Sherry Swackhamer, CIO Local 88
Karin Lamberton, HR Manager Class Comp File Copy
Leola Warner & Jaci Burns, HR Maintainers



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 01/14/2010
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 12/22/09

Agenda Title: Recognition of the Emergency Coordination Center's organization associated with the recent H1N1 Influenza Event

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: January 14, 2010 Amount of Time Needed: 10 minutes
Department: Non-Departmental Division: Chair's Office
Contact(s): Ted Wheeler and Jana McLellan
Phone: (503)988-3308 Ext. 85545 I/O Address: 503/600
Presenter(s): Jana McLellan, Chief Operating Officer; Dave Houghton, Director, Emergency Management Office and Other Invited Guests

General Information

1. What action are you requesting from the Board?

Recognition of the Emergency Coordination Center's organization associated with the H1N1 Influenza event.

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.

The Emergency Coordination Center (ECC) hosted and provided the resources for the Tri-County area for H1N1 response. They provided situation updates for the NW Oregon and SW Washington (a 10-county area) significantly contributed to positive collaboration between and coordination of healthcare delivery amongst partners.

Several dedicated employees worked diligently to staff the ECC to support the public health and medical community throughout the H1N1 Influenza event. This team clearly demonstrated adeptness, flexibility, responsiveness and leadership. The Tri-County Public Health Group and the Regional Public Health Joint Information Center (JIC) effectively partnered with the County to provide H1N1 information throughout our community. We are grateful for their work and have

renewed faith that our employees will lead and perform the appropriate duties necessary in case of an emergency.

The ECC Staffing included:

ECC Manager Dave Houghton

ECC Deputy, Bob Grist

ECC Liaison Officer: Steve Bullock

Planning Chiefs Patty Hopkins, Craig Bachman; Bob Grist

Situation Unit Leader: Zumana Rios, Cristin Corcoran

Documentation Unit Leader and Communications Unit Lead: Pam Pinckard

Resource Unit Leader: Scott Finnegan, Gloria Totten, John McVay

Logistics Chief: Theresa Sullivan, Rich Swift, Barry Zimmerman

Logistics Section Supplies: Pierre Morton

EROG-Hospitals: Kathy Innes

Finance Section Chief: Jeanette Hankins

Special thanks go to Steve Frame for all of his technical assistance and the many Multnomah County employees that took on additional responsibilities in order for the ECC staff to perform duties during this project. As usual, Multnomah County employees' dedication is readily apparent.

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

No fiscal impact

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

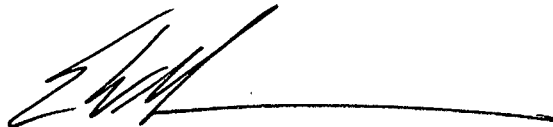
No legal and/or policy issues involved.

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

N/A

Required Signature

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



Date: 12/22/2009



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

Board Clerk Use Only

Meeting Date: 01/14/2010
Agenda Item #: R-2
Est. Start Time: 9:40 AM
Date Submitted: 12/28/09

Agenda Title: **RESOLUTION Adopting the Multnomah County 2010 State and Federal Legislative Agenda**

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: January 14, 2010 Amount of Time Needed: 15 minutes
Department: Non-Departmental Division: Chair Ted Wheeler's Office
Contact(s): Phillip Kennedy-Wong
Phone: 503 988-5895 Ext. 85895 I/O Address: 503/600
Presenter(s): Phillip Kennedy-Wong

General Information

1. What action are you requesting from the Board?
Adoption of Multnomah County 2010 State and Federal Legislative Agenda
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.
Adoption of the Multnomah County 2010 State and Federal Legislative Agenda provides official guidance for county lobbyists to represent the county in the state legislature and US Congress in 2010
3. Explain the fiscal impact (current year and ongoing).
n/a
4. Explain any legal and/or policy issues involved.
n/a
5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

Elected Official or
Department/
Agency Director:

Date: 12/28/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting the Multnomah County 2010 State and Federal Legislative Agenda

The Multnomah County Board of Commissioner Finds:

- a. County officials are elected to protect the health and welfare of their constituents.
- b. Multnomah County has a vested interest in advancing state and federal legislative initiatives on behalf of its residents, especially vulnerable populations.
- c. Multnomah County finds that it is necessary to have a 2010 legislative agenda that harnesses county resources efficiently to promote priorities set by the Board of County Commissioners.
- d. Multnomah County Board of County Commissioners has developed a legislative agenda that identifies key initiatives to pursue in the state legislature and the Congress in 2010.
- e. Multnomah County 2010 legislative agenda promotes the physical and mental well-being of its residents through robust public services, good government, environmental stewardship, and the public's safety.
- f. Multnomah County 2010 legislative agenda provides specific policy guidance to county officials and its lobbyists acting on its behalf in the state legislature and Congress.

The Multnomah County Board of Commissioner Resolves:

1. To undertake all activities and use the necessary resources wisely to promote the success of the 2010 State and Federal Legislative Agenda.
2. To reserve the right to modify any policy position in the 2010 State and Federal Legislative Agenda.

ADOPTED this 14th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

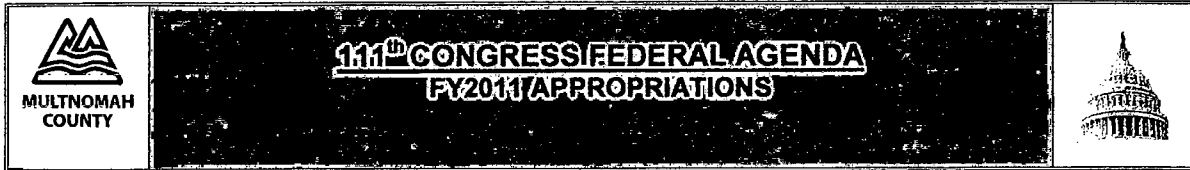
Agnes Sowle, County Attorney

SUBMITTED BY:

Chair Ted Wheeler

DEB-
IS THIS THE PROPER
FORMAT ??? -h

ADDENDUM:



BOARD ACTION REQUESTED: Vote for Position A or Position B

POSITION A: Multnomah County will include RJNET among its two FY2011 appropriations requests in the Commerce, Justice, Science federal budget bill.

OR

POSITION B: Multnomah County will support an effort to be undertaken by a partner entity, e.g. LPSCC to seek federal funds.

TEXT TO BE ADDED TO LEGISLATIVE AGENDA:

REGIONAL JUSTICE INFORMATION NETWORK

Current information sharing practices among law enforcement agencies are inefficient and potentially unsafe for the public. Inaccurate information, delays, and redundancies can lead to decision-making by public safety agencies based on imperfect information, creating unnecessary risk. Multnomah County with the support of the Sheriff, District Attorney, Portland Police, and the state circuit courts conducted a feasibility study in 2009.

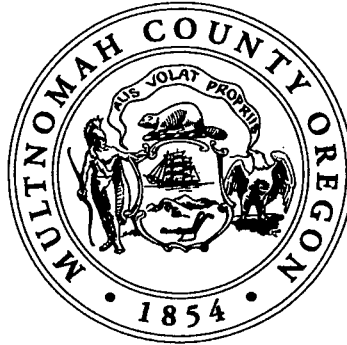
POSITION A: Multnomah County is seeking \$1.5 million to purchase hardware and software to implement a system allowing all individual criminal justice information databases in the region to share real time data.

OR

POSITION B: Multnomah County supports a regional effort to request federal funds to develop and create the Regional Justice Information Network. Multnomah County will work with the Local Public Safety Coordinating Council in this effort.

Multnomah County Oregon

2010 State & Federal Legislative Agenda



January 14, 2010

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, SUITE 600
PORTLAND, OREGON 97214
(503) 988-5895

TED WHEELER • CHAIR
DEBORAH KAFOURY • DISTRICT 1
JEFF COGEN • DISTRICT 2
JUDY SHIPRACK • DISTRICT 3
DIANE MCKEEL • DISTRICT 4

Board of County Commissioners Statement

The Multnomah County Board of County Commissioners is pleased to present its 2010 state and federal legislative agenda. The agenda is the result of discussions with community members, consultations with our partners within and outside the county, technical advice from county professionals, and collaboration among commissioners.

The agenda provides guidance to state and federal entities on the needs and interests of Multnomah County. It also provides standing authority for the county's lobbyists to represent the agenda before state and federal officials in legislative settings. The agenda is both a reflection of the values of the Board of County Commissioners and a response to the economic and social conditions in Multnomah County.

While the national economy has shown some signs of recovery, unemployment continues to be high for Multnomah County and Oregon. The county's unemployment rate is 10.9% and the national rate is 9.8%. This means that the need for county public services will remain high, especially in human services and public safety.

At the state level, Oregon will go to the polls later this month to vote on two tax measures that impact the state's 2009-2011 budget. The Oregon Legislature passed the measures as part of a budget balancing plan that included \$2 billion in cuts to state agencies, use of reserve funds, and federal stimulus dollars. The outcome of the votes will affect Multnomah County's FY 2010 budget.

Regardless of the outcome of the votes, Multnomah County stands ready to partner with the State of Oregon and the federal government to promote the well being of our communities and residents.

Sincerely,

Ted Wheeler, Chair

Deborah Kafoury, District 1

Jeff Cogen, District 2

Judy Shiprack, District 3

Diane McKeel, District 4

Multnomah County Oregon
Economic Snapshot
Fall 2009

	<u>Multnomah County</u>	<u>Oregon</u>
Population, 2008 estimate	714,567	3,790,060
Median household income, 2007	\$48,876	\$48,735
Persons below poverty, 2007	15.0%	13.0%
No. of Businesses (non-farm), 2006	24,692	110,684
Size of workforce (non-farm), 2006	403,119	1,461,664
Unemployment Rate (Not seasonally adjusted Sept. 2009)	10.9%	11.5%

Source: US Census



COUNTY SPONSORED BILLS

Local Control. Support legislation to lift preemptions and other restrictions on local government, including the preemption on local tobacco taxes. In the 2009 Oregon legislative session, the House of Representatives passed HB 2616 to remove the state preemption on local government tobacco taxes. The legislature adjourned before the Senate could fully consider the bill.

Property Tax Abatement Housing Incentive. Seek legislation to grandfather the property tax abatements of mixed-use developments participating in property tax abatement housing incentive programs prior to August 2009. According to a recent opinion by the Attorney General, the abatement has been incorrectly applied to the commercial portions of the developments. In order to not financially jeopardize the housing portion of the developments, the grandfathering is necessary as a first step to making changes to property tax abatement housing incentive programs.

Forced Released Inmate Population Authority. Seek legislation that provides supervisory authority over inmates released as the result of jail capacity limits. Multnomah County does not have the legal authority to supervise and impose conditions of release for these inmates; thereby imposing an unnecessary risk to public safety.

Human Trafficking Hotline Info Posting. Seek legislation that encourages retail establishments that sell alcohol to voluntarily post information on the national hotline for human trafficking. Public awareness of sex trafficking of minors is relatively low despite recent a nationwide law enforcement operation. The posting of hotline information can aid in reducing human trafficking. Other states have taken such steps in the effort to stop this exploitation of minors.

Mobile Home Property Tax Option. Seek legislation that permits the cancellation of property taxes for mobile or floating homes whose assessed values are less than \$15,000. Affordable housing is critical need in Multnomah County. Cancellation of the taxes would provide a financial benefit to mobile home residents and the county in terms of cost savings.

PRIORITIES

State 2009-11 Budget. Support efforts to maintain or increase state funded public safety and human services that affect Multnomah County's ability to protect vulnerable populations and to maintain public safety. The March 2010 state revenue forecast and the outcome of Measures 66 and 67 will determine the legislative action the Oregon Legislature undertakes. Multnomah County will respond accordingly to support or oppose legislative actions that promote the county's interests.

Wapato Jail. Seek a partnership with the Department of Corrections to utilize the Wapato Jail facility. The 525-bed facility offers many options that can meet county and state public safety needs.

Elections. Support legislation that removes the requirement to create a new voter precinct as the result of non-contiguous land being annexed by cities. The requirement places an administrative burden that is costly to Multnomah County.

Mental Health. Monitor the progress and outcomes of SB 5529's budget notes on mental health integration and psychiatric acute care funds. Support efforts that expand resources for both subacute and acute psychiatric care. Monitor reform efforts in the state's mental health system. Support efforts to ensure that uninsured populations are cared for and cost-effectively managed by the county. Oppose legislation that undermines Multnomah County's mental health system.

Health Privacy. Support legislation that permits the exchange of patient mental health information between health providers and mental health organizations as it pertains to state efforts in integrating physical and mental health care. Multnomah County mental health system is a significant provider of mental health services. How patient information is used and shared is important to the well being of the individual and an important responsibility for physical and mental health care providers.

Commercial Surety Bonds Industry. Oppose legislation that reinstitutes the bail bonds industry in Oregon. A bail bonds system would undermine Multnomah County's Pretrial Release Services system and introduce the potential for abuse without any guarantee for improving failure to appear rates.



LOCAL CONTROL

ISSUE: *State preemptions and other restrictions on local government discourage creative solutions to local problems and undermine local authority. Multnomah County needs to have all the tools in its toolbox to meet the needs of its residents.*

POSITION: Support lifting state preemptions and oppose any new state preemption that reduces local authority or local revenue sources.

STATE MANDATES

ISSUE: *Multnomah County is bearing the brunt of underfunded services required by the State in corrections, health and human services, and other areas including court facilities. As a result, Multnomah County has supplemented what it receives from the state with County General Funds in order to meet its statutory obligations. Given the economic situation and growing community needs, the County General Fund is not able to sustain these services.*

POSITION: Support adequate funding to cover actual costs of providing state required services and oppose efforts that underfund these services.

MENTAL HEALTH SYSTEM

ISSUE: *First responders that treat persons suffering a mental health crisis do not have a viable and cost effective alternative to hospital emergency rooms or the County jail to take these persons for proper treatment. This means improper care and added expense to emergency responders, local area hospitals, and the jail system. The lack of a sub-acute assessment and treatment facility in Multnomah County is a huge gap in the mental health system.*

POSITION: Support efforts that expand resources for both subacute and acute psychiatric care. Monitor reform efforts in the state's mental health system to ensure that uninsured populations are cared for and cost-effectively managed for the county.

PUBLIC SAFETY

ISSUE: *Multnomah County is a very important part of the state's public safety system due to it being the most populated county in the state with the most active law enforcement, judicial, and parole and probation systems in the state. Multnomah County has proven that local knowledge combined with evidence based practices is a national model of success.*

POSITION: Support legislation and state partnerships that provide the best results in public safety and maximize resources in Multnomah County. This includes facilitating state partnerships in juvenile parole and probation services and with the county's Wapato Jail facility.

OREGON HEALTH PLAN

ISSUE: *During the 2002 recession, the state drastically reduced the Oregon Health Plan Standard population to cut costs. Many thousands of Oregonians lost coverage. The consequences have dramatically driven up costs for the county's health clinics and for hospital emergency rooms. Reductions in enrollment have resulted in a loss of matching state and federal dollars to Multnomah County to pay for residential treatment services.*

POSITION: Support efforts to increase the Oregon Health Plan Standard population. Greater coverage reduces the out-of-pocket expenses for Multnomah County's health clinics.

PROPERTY TAX LIMITATION

ISSUE: *Measure 50 created a permanent structural deficit for local government in Oregon. Multnomah County cannot finance public services with revenues generated by a property tax rate that grows slower than real market inflation. Measure 50 property tax system has created inequity for homeowners with equal valued homes but taxed unequally.*

POSITION: Support changes to the Oregon Constitution that make Oregon's property tax system more equitable for property owners and more in sync with real market conditions.

SUSTAINABILITY

ISSUE: *Multnomah County strives to be more environmentally friendly and energy conscious in its operations. As a government that serves the state's most populated county, there is enormous opportunity to make a difference in promoting the local economy, reducing pollution, and conserving natural resources.*

POSITION: Support legislation that makes it easier for Multnomah County and its households to adopt environmental friendly practices in day to day operations.

TRANSPORTATION

ISSUE: *Multnomah County is responsible for the maintenance of six Willamette River bridges and nearly 300 miles of roads. The Oregon Jobs and Transportation Act provided the County with needed funding. The State will need to continue working on sustainable revenues for the future that will provide maintenance to the existing system as well as continued growth.*

POSITION: Support a fair and reliable system of revenue sources for maintaining the existing transportation system as well as stewarding sustainable growth. Protect the County's revenue sources by advocating for a hold harmless provision for Bridge funding.

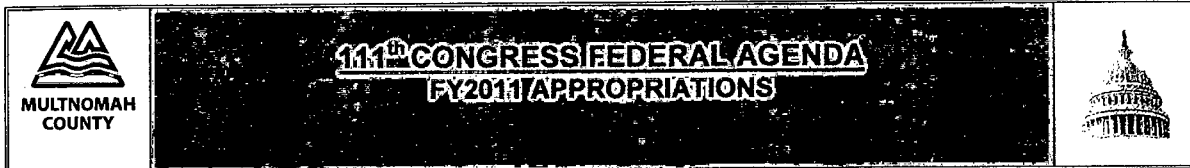


Multnomah County will work to ensure that the programs below are adequately funded based on the following principles:

- 1) **Ensure that services for vulnerable populations are protected.**
- 2) **Ensure that state cuts do not create an additional unfunded mandate for Multnomah County.**

COUNTY PROGRAMS AFFECTED BY THE STATE BUDGET	
DEPT. OF COUNTY HUMAN SERVICES	DEVELOPMENTAL DISABILITIES Administration and Support
	DEVELOPMENTAL DISABILITIES Services for Children
	AGING AND DISABILITIES SERVICES Access & Early Intervention Services
	AGING AND DISABILITIES SERVICES Adult Care Home Program
	AGING AND DISABILITIES SERVICES Long Term Care
	AGING AND DISABILITIES SERVICES Adult Protective Services
	AGING AND DISABILITIES SERVICES Administration
	Note: for all AGING AND DISABILITIES SERVICES programs receiving Medicaid funding
	MENTAL HEALTH Quality Management and Protective Services
	Mental Health Crisis Services
	MENTAL HEALTH Commitment Services - Waitlist Reduction for State Hospital Admissions
	MENTAL HEALTH Commitment Services - Involuntary Investigation Services
	MENTAL HEALTH Commitment Services - Emergency Holds for Uninsured Individuals
	MENTAL HEALTH Residential Services - Transitional Housing for Adults
	MENTAL HEALTH Residential Services - Residential Services for Adults
	Early Psychosis Intervention Services
	Adult Addictions Treatment Continuum - A/D Residential Treatment
	Adult Addictions Treatment Continuum - Adult Outpatient A/D Treatment
	Youth Gang Prevention
	Housing Stabilization for Vulnerable Populations
	Runaway Youth Services
	Social & Support Services for Educational Success
	Anti-Poverty Services
	Child Development Services
DEPT. OF COMMUNITY JUSTICE	Gang Transition Svcs - GRIT
	Gang Transition Svcs - EMGET
	Individualized Svcs - FLEX
	OCCF JCP Prevention
	Juvenile Crime Prevention - Basic
	OYA JCP Diversion
	State Mental Health
	CASA
	Parole Hearing
	DOC 1145
	DOC Measure 57 (new)
	DOC Subsidy

	DOC AIP
	DOC Sex Offender DepoProvera
	DOC Prisoner Re-Entry
	OYA Timber Backfill
	OYA SRTP
COUNTY HEALTH DEPARTMENT	La Clinica
	Public Health and Regional Health Systems Emergency
	Communicable Disease Prevention & Control
	STD/HIV/Hep C Community Prevention Program
	Services for Persons Living with HIV
	Early Childhood Svcs for First Time Parents
	Early Childhood Svcs for High Risk Prenatal
	Early Childhood Svcs for High Risk Infants and Children
	Immunization
	Lead Poisoning Prevention
	Medicaid/Medicare Eligibility
	Dental Services
	Women, Infants and Children (WIC)
	North Portland Health Clinic
	Northeast Health Clinic
	Westside Health Clinic
	Westside Health Clinic Van and Homeless Outreach
	Mid County Health Clinic
	East County Health Clinic
	School Based Health Centers
	Pharmacy
	Health Planning and Evaluation
	Chronic Disease Prevention
LIBRARY	Early Childhood Resources
SHERIFF'S OFFICE	MCIJ
	River Patrol
	Fac. Security Unit
DEPT. OF COMMUNITY SERVICES	Transportation - Road & Bridge Services and Capital



PUBLIC INFRASTRUCTURE

SELLWOOD BRIDGE

The Sellwood Bridge is the busiest two-lane bridge in Oregon with over 30,000 daily vehicle crossing. The 90-year old bridge rates very low in federal safety standards as a result of its age and the geological movement of the West Hills buckling the structure. Weight restrictions have been in place since 2004, affecting freight trucks and buses as well as the local economy. Multnomah County has completed the Sellwood Bridge Project DEIS and selected a Locally Preferred Alternative in February 2009. Construction is scheduled to begin in 2012. The cost is estimated at \$330 million in 2014 dollars. The County's funding plan for the construction of the Sellwood Bridge includes the following contributions:

\$127M Multnomah County (\$19 per year vehicle registration fee passed in October 2009)*

*\$ 11M Previously secured funds remaining from EIS phase**

\$100M City of Portland (new revenues from the Jobs and Transportation Act)

\$ 22M Clackamas County (new vehicle registration fee)

\$ 30M State of Oregon (Jobs and Transportation Act)*

\$ 40M Request to Federal Authorization of Transportation Act

Of this funding, \$168 million is secured (). An additional \$122 million secured by early 2010 is anticipated. The remaining \$40 million request is dependent on the authorization of the surface transportation bill.*

POSITION: Multnomah County seeks \$5 million in FY2011 to conduct the Final Design and right-of-way acquisition for the Sellwood Bridge project. The county is seeking \$40 million in the Surface Transportation Reauthorization Act to complete the project.

BEAVER CREEK CULVERTS

The lower Beaver Creek in Multnomah County is critical habitat to federally endangered species including Lower Columbia River Chinook Salmon and Steelhead Trout, and candidate species including Lower Columbia River Coho Salmon. The existing waterway and wetland are neither conducive to fish passage nor other wildlife. Replacing the Beaver Creek Culverts will improve the habit and enhance fish passage.

POSITION: Multnomah County seeks \$6 million for the replacement of the 3 downstream-most culverts, (Troutdale Rd., Stark St., and Cochran Rd.) with larger culverts or bridges, opening 4.6 miles of Beaver Creek to fish passage. Included is restoration of natural substrate under bridges and culverts; stabilization of stream bed to ensure no head-cutting occurs; removal of non-native exotic (plant) species and replant with native species along bank; and, enhance a forested wetland adjacent to the Stark St. crossing by removal of non-native species with native species. This would improve habitat for many wildlife species including neotropical migratory birds that use riparian habitat for nesting and cover, small mammals that use riparian areas as migration corridors, and native amphibians and reptiles that would utilize wetland habitats.

SANDY RIVER TRAIL CONNECTIONS

The National Scenic Area Act authorized \$10 million for construction of recreation facilities in the Columbia River Gorge, a national recreational area along the Oregon/Washington border. Only half of the funds have been appropriated and none have been expended in Multnomah County. Consistent with the intent of the Act, the Columbia Gorge Management Plan prioritizes trail construction at the Sandy River Delta, Gorge Gateway area and Lewis and Clark State Park.

POSITION: Multnomah County seeks \$5 million to implement the Sandy River Connections Trail. The Concept Plan was completed in January 2008 and all of the parties have agreed to support its implementation, recognizing increasing public demand for recreational opportunities in this "Gateway to the Gorge."

PUBLIC SAFETY

RE-ENTRY SERVICES

Multnomah County is responsible for thousands of individuals who re-enter society after completing their prison or jail sentences. Research has shown that successful re-entry is increased when support services are provided such as employment assistance, transitional housing, mental health and addiction treatment. This reduces the likelihood of the individuals re-offending. Seven out of ten individuals who re-enter from prison from county's adult probation and parole division do not recidivate for as long as three years.

POSITION: Multnomah County is seeking \$1.5 million in federal Byrne Grant dollars to support re-entry services. These funds will increase the number of eligible individuals by a third for transitional services, to double the number of transitional housing beds available for returning offenders, increase outpatient treatment slots, and retain mentors and an employment specialist.

FINANCIAL AND ELDER ABUSE PROSECUTION PROJECT

While seniors comprise just 13 percent of the general population; they possess 50 percent of the total wealth, making them disproportionately targeted for financial fraud and abuse. As seniors live longer, they become increasingly vulnerable to financial manipulation, abuse and neglect. Financial abuse is the fastest growing form of abuse. It is estimated that for every one case of elder abuse, neglect, exploitation, or self-neglect reported to authorities, approximately five go unreported. Between 2007 and 2009, Multnomah County had 1361 cases of financial elder abuse.

POSITION: Multnomah County seeks \$595,000 for investigating financial fraud, prosecuting perpetrators, gathering forensic data, providing support services to victims, educating the public and senior care providers, providing forensic nursing, coordinating services among agencies; and providing enhanced referral services.

HEALTH/HUMAN SERVICES

EAST COUNTY SCHOOL BASED HEALTH CLINIC

By working in partnership with schools, families, healthcare providers, and community agencies, the Multnomah County School Based Health Clinic(SBHC) Program is able to provide health care for the county's school-age youth in the most readily accessible locations. This results in the early identification and intervention of health issues and the reduction of barriers to care. SBHCs play a major role in the local health care delivery system's ability to curb high-risk behaviors and thus foster academic success for the county's youth. Expansion of these services will support better access to SBHC services to the youth of East County as poverty as shifted in this area.

POSITION: Multnomah County seeks \$350,000 to for capital costs for a health clinic that would serve local income school children with the Centennial and Gresham/Barlow school districts.

GATEKEEPER PROJECT

The Gatekeeper model is a national best practice program that identifies at-risk older adults and people with disabilities living in our community and links them to critical social and health services. The program trains volunteers to identify signs and symptoms such as confusion, depression, poor health, functional disability, financial exploitation or unsafe living conditions that may indicate vulnerable adults needing assistance. Volunteers could be meter readers, bank tellers, letter carriers and others that come into contact with older adults or people with disabilities in their daily work activities.

POSITION: Multnomah County seeks \$100,000 to recruit and train 840 volunteer Gatekeepers and 24 Gatekeeper volunteer trainers.

SUPPORTED APPROPRIATION REQUESTS FROM COUNTY PARTNERS

LUKE-DORF MENTAL HEALTH SUPPORTIVE HOUSING

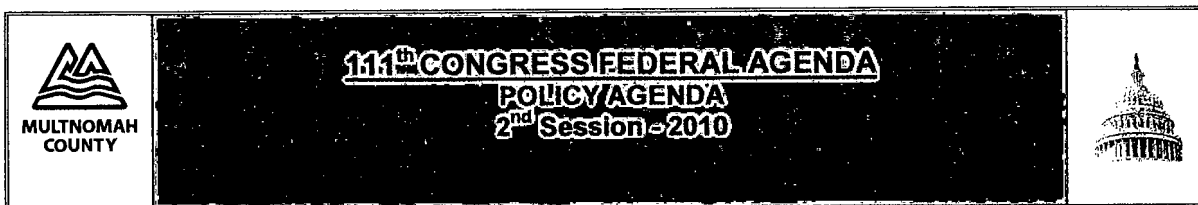
The single greatest impediment to diverting many mentally ill persons away from the criminal justice system is the absence of housing resources supported housing in particular. Supported housing, and the use of specialized courts like Community and Mental Health Court, focuses on the underlying issues that result in criminal justice involvement. For a variety of reasons, mentally ill persons with criminal backgrounds are excluded or unwelcome in many types of public housing. While those barriers are surmountable over the long term, they present a formidable challenge when attempting to expedite a speedy diversion for a homeless person from the criminal justice system. A supported housing resource dedicated to specialized courts such as Community Court and Mental Health Court would allow Multnomah County to place appropriate persons in a managed environment that provides mental health services while permanent living and treatment alternatives are arranged. Without an interim intervention like this, homeless mentally ill persons will have little opportunity for a successful court diversion.

POSITION: Multnomah County supports Luke-Dorf's request for \$2 million in capital funds to construct housing in the county.

HUMAN TRAFFICKING VICTIMS SHELTER

The biggest obstacle to getting victims of trafficking and forced prostitution off of the streets is a lack of a safe facility where victims can sleep, get physical and mental treatment, and simply be comfortable. The only options currently available are placing the child in foster care or putting them in jail. By providing the victims with a secure and comfortable environment the victims will be given access to the resources and supports they need to provide for themselves away from the predators that control them with fear and intimidation. Not only will this help those wishing to exit the sex trade, but it will also help law enforcement and the District Attorney's Office achieve more convictions. While victims may initially be willing to testify against their abusers, when they have no safe place to stay they nearly always return to the same pimps and thugs who abuse them. This shelter will provide them with the safe bed and moral support that will encourage them to stay under supervision and make the difficult decision to testify against their pimp. Without such a facility, we have very little chance of ending the practice of human trafficking and forced prostitution in our region.

POSITION: Multnomah County will support efforts undertaken by a service provider (to be determined) to seek federal capital funds if needed for building a shelter to serve victims of human trafficking.



HEALTH/HUMAN SERVICES

AFFORDABLE HEALTH CARE FOR AMERICA ACT/ PATIENT PROTECTION & AFFORDABLE CARE ACT (HR. 3962/HR. 3590)

Experts from across the political spectrum agree that America's health system is broken and unsustainable in its present configuration. Families in Multnomah County are experiencing this crisis right now, confronting the high cost of health care that threatens their financial stability, leaves them exposed to higher premiums and deductibles, and puts them at risk for a possible loss of health insurance. It costs Multnomah County \$61.5 million in county general funds to meet the health needs of its residents including \$19 million for public health, \$14 million for indigent care, \$13 million for corrections health, \$1.5 million for local Medicaid match, and \$14 million for mental health and addictions obligations.

POSITION: Multnomah County supports the inclusion of the following provisions in the federal effort to reform health care.

- 1) Inclusion of new federal designation: "Federally Qualified Behavioral Healthcare Centers"
- 2) Simplification of Medicaid coverage for nurse home visitations
- 3) Public Health Investment Fund/Prevention & Public Health Fund
- 4) Reimbursement of jail for health care costs for pre-adjudicated population eligible for Medicaid
- 5) Extension of the FMAP increase from the ARRA
- 6) Clarification that Medicaid does not prohibit state coverage of therapeutic foster care

FULL SERVICE COMMUNITY SCHOOLS ACT (HR. 3545 – Co-sponsor: Blumenauer)

Multnomah County's SUN schools are an active and robust community school system of 58 schools and 6 regional service centers that links academic support, early childhood programs, parent involvement and education, anti-poverty assistance, health care, mental health and addictions treatment in a culturally suitable environment for the county's diverse school population.

POSITION: Multnomah County would seek federal grants authorized in HR 3534 to strengthen its community school system.

RESTORING THE PARTNERSHIP FOR COUNTY HEALTH CARE COSTS ACT OF 2009 (HR. 2009)

An estimated 21 percent of persons booked in Multnomah County's jails in pre-trial status have private or public health insurance coverage, i.e. Oregon Health Plan, Medicaid, Medicare, or SSI. Health care costs in county jails could be reimbursed, providing much needed relief for the county's fiscal health.

POSITION: Multnomah County supports the passage of this legislation with an amendment that requires private health insurance to reimburse for health care provided by county jail staff.

PUBLIC SAFETY

JUVENILE JUSTICE DELINQUENCY PREVENTION ACT OF 2009 (S. 678)

Multnomah County juvenile justice program is a national model of successful implementation of the goals of the Juvenile Justice Delinquency Prevention Act of 1974. Most importantly, the county has reduced re-offense rates and delinquency of juveniles in its custody using evidence-based practices that prioritize safety. The county's success is in jeopardy because the Act has not been reauthorized. The federal leadership responsible for this success has declined considerably.

POSITION: Multnomah County supports the reauthorization of the Act, specifically raising the authorization levels for Title V grants. Since 2002, Multnomah County has lost over \$900,000 in federal juvenile justice funding that came to the county. The impact of these federal cuts has meant *fewer juvenile prevention and intervention services to young people and their families*. In 2002, Multnomah County served 1,200 young people a year in its juvenile justice system. Today it is down to 600 young people despite the need.

YOUTH PROMISE ACT OF 2009 (S. 435/HR. 1064)

Multnomah County sets the national standard on incorporating evidence-based practices to reduce juvenile delinquency and criminal street gang activity. The National Association of Counties, the National Conference of State Legislatures, and US Dept. of Justice have heralded the county's success. Close to 73% of youth served by the county's gang intervention services complete their programs. Of those served, 76% do not recidivate while in the program and 74% do not recidivate one year after completing the program. The Youth Promise Act will support evidenced based prevention and intervention strategies proposed by local councils with federal grants. Grants provided under the act could help retain juvenile justice probation officers.

POSITION: Multnomah County supports the passage of the Youth Promise Act. The Act provides for a thorough evaluation of gang and youth violence prevention programs, including analyses of cost savings to society yielded by investing in prevention and intervention rather than in more costly prosecution and incarceration approaches.

RECIDIVISM REDUCTION ACT of 2009 (HR. 2829)

Key federal benefits are regularly suspended or terminated upon incarceration and take considerable time to be reinstated after an individual is released. Without the health coverage and other benefits, many newly released individuals cannot fully focus on securing gainful employment and developing a supportive home life. Without these benefits, counties and states end up paying the "full freight" of any health care, disability and other support for people under the supervision of the county's parole and probation, and juvenile justice department as they wind through the system.

POSITION: Multnomah County supports the Recidivism Reduction Act of 2009. HR. 2829 will ensure prompt access to supplemental security income, Social Security disability, and Medicaid benefits for persons released from certain public institutions (such as a jail, or a juvenile detention center).

NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2009 (S. 714)

With the highest incarceration rate in the world, overcrowded prisons, growing gang violence, lack of focus in reintegrating ex-convicts who have paid their debts to society, the criminal justice system in the United States is in great need of repair. Prison spending continues to outpace education and human services in many states. Communities throughout the country would benefit tremendously from a comprehensive review of policies and practices that produces meaning reform.

POSITION: Multnomah County supports the passage of the National Criminal Justice Commission Act. The Act will create commission charged with a top-to-bottom review of the criminal justice system and propose recommendations designed to reduce the overall incarceration rate; to improve drug policy; to improve mental illness treatments, to improve prison management, and to establish a system for reintegrating ex-offenders.

SECOND CHANCE ACT OF 2007 (HR. 1593/S. 1060)

When the Congress passed and the President signed the Second Chance Act of 2007, the law provided an important source of federal funds for critical re-entry services such as family-based substance abuse treatment, education programs in jail facilities, job training, mentoring and for program evaluation. Unfortunately, the global recession of 2008 have had a severe impact on local governments' ability meeting the federal match requirement. Many parole and probation services have been reduced, including employment, education, housing, and treatment services. **POSITION:** Multnomah County supports removing the local match requirement as a result of the recession's recession impact on the county's budget.

TRAFFICKING DETERRANCE & VICTIMS SUPPORT ACT OF 2010

Human trafficking of minors for prostitution is growing problem in Multnomah County and in the nation. In order to effectively stop human trafficking in the United States, a comprehensive approach that includes law enforcement and prosecution, victims' assistance, counseling, public outreach, shelters for victims, and investigations is needed.

POSITION: Multnomah County supports the effort to introduce legislation that authorizes a pilot project of six block grants to provide a comprehensive approach to addressing human trafficking. The grants would be administered by the Office Justice Programs in the Byrner-JAG grants.

LAND USE/TRANSPORTATION

SURFACE TRANSPORTATION REAUTHORIZATION ACT

The reauthorization of the federal surface transportation act is the critical final piece of the Sellwood Bridge Project's funding plan. Multnomah County has successfully pulled together diverse sources of funds to complete the reconstruction of the bridge. The plan includes \$30 million from ODOT, \$100 million from the City of Portland, and \$127 million in new county vehicle registration fees from Multnomah County. Clackamas County is considering a vehicle registration fee that would contribute \$22 million to the replacement of the Sellwood Bridge.

POSITION: Multnomah County requests an authorization of \$40 million to complete the reconstruction of the Sellwood Bridge.

HEALTHY PLACES ACT OF 2006 (S. 2506/HR. 5088)

The Portland metropolitan region is undertaking a massive project in rebuilding the Interstate 5 bridge between Oregon and Washington, as known as the Columbia River Crossing. The volume of pollution from vehicles crossing the I-5 bridge 24/7 greatly affects the health of the many neighborhoods on both sides of the river. Multnomah County's Health Department took the initiative to submit its assessment of the health impacts during the development of the DEIS. The assessment was an invaluable tool for decision-makers, transportation planners, and the public in understanding the health effects of each bridge options.

POSITION: Multnomah County supports a federal grant program that encourages local public health agencies to conduct health impact assessments for transportation projects.



Services Provided By Multnomah County



The People



**Commissioner
Deborah Kafoury
District 1**



**Commissioner
Jeff Cogen
District 2**



**Chair
Ted Wheeler**



**Commissioner
Judy Shiprack
District 3**



**Commissioner
Diane McKeel
District 4**

Department of Community Justice

- Adult Probation and Parole
- Felony Field Supervision
- Community Service
- Day Reporting Center: Jail Sanctions Alternative
- Domestic Violence Supervision
- GED and Employment Preparation for Adult Offenders
- Adult Pre-Trial Services
- Residential and Outpatient Alcohol and Drug Program
- Juvenile Probation
- Juvenile Detention
- Community-Based Detention Alternatives
- Education Provided in Detention
- Gang Transitional Services

Department of Community Services

- Animal Shelter
- Elections
- Land Use
- Roads and Bridges

Department of County Human Services

- Adult Foster Care Homes
- Alcohol and Drug Treatment
- Assisting Seniors and People with Disabilities
- Case Management for People with Developmental Disabilities
- Domestic Violence Prevention
- Energy Assistance
- Gambling Addiction Treatment
- Homeless Youth
- Mental Health Services
- Oregon Project Independence
- Public Guardianship
- SUN Community Schools
- Weatherization

Department of County Management

- Excise Tax Collection
- Assessment and Taxation
- Budget
- Employee Benefits
- Human Resources
- Labor Relations
- PERS
- Finance/Risk Management
- Facilities and Property Mgmt.
- Diversity and Equity
- Deferred Comp.
- Sustainability
- Emergency Management
- Fleet
- Distribution
- Warehouse
- Records Management

Department of Health

- Early Childhood Services
- Immunizations
- Lead Poisoning Prevention
- Medicaid Eligibility
- Outreach for Women Infant and Children (WIC)
- Providing Medical and Dental Services in Health Centers
- Restaurant Inspections
- School Based Health Centers
- Surveillance of Communicable Diseases
- Vector Control

Department of Libraries

- Early literacy services
- School age services
- Lifelong learning programs
- Reference and information services
- Public access computing
- Community gathering places
- Lending books and other media
- Outreach programs for at-risk populations

For more info: Phillip Kennedy-Wong (503) 830-4746, Multnomah County Gov't Relations Mgr.

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ADDENDUM:



BOARD ACTION REQUESTED: Vote for Position A or Position B

POSITION A: Multnomah County will include RJNET among its two FY2011 appropriations requests in the Commerce, Justice, Science federal budget bill.

OR

POSITION B: Multnomah County will support an effort to be undertaken by a partner entity, e.g. LPSCC to seek federal funds.

TEXT TO BE ADDED TO LEGISLATIVE AGENDA:

REGIONAL JUSTICE INFORMATION NETWORK

Current information sharing practices among law enforcement agencies are inefficient and potentially unsafe for the public. Inaccurate information, delays, and redundancies can lead to decision-making by public safety agencies based on imperfect information, creating unnecessary risk. Multnomah County with the support of the Sheriff, District Attorney, Portland Police, and the state circuit courts conducted a feasibility study in 2009.

POSITION A: Multnomah County is seeking \$1.5 million to purchase hardware and software to implement a system allowing all individual criminal justice information databases in the region to share real time data.

OR

POSITION B: Multnomah County supports a regional effort to request federal funds to develop and create the Regional Justice Information Network. Multnomah County will work with the Local Public Safety Coordinating Council in this effort.

Multnomah County Oregon
2010 State & Federal Legislative Agenda



January 14, 2010

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, SUITE 600
PORTLAND, OREGON 97214
(503) 988-5895

TED WHEELER • CHAIR
DEBORAH KAFOURY • DISTRICT 1
JEFF COGEN • DISTRICT 2
JUDY SHIPRACK • DISTRICT 3
DIANE MCKEEL • DISTRICT 4

Board of County Commissioners Statement

The Multnomah County Board of County Commissioners is pleased to present its 2010 state and federal legislative agenda. The agenda is the result of discussions with community members, consultations with our partners within and outside the county, technical advice from county professionals, and collaboration among commissioners.

The agenda provides guidance to state and federal entities on the needs and interests of Multnomah County. It also provides standing authority for the county's lobbyists to represent the agenda before state and federal officials in legislative settings. The agenda is both a reflection of the values of the Board of County Commissioners and a response to the economic and social conditions in Multnomah County.

While the national economy has shown some signs of recovery, unemployment continues to be high for Multnomah County and Oregon. The county's unemployment rate is 10.9% and the national rate is 9.8%. This means that the need for county public services will remain high, especially in human services and public safety.

At the state level, Oregon will go to the polls later this month to vote on two tax measures that impact the state's 2009-2011 budget. The Oregon Legislature passed the measures as part of a budget balancing plan that included \$2 billion in cuts to state agencies, use of reserve funds, and federal stimulus dollars. The outcome of the votes will affect Multnomah County's FY 2010 budget.

Regardless of the outcome of the votes, Multnomah County stands ready to partner with the State of Oregon and the federal government to promote the well being of our communities and residents.

Sincerely,

Ted Wheeler, Chair

Deborah Kafoury, District 1

Jeff Cogen, District 2

Judy Shiprack, District 3

Diane McKeel, District 4

Multnomah County Oregon
Economic Snapshot
Fall 2009

	<u>Multnomah County</u>	<u>Oregon</u>
Population, 2008 estimate	714,567	3,790,060
Median household income, 2007	\$48,876	\$48,735
Persons below poverty, 2007	15.0%	13.0%
No. of Businesses (non-farm), 2006	24,692	110,684
Size of workforce (non-farm), 2006	403,119	1,461,664
Unemployment Rate (Not seasonally adjusted Sept. 2009)	10.9%	11.5%

Source: US Census



2010 STATE PRIORITIES February Supplemental Legislative Session



COUNTY SPONSORED BILLS

Local Control. Support legislation to lift preemptions and other restrictions on local government, including the preemption on local tobacco taxes. In the 2009 Oregon legislative session, the House of Representatives passed HB 2616 to remove the state preemption on local government tobacco taxes. The legislature adjourned before the Senate could fully consider the bill.

Property Tax Abatement Housing Incentive. Seek legislation to grandfather the property tax abatements of mixed-use developments participating in property tax abatement housing incentive programs prior to August 2009. According to a recent opinion by the Attorney General, the abatement has been incorrectly applied to the commercial portions of the developments. In order to not financially jeopardize the housing portion of the developments, the grandfathering is necessary as a first step to making changes to property tax abatement housing incentive programs.

Forced Released Inmate Population Authority. Seek legislation that provides supervisory authority over inmates released as the result of jail capacity limits. Multnomah County does not have the legal authority to supervise and impose conditions of release for these inmates; thereby imposing an unnecessary risk to public safety.

Human Trafficking Hotline Info Posting. Seek legislation that encourages retail establishments that sell alcohol to voluntarily post information on the national hotline for human trafficking. Public awareness of sex trafficking of minors is relatively low despite recent a nationwide law enforcement operation. The posting of hotline information can aid in reducing human trafficking. Other states have taken such steps in the effort to stop this exploitation of minors.

Mobile Home Property Tax Option. Seek legislation that permits the cancellation of property taxes for mobile or floating homes whose assessed values are less than \$15,000. Affordable housing is critical need in Multnomah County. Cancellation of the taxes would provide a financial benefit to mobile home residents and the county in terms of cost savings.

PRIORITIES

State 2009-11 Budget. Support efforts to maintain or increase state funded public safety and human services that affect Multnomah County's ability to protect vulnerable populations and to maintain public safety. The March 2010 state revenue forecast and the outcome of Measures 66 and 67 will determine the legislative action the Oregon Legislature undertakes. Multnomah County will respond accordingly to support or oppose legislative actions that promote the county's interests.

Wapato Jail. Seek a partnership with the Department of Corrections to utilize the Wapato Jail facility. The 525-bed facility offers many options that can meet county and state public safety needs.

Elections. Support legislation that removes the requirement to create a new voter precinct as the result of non-contiguous land being annexed by cities. The requirement places an administrative burden that is costly to Multnomah County.

Mental Health. Monitor the progress and outcomes of SB 5529's budget notes on mental health integration and psychiatric acute care funds. Support efforts that expand resources for both subacute and acute psychiatric care. Monitor reform efforts in the state's mental health system. Support efforts to ensure that uninsured populations are cared for and cost-effectively managed by the county. Oppose legislation that undermines Multnomah County's mental health system.

Health Privacy. Support legislation that permits the exchange of patient mental health information between health providers and mental health organizations as it pertains to state efforts in integrating physical and mental health care. Multnomah County mental health system is a significant provider of mental health services. How patient information is used and shared is important to the well being of the individual and an important responsibility for physical and mental health care providers.

Commercial Surety Bonds Industry. Oppose legislation that reinstitutes the bail bonds industry in Oregon. A bail bonds system would undermine Multnomah County's Pretrial Release Services system and introduce the potential for abuse without any guarantee for improving failure to appear rates.



2009-2011 STATE AGENDA
POLICY AGENDA
(Carried over from 2009- descriptions, modified slightly)



LOCAL CONTROL

ISSUE: *State preemptions and other restrictions on local government discourage creative solutions to local problems and undermine local authority. Multnomah County needs to have all the tools in its toolbox to meet the needs of its residents.*

POSITION: Support lifting state preemptions and oppose any new state preemption that reduces local authority or local revenue sources.

STATE MANDATES

ISSUE: *Multnomah County is bearing the brunt of underfunded services required by the State in corrections, health and human services, and other areas including court facilities. As a result, Multnomah County has supplemented what it receives from the state with County General Funds in order to meet its statutory obligations. Given the economic situation and growing community needs, the County General Fund is not able to sustain these services.*

POSITION: Support adequate funding to cover actual costs of providing state required services and oppose efforts that underfund these services.

MENTAL HEALTH SYSTEM

ISSUE: *First responders that treat persons suffering a mental health crisis do not have a viable and cost effective alternative to hospital emergency rooms or the County jail to take these persons for proper treatment. This means improper care and added expense to emergency responders, local area hospitals, and the jail system. The lack of a sub-acute assessment and treatment facility in Multnomah County is a huge gap in the mental health system.*

POSITION: Support efforts that expand resources for both subacute and acute psychiatric care. Monitor reform efforts in the state's mental health system to ensure that uninsured populations are cared for and cost-effectively managed for the county.

PUBLIC SAFETY

ISSUE: *Multnomah County is a very important part of the state's public safety system due to it being the most populated county in the state with the most active law enforcement, judicial, and parole and probation systems in the state. Multnomah County has proven that local knowledge combined with evidence based practices is a national model of success.*

POSITION: Support legislation and state partnerships that provide the best results in public safety and maximize resources in Multnomah County. This includes facilitating state partnerships in juvenile parole and probation services and with the county's Wapato Jail facility.

OREGON HEALTH PLAN

ISSUE: *During the 2002 recession, the state drastically reduced the Oregon Health Plan Standard population to cut costs. Many thousands of Oregonians lost coverage. The consequences have dramatically driven up costs for the county's health clinics and for hospital emergency rooms. Reductions in enrollment have resulted in a loss of matching state and federal dollars to Multnomah County to pay for residential treatment services.*

POSITION: Support efforts to increase the Oregon Health Plan Standard population. Greater coverage reduces the out-of-pocket expenses for Multnomah County's health clinics.

PROPERTY TAX LIMITATION

ISSUE: *Measure 50 created a permanent structural deficit for local government in Oregon. Multnomah County cannot finance public services with revenues generated by a property tax rate that grows slower than real market inflation. Measure 50 property tax system has created inequity for homeowners with equal valued homes but taxed unequally.*

POSITION: Support changes to the Oregon Constitution that make Oregon's property tax system more equitable for property owners and more in sync with real market conditions.

SUSTAINABILITY

ISSUE: *Multnomah County strives to be more environmentally friendly and energy conscious in its operations. As a government that serves the state's most populated county, there is enormous opportunity to make a difference in promoting the local economy, reducing pollution, and conserving natural resources.*

POSITION: Support legislation that makes it easier for Multnomah County and its households to adopt environmental friendly practices in day to day operations.

TRANSPORTATION

ISSUE: *Multnomah County is responsible for the maintenance of six Willamette River bridges and nearly 300 miles of roads. The Oregon Jobs and Transportation Act provided the County with needed funding. The State will need to continue working on sustainable revenues for the future that will provide maintenance to the existing system as well as continued growth.*

POSITION: Support a fair and reliable system of revenue sources for maintaining the existing transportation system as well as stewarding sustainable growth. Protect the County's revenue sources by advocating for a hold harmless provision for Bridge funding.



**2009-2011 STATE AGENDA
BUDGET AGENDA**
(Carried over from 2009 - No changes)



Multnomah County will work to ensure that the programs below are adequately funded based on the following principles:

- 1) **Ensure that services for vulnerable populations are protected.**
- 2) **Ensure that state cuts do not create an additional unfunded mandate for Multnomah County.**

COUNTY PROGRAMS AFFECTED BY THE STATE BUDGET	
<u>DEPT. OF COUNTY HUMAN SERVICES</u>	DEVELOPMENTAL DISABILITIES Administration and Support
	DEVELOPMENTAL DISABILITIES Services for Children
	AGING AND DISABILITIES SERVICES Access & Early Intervention Services
	AGING AND DISABILITIES SERVICES Adult Care Home Program
	AGING AND DISABILITIES SERVICES Long Term Care
	AGING AND DISABILITIES SERVICES Adult Protective Services
	AGING AND DISABILITIES SERVICES Administration
	Note: for all AGING AND DISABILITIES SERVICES programs receiving Medicaid funding
	MENTAL HEALTH Quality Management and Protective Services
	Mental Health Crisis Services
	MENTAL HEALTH Commitment Services - Waitlist Reduction for State Hospital Admissions
	MENTAL HEALTH Commitment Services - Involuntary Investigation Services
	MENTAL HEALTH Commitment Services - Emergency Holds for Uninsured Individuals
	MENTAL HEALTH Residential Services - Transitional Housing for Adults
	MENTAL HEALTH Residential Services - Residential Services for Adults
	Early Psychosis Intervention Services
	Adult Addictions Treatment Continuum - A/D Residential Treatment
	Adult Addictions Treatment Continuum - Adult Outpatient A/D Treatment
	Youth Gang Prevention
	Housing Stabilization for Vulnerable Populations
	Runaway Youth Services
	Social & Support Services for Educational Success
	Anti-Poverty Services
	Child Development Services
<u>DEPT. OF COMMUNITY JUSTICE</u>	Gang Transition Svcs - GRIT
	Gang Transition Svcs - EMGET
	Individualized Svcs - FLEX
	OCCF JCP Prevention
	Juvenile Crime Prevention - Basic
	OYA JCP Diversion
	State Mental Health
	CASA
	Parole Hearing
	DOC 1145
	DOC Measure 57 (new)
	DOC Subsidy

	DOC AIP
	DOC Sex Offender DepoProvera
	DOC Prisoner Re-Entry
	OYA Timber Backfill
	OYA S RTP
COUNTY HEALTH DEPARTMENT	La Clinica
	Public Health and Regional Health Systems Emergency
	Communicable Disease Prevention & Control
	STD/HIV/Hep C Community Prevention Program
	Services for Persons Living with HIV
	Early Childhood Svcs for First Time Parents
	Early Childhood Svcs for High Risk Prenatal
	Early Childhood Svcs for High Risk Infants and Children
	Immunization
	Lead Poisoning Prevention
	Medicaid/Medicare Eligibility
	Dental Services
	Women, Infants and Children (WIC)
	North Portland Health Clinic
	Northeast Health Clinic
	Westside Health Clinic
	Westside Health Clinic Van and Homeless Outreach
	Mid County Health Clinic
	East County Health Clinic
	School Based Health Centers
	Pharmacy
	Health Planning and Evaluation
	Chronic Disease Prevention
LIBRARY	Early Childhood Resources
SHERIFF'S OFFICE	MCIJ
	River Patrol
	Fac. Security Unit
DEPT. OF COMMUNITY SERVICES	Transportation - Road & Bridge Services and Capital



111th CONGRESS FEDERAL AGENDA FY2011 APPROPRIATIONS



PUBLIC INFRASTRUCTURE

SELLWOOD BRIDGE

The Sellwood Bridge is the busiest two-lane bridge in Oregon with over 30,000 daily vehicle crossing. The 90-year old bridge rates very low in federal safety standards as a result of its age and the geological movement of the West Hills buckling the structure. Weight restrictions have been in place since 2004, affecting freight trucks and buses as well as the local economy. Multnomah County has completed the Sellwood Bridge Project DEIS and selected a Locally Preferred Alternative in February 2009. Construction is scheduled to begin in 2012. The cost is estimated at \$330 million in 2014 dollars. The County's funding plan for the construction of the Sellwood Bridge includes the following contributions:

\$127M Multnomah County (\$19 per year vehicle registration fee passed in October 2009)
\$ 11M Previously secured funds remaining from EIS phase*
\$100M City of Portland (new revenues from the Jobs and Transportation Act)
\$ 22M Clackamas County (new vehicle registration fee)
\$ 30M State of Oregon* (Jobs and Transportation Act)
\$ 40M Request to Federal Authorization of Transportation Act*

Of this funding, \$168 million is secured (). An additional \$122 million secured by early 2010 is anticipated. The remaining \$40 million request is dependent on the authorization of the surface transportation bill.*

POSITION: Multnomah County seeks \$5 million in FY2011 to conduct the Final Design and right-of-way acquisition for the Sellwood Bridge project. The county is seeking \$40 million in the Surface Transportation Reauthorization Act to complete the project.

BEAVER CREEK CULVERTS

The lower Beaver Creek in Multnomah County is critical habitat to federally endangered species including Lower Columbia River Chinook Salmon and Steelhead Trout, and candidate species including Lower Columbia River Coho Salmon. The existing waterway and wetland are neither conducive to fish passage nor other wildlife. Replacing the Beaver Creek Culverts will improve the habit and enhance fish passage.

POSITION: Multnomah County seeks \$6 million for the replacement of the 3 downstream-most culverts, (Troutdale Rd., Stark St., and Cochran Rd.) with larger culverts or bridges, opening 4.6 miles of Beaver Creek to fish passage. Included is restoration of natural substrate under bridges and culverts; stabilization of stream bed to ensure no head-cutting occurs; removal of non-native exotic (plant) species and replant with native species along bank; and, enhance a forested wetland adjacent to the Stark St. crossing by removal of non-native species with native species. This would improve habitat for many wildlife species including neotropical migratory birds that use riparian habitat for nesting and cover, small mammals that use riparian areas as migration corridors, and native amphibians and reptiles that would utilize wetland habitats.

SANDY RIVER TRAIL CONNECTIONS

The National Scenic Area Act authorized \$10 million for construction of recreation facilities in the Columbia River Gorge, a national recreational area along the Oregon/Washington border. Only half of the funds have been appropriated and none have been expended in Multnomah County. Consistent with the intent of the Act, the Columbia Gorge Management Plan prioritizes trail construction at the Sandy River Delta, Gorge Gateway area and Lewis and Clark State Park.

POSITION: Multnomah County seeks \$5 million to implement the Sandy River Connections Trail. The Concept Plan was completed in January 2008 and all of the parties have agreed to support its implementation, recognizing increasing public demand for recreational opportunities in this "Gateway to the Gorge."

PUBLIC SAFETY

RE-ENTRY SERVICES

Multnomah County is responsible for thousands of individuals who re-enter society after completing their prison or jail sentences. Research has shown that successful re-entry is increased when support services are provided such as employment assistance, transitional housing, mental health and addiction treatment. This reduces the likelihood of the individuals re-offending. Seven out of ten individuals who re-enter from prison from county's adult probation and parole division do not recidivate for as long as three years.

POSITION: Multnomah County is seeking \$1.5 million in federal Byrne Grant dollars to support re-entry services. These funds will increase the number of eligible individuals by a third for transitional services, to double the number of transitional housing beds available for returning offenders, increase outpatient treatment slots, and retain mentors and an employment specialist.

FINANCIAL AND ELDER ABUSE PROSECUTION PROJECT

While seniors comprise just 13 percent of the general population; they possess 50 percent of the total wealth, making them disproportionately targeted for financial fraud and abuse. As seniors live longer, they become increasingly vulnerable to financial manipulation, abuse and neglect. Financial abuse is the fastest growing form of abuse. It is estimated that for every one case of elder abuse, neglect, exploitation, or self-neglect reported to authorities, approximately five go unreported. Between 2007 and 2009, Multnomah County had 1361 cases of financial elder abuse.

POSITION: Multnomah County seeks \$595,000 for investigating financial fraud, prosecuting perpetrators, gathering forensic data, providing support services to victims, educating the public and senior care providers, providing forensic nursing, coordinating services among agencies; and providing enhanced referral services.

HEALTH/HUMAN SERVICES

EAST COUNTY SCHOOL BASED HEALTH CLINIC

By working in partnership with schools, families, healthcare providers, and community agencies, the Multnomah County School Based Health Clinic (SBHC) Program is able to provide health care for the county's school-age youth in the most readily accessible locations. This results in the early identification and intervention of health issues and the reduction of barriers to care. SBHCs play a major role in the local health care delivery system's ability to curb high-risk behaviors and thus foster academic success for the county's youth. Expansion of these services will support better access to SBHC services to the youth of East County as poverty is shifted in this area.

POSITION: Multnomah County seeks \$350,000 to for capital costs for a health clinic that would serve local income school children with the Centennial and Gresham/Barlow school districts.

GATEKEEPER PROJECT

The Gatekeeper model is a national best practice program that identifies at-risk older adults and people with disabilities living in our community and links them to critical social and health services. The program trains volunteers to identify signs and symptoms such as confusion, depression, poor health, functional disability, financial exploitation or unsafe living conditions that may indicate vulnerable adults needing assistance. Volunteers could be meter readers, bank tellers, letter carriers and others that come into contact with older adults or people with disabilities in their daily work activities.

POSITION: Multnomah County seeks \$100,000 to recruit and train 840 volunteer Gatekeepers and 24 Gatekeeper volunteer trainers.

SUPPORTED APPROPRIATION REQUESTS FROM COUNTY PARTNERS

LUKE-DORF MENTAL HEALTH SUPPORTIVE HOUSING

The single greatest impediment to diverting many mentally ill persons away from the criminal justice system is the absence of housing resources supported housing in particular. Supported housing, and the use of specialized courts like Community and Mental Health Court, focuses on the underlying issues that result in criminal justice involvement. For a variety of reasons, mentally ill persons with criminal backgrounds are excluded or unwelcome in many types of public housing. While those barriers are surmountable over the long term, they present a formidable challenge when attempting to expedite a speedy diversion for a homeless person from the criminal justice system. A supported housing resource dedicated to specialized courts such as Community Court and Mental Health Court would allow Multnomah County to place appropriate persons in a managed environment that provides mental health services while permanent living and treatment alternatives are arranged. Without an interim intervention like this, homeless mentally ill persons will have little opportunity for a successful court diversion.

POSITION: Multnomah County supports Luke-Dorf's request for \$2 million in capital funds to construct housing in the county.

HUMAN TRAFFICKING VICTIMS SHELTER

The biggest obstacle to getting victims of trafficking and forced prostitution off of the streets is a lack of a safe facility where victims can sleep, get physical and mental treatment, and simply be comfortable. The only options currently available are placing the child in foster care or putting them in jail. By providing the victims with a secure and comfortable environment the victims will be given access to the resources and supports they need to provide for themselves away from the predators that control them with fear and intimidation. Not only will this help those wishing to exit the sex trade, but it will also help law enforcement and the District Attorney's Office achieve more convictions. While victims may initially be willing to testify against their abusers, when they have no safe place to stay they nearly always return to the same pimps and thugs who abuse them. This shelter will provide them with the safe bed and moral support that will encourage them to stay under supervision and make the difficult decision to testify against their pimp. Without such a facility, we have very little chance of ending the practice of human trafficking and forced prostitution in our region.

POSITION: Multnomah County will support efforts undertaken by a service provider (to be determined) to seek federal capital funds if needed for building a shelter to serve victims of human trafficking.



111th CONGRESS FEDERAL AGENDA
POLICY AGENDA
2nd Session - 2010



HEALTH/HUMAN SERVICES

AFFORDABLE HEALTH CARE FOR AMERICA ACT/ PATIENT PROTECTION & AFFORDABLE CARE ACT (HR. 3962/HR. 3590)

Experts from across the political spectrum agree that America's health system is broken and unsustainable in its present configuration. Families in Multnomah County are experiencing this crisis right now, confronting the high cost of health care that threatens their financial stability, leaves them exposed to higher premiums and deductibles, and puts them at risk for a possible loss of health insurance. It costs Multnomah County \$61.5 million in county general funds to meet the health needs of its residents including \$19 million for public health, \$14 million for indigent care, \$13 million for corrections health, \$1.5 million for local Medicaid match, and \$14 million for mental health and addictions obligations.

POSITION: Multnomah County supports the inclusion of the following provisions in the federal effort to reform health care.

- 1) Inclusion of new federal designation: "Federally Qualified Behavioral Healthcare Centers"
- 2) Simplification of Medicaid coverage for nurse home visitations
- 3) Public Health Investment Fund/Prevention & Public Health Fund
- 4) Reimbursement of jail for health care costs for pre-adjudicated population eligible for Medicaid
- 5) Extension of the FMAP increase from the ARRA
- 6) Clarification that Medicaid does not prohibit state coverage of therapeutic foster care

FULL SERVICE COMMUNITY SCHOOLS ACT (HR. 3545 – Co-sponsor: Blumenauer)

Multnomah County's SUN schools are an active and robust community school system of 58 schools and 6 regional service centers that links academic support, early childhood programs, parent involvement and education, anti-poverty assistance, health care, mental health and addictions treatment in a culturally suitable environment for the county's diverse school population.

POSITION: Multnomah County would seek federal grants authorized in HR 3534 to strengthen its community school system.

RESTORING THE PARTNERSHIP FOR COUNTY HEALTH CARE COSTS ACT OF 2009 (HR. 2009)

An estimated 21 percent of persons booked in Multnomah County's jails in pre-trial status have private or public health insurance coverage, i.e. Oregon Health Plan, Medicaid, Medicare, or SSI. Health care costs in county jails could be reimbursed, providing much needed relief for the county's fiscal health.

POSITION: Multnomah County supports the passage of this legislation with an amendment that requires private health insurance to reimburse for health care provided by county jail staff.

PUBLIC SAFETY

JUVENILE JUSTICE DELINQUENCY PREVENTION ACT OF 2009 (S. 678)

Multnomah County juvenile justice program is a national model of successful implementation of the goals of the Juvenile Justice Delinquency Prevention Act of 1974. Most importantly, the county has reduced re-offense rates and delinquency of juveniles in its custody using evidence-based practices that prioritize safety. The county's success is in jeopardy because the Act has not been reauthorized. The federal leadership responsible for this success has declined considerably.

POSITION: Multnomah County supports the reauthorization of the Act, specifically raising the authorization levels for Title V grants. Since 2002, Multnomah County has lost over \$900,000 in federal juvenile justice funding that came to the county. The impact of these federal cuts has meant *fewer juvenile prevention and intervention services to young people and their families*. In 2002, Multnomah County served 1,200 young people a year in its juvenile justice system. Today it is down to 600 young people despite the need.

YOUTH PROMISE ACT OF 2009 (S. 435/HR. 1064)

Multnomah County sets the national standard on incorporating evidence-based practices to reduce juvenile delinquency and criminal street gang activity. The National Association of Counties, the National Conference of State Legislatures, and US Dept. of Justice have heralded the county's success. Close to 73% of youth served by the county's gang intervention services complete their programs. Of those served, 76% do not recidivate while in the program and 74% do not recidivate one year after completing the program. The Youth Promise Act will support evidenced based prevention and intervention strategies proposed by local councils with federal grants. Grants provided under the act could help retain juvenile justice probation officers.

POSITION: Multnomah County supports the passage of the Youth Promise Act. The Act provides for a thorough evaluation of gang and youth violence prevention programs, including analyses of cost savings to society yielded by investing in prevention and intervention rather than in more costly prosecution and incarceration approaches.

RECIDIVISM REDUCTION ACT of 2009 (HR. 2829)

Key federal benefits are regularly suspended or terminated upon incarceration and take considerable time to be reinstated after an individual is released. Without the health coverage and other benefits, many newly released individuals cannot fully focus on securing gainful employment and developing a supportive home life. Without these benefits, counties and states end up paying the "full freight" of any health care, disability and other support for people under the supervision of the county's parole and probation, and juvenile justice department as they wind through the system.

POSITION: Multnomah County supports the Recidivism Reduction Act of 2009. HR. 2829 will ensure prompt access to supplemental security income, Social Security disability, and Medicaid benefits for persons released from certain public institutions (such as a jail, or a juvenile detention center).

NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2009 (S. 714)

With the highest incarceration rate in the world, overcrowded prisons, growing gang violence, lack of focus in reintegrating ex-convicts who have paid their debts to society, the criminal justice system in the United States is in great need of repair. Prison spending continues to outpace education and human services in many states. Communities throughout the country would benefit tremendously from a comprehensive review of policies and practices that produces meaning reform.

POSITION: Multnomah County supports the passage of the National Criminal Justice Commission Act. The Act will create commission charged with a top-to-bottom review of the criminal justice system and propose recommendations designed to reduce the overall incarceration rate; to improve drug policy; to improve mental illness treatments, to improve prison management, and to establish a system for reintegrating ex-offenders.

SECOND CHANCE ACT OF 2007 (HR. 1593/S. 1060)

When the Congress passed and the President signed the Second Chance Act of 2007, the law provided an important source of federal funds for critical re-entry services such as family-based substance abuse treatment, education programs in jail facilities, job training, mentoring and for program evaluation. Unfortunately, the global recession of 2008 have had a severe impact on local governments' ability meeting the federal match requirement. Many parole and probation services have been reduced, including employment, education, housing, and treatment services.

POSITION: Multnomah County supports removing the local match requirement as a result of the recession's recession impact on the county's budget.

TRAFFICKING DETERRANCE & VICTIMS SUPPORT ACT OF 2010

Human trafficking of minors for prostitution is growing problem in Multnomah County and in the nation. In order to effectively stop human trafficking in the United States, a comprehensive approach that includes law enforcement and prosecution, victims' assistance, counseling, public outreach, shelters for victims, and investigations is needed.

POSITION: Multnomah County supports the effort to introduce legislation that authorizes a pilot project of six block grants to provide a comprehensive approach to addressing human trafficking. The grants would be administered by the Office Justice Programs in the Byrner-JAG grants.

LAND USE/TRANSPORTATION

SURFACE TRANSPORTATION REAUTHORIZATION ACT

The reauthorization of the federal surface transportation act is the critical final piece of the Sellwood Bridge Project's funding plan. Multnomah County has successfully pulled together diverse sources of funds to complete the reconstruction of the bridge. The plan includes \$30 million from ODOT, \$100 million from the City of Portland, and \$127 million in new county vehicle registration fees from Multnomah County. Clackamas County is considering a vehicle registration fee that would contribute \$22 million to the replacement of the Sellwood Bridge.

POSITION: Multnomah County requests an authorization of \$40 million to complete the reconstruction of the Sellwood Bridge.

HEALTHY PLACES ACT OF 2006 (S. 2506/HR. 5088)

The Portland metropolitan region is undertaking a massive project in rebuilding the Interstate 5 bridge between Oregon and Washington, as known as the Columbia River Crossing. The volume of pollution from vehicles crossing the I-5 bridge 24/7 greatly affects the health of the many neighborhoods on both sides of the river. Multnomah County's Health Department took the initiative to submit its assessment of the health impacts during the development of the DEIS. The assessment was an invaluable tool for decision-makers, transportation planners, and the public in understanding the health effects of each bridge options.

POSITION: Multnomah County supports a federal grant program that encourages local public health agencies to conduct health impact assessments for transportation projects.



Services Provided By Multnomah County



The People



**Commissioner
Deborah Kafoury
District 1**



**Commissioner
Jeff Cogen
District 2**



**Chair
Ted Wheeler**



**Commissioner
Judy Shiprack
District 3**



**Commissioner
Diane McKeel
District 4**

Department of Community Justice

- Adult Probation and Parole
- Felony Field Supervision
- Community Service
- Day Reporting Center: Jail Sanctions Alternative
- Domestic Violence Supervision
- GED and Employment Preparation for Adult Offenders
- Adult Pre-Trial Services
- Residential and Outpatient Alcohol and Drug Program
- Juvenile Probation
- Juvenile Detention
- Community-Based Detention Alternatives
- Education Provided in Detention
- Gang Transitional Services

Department of Community Services

- Animal Shelter
- Elections
- Land Use
- Roads and Bridges

Department of County Human Services

- Adult Foster Care Homes
- Alcohol and Drug Treatment
- Assisting Seniors and People with Disabilities
- Case Management for People with Developmental Disabilities
- Domestic Violence Prevention
- Energy Assistance
- Gambling Addiction Treatment
- Homeless Youth
- Mental Health Services
- Oregon Project Independence
- Public Guardianship
- SUN Community Schools
- Weatherization

Department of County Management

- Excise Tax Collection
- Assessment and Taxation
- Budget
- Employee Benefits
- Human Resources
- Labor Relations
- PERS
- Finance/Risk Management
- Facilities and Property Mgmt.
- Diversity and Equity
- Deferred Comp.
- Sustainability
- Emergency Management
- Fleet
- Distribution
- Warehouse
- Records Management

Department of Health

- Early Childhood Services
- Immunizations
- Lead Poisoning Prevention
- Medicaid Eligibility
- Outreach for Women Infant and Children (WIC)
- Providing Medical and Dental Services in Health Centers
- Restaurant Inspections
- School Based Health Centers
- Surveillance of Communicable Diseases
- Vector Control

Department of Libraries

- Early literacy services
- School age services
- Lifelong learning programs
- Reference and information services
- Public access computing
- Community gathering places
- Lending books and other media
- Outreach programs for at-risk populations

For more info: Phillip Kennedy-Wong (503) 830-4746, Multnomah County Gov't Relations Mgr.

For Information:
Phillip Kennedy-Wong
Government Relations Manager
Multnomah County
501 SE Hawthorne Blvd., Ste. 600
Portland, OR 97214
(503) 988-5895
phillip.kennedy-wong@co.multnomah.or.us



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 01/14/2010
Agenda Item #: R-3
Est. Start Time: 9:55 AM
Date Submitted: 01/06/2010

Agenda Title: RESOLUTION Supporting the Pound for Pound Challenge, which Promotes Healthy Eating, Active Living, and Supports Local Food Banks

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: January 14, 2010 Amount of Time Needed: 20 mins.
Department: Non-Departmental Division: District 1
Contact(s): Beckie Lee
Phone: 988-6796 Ext. 86796 I/O Address: 503/6th
Sharon Hills (St. Vincent de Paul), Rachel Bristol (CEO Oregon Food Bank,),
Cassandra Garrison, (St. Vincent de Paul), Health Department Chronic Disease
Prevention Program
Presenter(s):

General Information

1. What action are you requesting from the Board?

Adopt a resolution to support "Pound for Pound", a national campaign of Feeding America to encouraging healthy eating and active living while raising funds for local food banks.

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.

Pound for Pound is a national campaign to encourage healthy eating, active living, and supporting those in need. At the website www.pfpchallenge.com, participants pledge how many pounds you plan to lose through June 30, 2010. For every pound pledged, the Pound for Pound Challenge will donate 14cents to Feeding America, enough to deliver one pound of groceries to a local food bank. The Food Bank Partners in Multnomah County are St. Vincent de Paul and Oregon Food Bank.

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

None

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

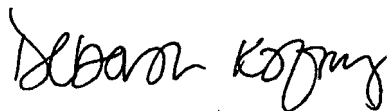
None

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

Multnomah County will become a Challenge Champion and promote the Pound for Pound campaign to our employees and County residents. In addition, the Health Department will use this opportunity to share additional resources on healthy eating and active living.

Required Signature

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



Date: 01/05/2010

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. ____

Supporting the Pound for Pound Challenge, Which Promotes Healthy Eating, Active Living, and Supports Local Food Banks

The Multnomah County Board of Commissioners Finds:

- a. According to recent Oregon statistics, hunger is a struggle for one out of five households in Oregon; and in an average month, approximately 240,000 people in Oregon and Clark County eat meals from an emergency food box.
- b. In Multnomah County, St. Vincent de Paul and Oregon Food Bank are members of Feeding America, a national organization which raises money and food donations from corporations for local food banks.
- c. Feeding America has launched a national campaign entitled "Pound for Pound," a fundraising and awareness program that will encourage people to "lose nationally, feed locally."
- d. "Pound for Pound" has provided an online website – www.pfpchallenge.com – that allows people to pledge the pounds they would like to lose. For every pound they lose, General Mills and other partners will donate 14 cents to the local food bank they select. In Multnomah County, the food bank recipients are St. Vincent de Paul and Oregon Food Bank.
- e. In Multnomah County, as throughout the nation, obesity rates have reached troubling proportions. It is estimated that over half of adults in Multnomah County are overweight or obese and at increased risk for a variety of chronic health conditions, including type 2 diabetes, hypertension, heart disease, and stroke. The Health Department has a role in promoting healthy eating and active living among our employees and County residents.

The Multnomah County Board of Commissioners Resolves:

1. To support the food banks, St. Vincent de Paul and Oregon Food Bank, by becoming a Challenge Champion.
2. To promote involvement in the Pound for Pound challenge to employees and Multnomah County residents.
3. To provide additional healthy eating/active living resources from the Health Department.

ADOPTED this 14th day of January 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

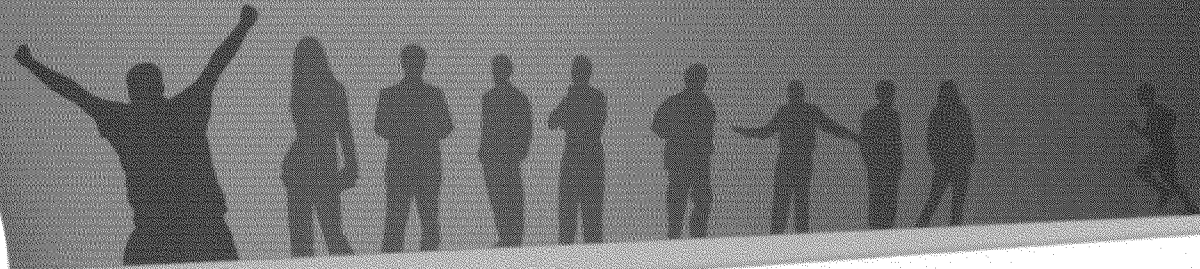
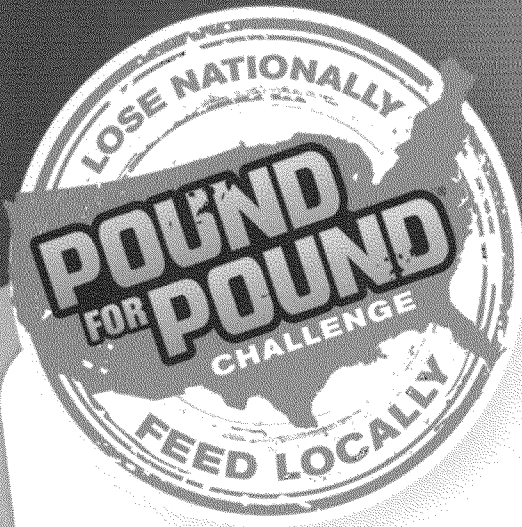
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:

Commissioner Deborah Kafoury, District 1
Commissioner Jeff Cogen, District 2
Commissioner Judy Shiprack, District 3
Commissioner Diane McKeel, District 4
Chair Ted Wheeler



How We Can Fight Hunger in Our Community



Partner of Feeding America

founding partners



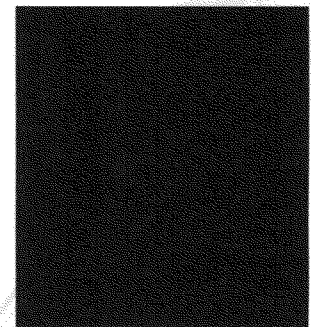
GENERAL MILLS



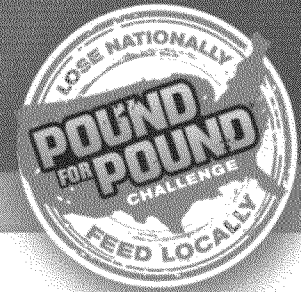
additional corporate partners



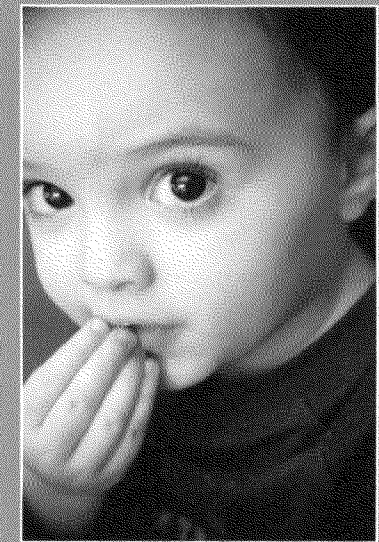
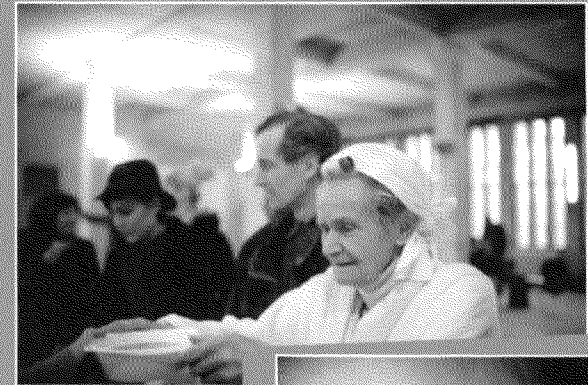
The Pharmacy America Trusts



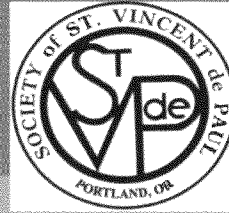
Hunger in America



- Nationally, 1 in 6 Americans struggles with hunger in America.
- 37.3 million Americans (12.5%) live in poverty.
- 3.9 million (3.4 percent) of all U.S. households accessed emergency food from a food pantry one or more times last year, and the numbers are growing.
- More than 9 million children are estimated to be served by *Feeding America*, over 2 million of which are ages 5 and under.



Snapshots of Hunger in Oregon

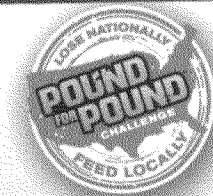
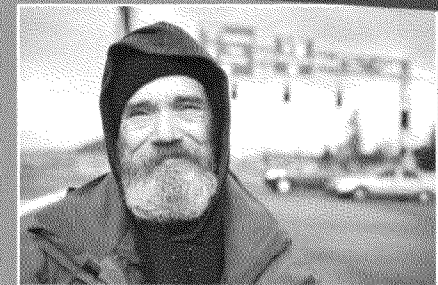


St. Vincent de Paul Portland Council

St. Vincent de Paul is the #1 Referral Agency of 2-1-1
Food Recovery Network

Over 300,000 people served in 2009:

- Emergency assistance: rent/utility/other \$1,140,556
- Emergency food boxes 84,811
- Mobile Kitchen has served 9,445 meals
- Food Bank distributed 1,872,747 pounds of food
- Food for Kids 3,650 food packages
- Distributed 9,785 senior supplemental food boxes
- Hosting over 200,000 of volunteer hours!



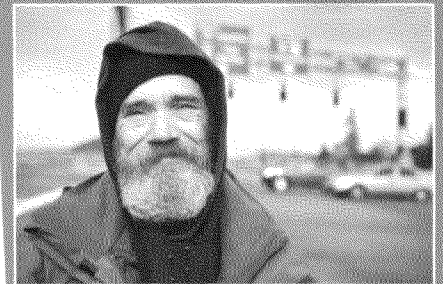
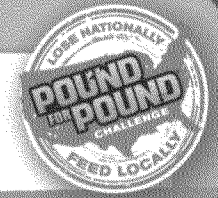
Snapshots of Hunger in Oregon

Oregon Food Bank Network

The hub of a statewide network of 20 regional food banks serving 935 hunger-relief agencies across Oregon and Clark County in Washington.

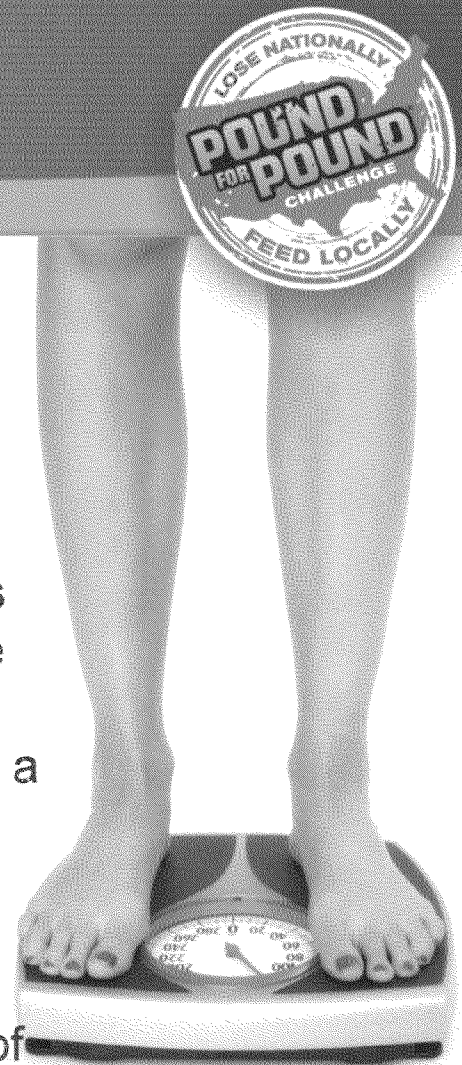
1 in 5 people eat meals from emergency food box

- 36-million pounds distributed through the OFB warehouse; 66.2-million network total
 - more than 3-million pounds distributed in Multnomah county
- 897,000 emergency food boxes were distributed via OFB network agencies
 - 240,000 on average eat meals from an emergency food box via OFB network—36% are children

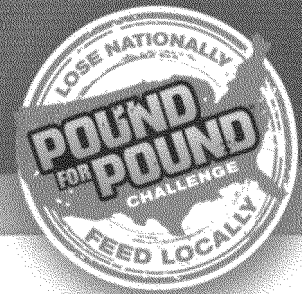


The Pound for Pound Challenge

- The Biggest Loser, Feeding America, General Mills, St. Vincent de Paul Food Recovery Network, and Oregon Food Bank came together in 2009 to launch the **Pound for Pound Challenge**.
- Each episode of The Biggest Loser educated audiences on hunger in America and asked them to register for the Pound for Pound Challenge. For each pound a person pledged to lose in weight, General Mills donated a pound of food to Feeding America and the local food bank.
- **Pound for Pound Challenge** creates opportunities to make healthy choices about what we eat and our level of physical activity-- while feeding more Americans than ever before.

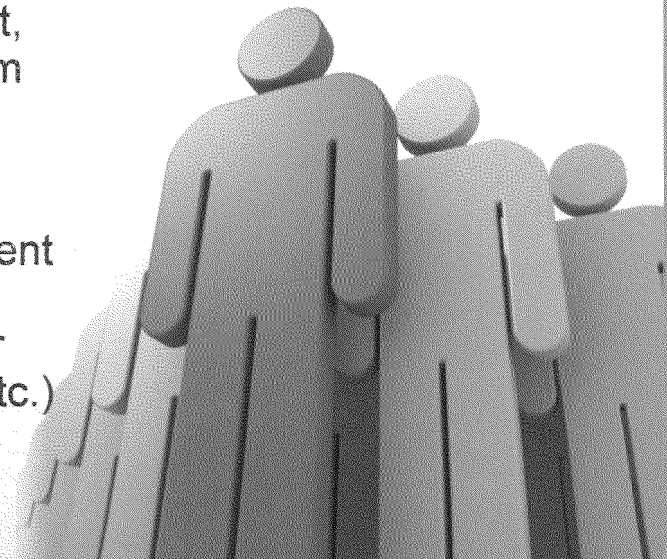


Join the Team



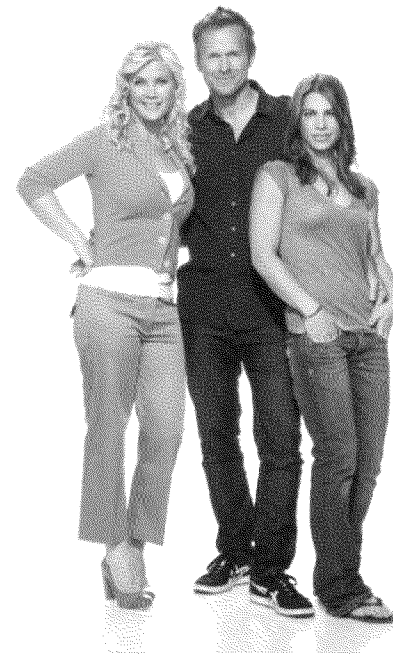
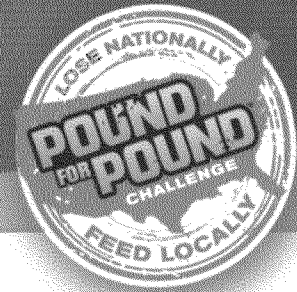
The Pound for Pound Challenge is a fun way to support a great cause www.pfpchallenge.org

- Help by rallying participation in the Pound for Pound Challenge.
 - Teams formed can consist of groups of employees or departments/divisions and can include their friends and families.
 - Employees can also be encouraged to participate on a team even if they do not wish to lose weight, lending their support and encouragement to team members and helping to raise funds and awareness for our food bank.
 - Encourage participation and even more excitement for the program, Multnomah County can utilize existing resources to offer as incentive prizes for participants (e.g., comp days, parking spaces, etc.)



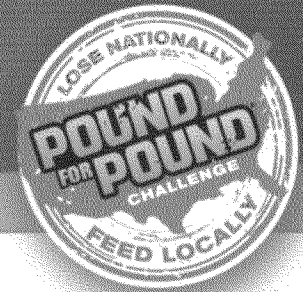
The Commitment

- Promote the program to Multnomah County employees and within departments.
- Provide opportunities for team member sign-ups.
- Provide incentives for participation.
- Be willing to share Multnomah County's efforts through our media efforts to spread the word about hunger in our community and the Pound for Pound Challenge.



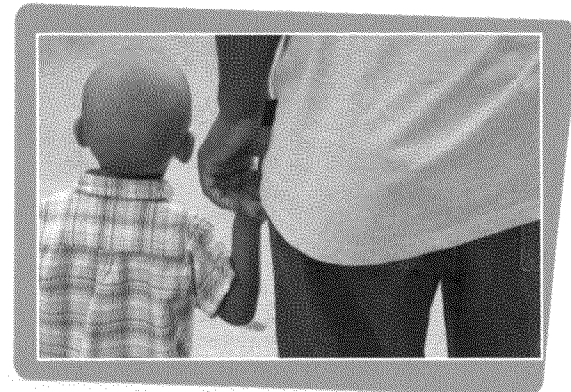
The Value

- Impact on your employees by encouraging healthy behaviors and team collaboration.
- The Pound for Pound Challenge creates opportunities to make healthy choices about what we eat and our level of physical activity
- The opportunity to have real and lasting local community impact and exposure as caring, invested members of the community.

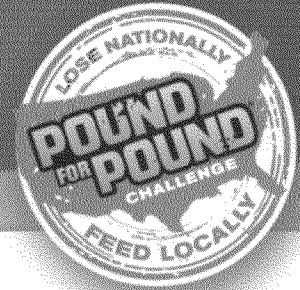


FEEDING
AMERICA

THE
BIGGEST
LOSER



Next Steps



- ✓ Support the PFP Challenge
- ✓ Designate yourselves as Pound for Pound Challenge Champions.
- ✓ Identify incentives to offer employees for their participation.
- ✓ Create a communications plan of how to spread the word to your organization and define opportunities for sign-ups and activation.
- ✓ Distribute program materials to your organization and host sign-up opportunities.
- ✓ Visit www.pfpchallenge.com





MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 01/14/2010
Agenda Item #: R-4
Est. Start Time: 10:15 AM
Date Submitted: 01/05/2010

Agenda Title: **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**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: January 14, 2010 Amount of Time Needed: 10 Minutes
Department: Sheriff's Office Division: Corrections
Contact(s): Jay Heidenrich
Phone: 503.988.4349 Ext. 84349 I/O Address: 503/350
Presenter(s): Jay Heidenrich, Jacquie Weber, Chuck French

General Information

1. What action are you requesting from the Board?

Adoption of the resolution to adopt the revised Capacity Management Plan for the Multnomah County Sheriff's Office/Corrections. The resolution will repeal a portion of Resolution 09-025.

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.

In accordance with statutory provisions, the Sheriff's Office, County Attorney's Office, and the District Attorney's are obligated to review and recommend a Capacity Management Plan (CMP) to the Board.

The mechanics of the CMP when implemented will impact Corrections Division operations generally but no program offers will be impacted specifically.

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

None anticipated.

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

ORS 169.042, 169.044 and 169.046 set forth the legal parameters for establishing and maintaining a

Capacity Management Plan for local correctional facilities.

Creation and compliance with the Plan is important as 169.046 provides that, "[a] sheriff shall be immune from criminal or civil liability for any good faith release of inmates under ORS 169.042 to 169.046."

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

By statute, the Sheriff's Office, County Attorney's Office, and District Attorney's Office will review and recommend a CMP to the Board. This process also involved discussion and input from members of the courts, defense bar, and Community Justice, as well as presentation to LPSCC.

Required Signature

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

Daniel Staton, Sheriff

Date: 12/30/09

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 09-025

Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 08-094.

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners and the Sheriff are committed to operating the county's jails in a manner that is consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement.
- b. The maximum population capacity of the Multnomah County Detention Center (MCDC) has changed over time as a result of design changes, temporary construction and capital improvement projects.
- c. Resolution 06-014 established and amended the maximum jail population and capacity management plan for MCDC.
- d. The Sheriff, District Attorney and the County Attorney reviewed the maximum population capacity as established in Resolution 06-014 and recommended the maximum MCDC capacity remain 676, consistent with the current design capacity, physical condition and program capabilities, prevailing constitutional standards, statutory provisions regarding conditions of confinement.
- e. Multnomah County Inverness Jail (MCIJ) is an integral part of the County jail system. The population capacity at MCIJ is dictated by land use regulations and cannot exceed 1068.
- f. The jail system in Multnomah County has changed significantly over time and now consists of MCIJ, a medium security facility, and MCDC a maximum security facility. The Sheriff, District Attorney and the County Attorney determined that the county jail population is best managed with a system population capacity, taking into account the individual facility capacities as specified above.
- g. The Board has reviewed and considered the recommendations and consulted with the elected and appointed officials identified in ORS 169.046.

The Multnomah County Board of Commissioners Resolves:


1. Pursuant to ORS 169.042 and 169.044 the population limit for the Multnomah County jail system consisting of MCDC and MCIJ is set at 1413.

2. If the number of inmates housed within the Multnomah County Jail System reaches 97% of the population limit, a county jail population emergency will exist.
3. The attached Capacity Management Action Plan (Plan) is adopted and will be implemented in accordance with ORS 169.044 in the event of a county jail population emergency.
4. The Sheriff or designee, in the event the Sheriff is unable to act, will implement the Plan in the event of a county jail population emergency.
5. The Board, the Local Public Safety Coordinating Council, or the Sheriff may request a review of the Population Capacity and/or the Capacity Management Plan.
6. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS 169.042, 169.044 and 169.046.
7. This resolution takes effect and Resolution 08-094 is repealed on March 8, 2009.

ADOPTED this 5th day of March, 2009.



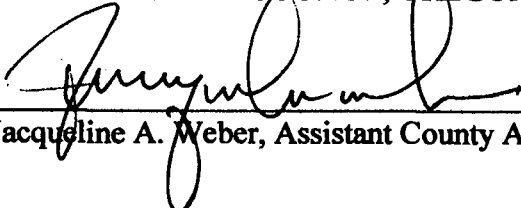
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Jacqueline A. Weber, Assistant County Attorney

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 its population limit. 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 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 community safety; and
 - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.
- III. The Sheriff or his designee will develop and implement policies and procedures in which every person in custody of the Sheriff, and eligible under the Sheriff's authority to release, is evaluated using the following criteria:
 - A. Risk to self or other persons;
 - B. Propensity for violence;
 - C. Criminal Charges (person vs. non person);
 - D. Prior failures to follow court orders;
 - E. Parole, probation, or post-prison revocations; and
 - F. Institutional behavior or classification.
- IV. Persons whose current charge relates to or who have a criminal history involving the following shall receive special consideration:
 - A. Domestic violence;
 - B. Sex abuse;
 - C. Child abuse or crimes relating to children;
 - D. Risk to a known victim;

- E. Gang violence;
 - F. Crimes involving a weapon;
 - G. A history of an inability to comply with release conditions or sentencing orders (including Failure to Appear);
 - H. A history of Driving Under the Influence of an Intoxicants; or
 - I. A history of property crimes.
- V. A numerical score will be assigned to each person in custody and will rank the inmate population from highest to lowest score as indicated in Attachment A.
- VI. As defined in ORS 169.005, the categories in this Plan apply to only to unsentenced offenders. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category. Only unsentenced offenders may be released for population reasons. Releases for population reasons will be made based upon the criteria in III, IV, and V above. Also, the Sheriff may release one gender, if releasing the other gender would only make available beds that would not be filled because there are no gender appropriate inmates waiting to be housed or no gender appropriate inmates classified for housing at the available bed.
- a. Each person in custody and designated as a Project 57 arrestee in accordance with the Government Revenue Contract with the City of Portland for the rental of jail beds will be exempted from Emergency Population Release until arraignment unless Project 57 capacity is exceeded and population release is necessary.
 - b. In the event that an Emergency Population Release is required the number of Project 57 detainees, in excess of the number specified in the Government Revenue Contract with the City of Portland for the rental of jail beds, may be considered for release consistent with the Emergency Population Release scoring range under consideration at the time consistent with the charges.
- VII. Both sentenced and unsentenced inmates with a classification status consistent with confinement in a medium security facility will be transferred to MCIJ for housing as the population at MCIJ permits and as needed to reduce the population at MCDC.
- VIII. The Plan shall ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
- IV. The Sheriff may adopt, amend, and rescind MCSO policies and procedures as necessary to ensure compliance with the intent of section II of this Plan.

ATTACHMENT A – CAPACITY MANAGEMENT PLAN

CHARGE LEVEL	PERSON ^{1 2}	NON PERSON ²
Measure 11	150	150
Class A Felony	135	100
Exemption	100 points: Burglary 1	35 points: MCS I and all DCS I related charges, with the exception of DCS to a Minor or Using a Minor in a Drug Offense
Class B Felony	80	35
Exemption	135 points: Escape I.	50 points: MCS II, Possession of Precursor 20 points: PCS I
Class C Felony	50	20
Exemption	80 points: <ul style="list-style-type: none"> • Attempted Escape I • Negligent Homicide • Stalking • Violation of a Court Protective Order • Unlawful use of a Weapon • Felony DUII 	35 points: <ul style="list-style-type: none"> • Identity Theft • Forgery • UUMV 50 points: <ul style="list-style-type: none"> • Tampering with a Witness • Riot • Attempted Theft by Extortion
Class A Misd.	25	14
Exemption	50 points: DUII 80 points: <ul style="list-style-type: none"> • Stalking • Violation of a Court Protective Order 	35 points: Mail Theft 50 points: Strangulation
Class B Misd.	14	7
Class C Misd	NA	7
Unclassified Misd/Ordinances	7	7
		170 points: Restraining Order Violation
Violation	NA	7

¹ 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 defined here as person crimes.

² The charge of Conspiring to Commit a Crime is treated the same the charge for the crime (example Conspiring to Commit a Burglary I is the same score as Burglary I).

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

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

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners and the Sheriff are committed to operating the county's jails in a manner that is consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement.
- b. Resolution 09-025 set the population limit for the Multnomah County jail system consisting of MCDC and MCIJ at 1367 and adopting a Capacity Management Plan.
- c. Resolution 09-025 further resolved that the Board, the Local Public Safety Coordinating Council, or the Sheriff may request a review of the Population Capacity and/or the Capacity Management Plan.
- d. The Board subsequently requested a review of the Capacity Management Plan, and the Sheriff, District Attorney and the County Attorney organized a committee consisting of the Courts, the District Attorney, the Defense Bar, the Department of Community Justice, the Sheriff the District Attorney and the County Attorney to review the Capacity Management Plan.
- e. The Board has reviewed and considered the recommendations of that committee on revisions to the Capacity Management Plan and consulted with the elected and appointed officials identified in ORS 168.046.

The Multnomah County Board of Commissioners Resolves:

1. If the number of inmates housed within the Multnomah County Jail System reaches 97% of the population limit, a county jail population emergency will exist.
2. The attached Capacity Management Action Plan (Plan) is adopted and will be implemented in accordance with ORS 169.044 in the event of a county jail population emergency.
3. The Sheriff or designee, in the event the Sheriff is unable to act, will implement the Plan in the event of a county jail population emergency.

4. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS 169.042, 169.044 and 169.046..
5. This resolution takes effect on January 14, 2010.

ADOPTED this 14th day of January 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:
Dan Staton, Multnomah County Sheriff

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. XXX. 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 on 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 DUI charges in the last two years, including the current charge, or two or more convictions for DUI 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 LEVEL ¹	PERSON ²	NON PERSON
<ul style="list-style-type: none"> • <u>Restrain Order Vio</u> • <u>DV Charges – "A"</u> • <u>Misd and above</u> • <u>DV Att Assault 4</u> • <u>DV Att Strangulation</u> • <u>DV Att Sex Abuse 3</u> 	170	
<u>Measure 11</u> Measure 14	150	150
Class A Felony	135	100
Exceptions	100 <ul style="list-style-type: none"> • Burglary I 	35 <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Escape I 	50 <ul style="list-style-type: none"> • MCS II, Possession of Precursor 20 <ul style="list-style-type: none"> • PCS I
Class C Felony	50	20
Exceptions	80 <ul style="list-style-type: none"> • Attempt Escape I • Negligent Homicide • Stalking • Violation of a Court Protective Order • Unlawful Use of a Weapon • Felony DUII 	35 <ul style="list-style-type: none"> • Identity Theft • Forgery • UUMV 50 <ul style="list-style-type: none"> • Tampering with a Witness • Riot • Attempted Theft by Extortion • FTA I
Class A Misdemeanor	25	14
Exceptions	50 <ul style="list-style-type: none"> • DUII • Strangulation 80 <ul style="list-style-type: none"> • Stalking • Violation of a Court Protective 	35 <ul style="list-style-type: none"> • Mail Theft

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.

	Order	
Class B Misdemeanor	14	7
Class C Misdemeanor	NA	7
Unclassified Misd/Ord	7	7
<ul style="list-style-type: none"> •Restrain Order Vio •DV Charges — "A" Misd and above •Harassment DV •Tel Harassment DV 	170	
Violation	NA	7

ATTACHMENT “B” – CAPACITY MANAGEMENT PLAN

EPR SCORING MECHANICS – POTENTIAL CUMULATIVE ELEMENTS

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

1

**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: _____

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**.
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.

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 statesmen ^{patriots} 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: 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: 503-644-0546 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.

NON Agenda matter

3

**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: MCE 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: _____

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.

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

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.

4/22



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:

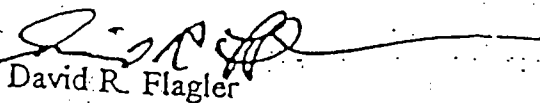
I am responding to your May 31, 1995, letter to Beverly Stein, Multnomah County Chair, concerning Search Warrants, Record Keeping, and Audits. I will respond in the order that you submitted your questions:

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.B.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.

54

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)

ARP: (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

For Fictive without A hearing.

Cruel and unusual punishment

deprived of property without opportunity to

§ 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:

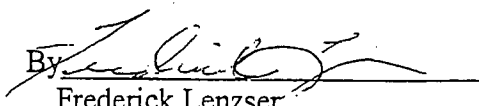
Mr. Schrunk has referred your letter of April 17, 2003 to me. In response to your first set of questions, a police officer must apply for and execute a search warrant. There is no prohibition to an Animal Control Officer being present during the execution of a warrant.

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

**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: _____

SUBJECT: Scenic Area Act Earmark Request
Sandy River Connection

R-2

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

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

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.

BEDD



Metro | *People places. Open spaces.*

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