

Tuesday, March 2, 2010 – 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD POLICY DISCUSSION

Chair Ted Wheeler convenes the meeting at 9:30 a.m., with Commissioners Diane McKeel, Deborah Kafoury, Jeff Cogen and Judy Shiprack present.

PD-1 Roundtable Briefing and Policy Discussion on General Fund Forecast Update. Presented by Mike Jaspin. 30 MINUTES REQUESTED.

**PROGRAM MANAGER MICHAEL JASPIN
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION. 30 MINUTES
REQUESTED**

PD-2 Roundtable Briefing and Policy Discussion on the Grand Jury Corrections Report; District Attorney's Response to Potential Cost-saving and Operational Changes in the Corrections System; Sheriff's Plan for Responding to Particular Items within his Responsibility; Health Director's Discussion on Findings Related to Corrections Health; and Board Discussion on Next Steps. Presented by District Attorney Michael Schrunk, John Bradley and Chuck French - DA's Office, Lillian Shirley, Director, Health Department and Sheriff Dan Staton, MCSO. 2 HOURS REQUESTED.

**DISTRICT ATTORNEY MICHAEL SCHRUNK AND
DEPUTY DISTRICT ATTORNEYS JOHN BRADLEY
AND CHUCK FRENCH, HEALTH DEPARTMENT
DIRECTOR LILLIAN SHIRLEY AND MULTNOMAH
COUNTY SHERIFF DAN STATON PRESENTATIONS
AND RESPONSE TO BOARD QUESTIONS AND
DISCUSSION. 2 HOURS REQUESTED.**

Thursday, March 4, 2010 - 9:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:00 AM **SHERIFF'S OFFICE**

**MAY I HAVE A MOTION ON THE CONSENT
CALENDAR?**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE CONSENT CALENDAR**

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

- C-1** Amendment 4 to Intergovernmental Agreement 0405122 with the Cities of Gresham, Fairview, and Troutdale for the East Metro Gang Enforcement Team (EMGET)

REGULAR AGENDA **NON-DEPARTMENTAL – 9:00 AM**

- R-1** Update on 30 Families in 30 Days. Presented by Mary Li, Jean DeMaster and Marc Jolin. 20 MINUTES REQUESTED.

**NON-VOTING ITEM. COMMUNITY SERVICES
DIVISION PROGRAM MANAGER MARY LI AND
PROGRAM DEVELOPER MARC JOLIN AND
HUMAN SOLUTIONS EXECUTIVE DIRECTOR
JEAN DeMASTER PRESENTATION AND
RESPONSE TO BOARD QUESTIONS AND
DISCUSSION**

R-2 PROCLAMATION Proclaiming Wednesday, March 10, 2010 in Support of National Women and Girls HIV/AIDS Awareness Day in Multnomah County, Oregon

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-2**

**COMMISSIONER DEBORAY KAFOURY
SUBMISSION. COMMISSIONER KAFOURY
EXPLANATION, READ PROCLAMATION,
RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE PROCLAMATION IS ADOPTED**

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 for Board deliberation. Fill out a yellow speaker form available at the back of the Boardroom and give it to the Board Clerk. Unless otherwise recognized by the presiding officer, testimony is taken in the order the forms are submitted.

**LYNDA WILL LET YOU KNOW IF THERE ARE
FOLKS SIGNED UP.**

PUBLIC AFFAIRS OFFICE – 9:30 AM

R-3 Leaders of Change: Innovation Video Series. Presented by Mike Pullen, Bernadette Nunley, Jana McLellan and Joshua Todd. 15 MINUTES REQUESTED.

**NON-VOTING ITEM. PUBLIC AFFAIRS
COORDINATOR MIKE PULLEN, ASSISTANT**

**COUNTY ATTORNEY BERNADETTE NUNLEY,
AND STAFF ASSISTANT JOSHUA TODD
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION.**

COUNTY ATTORNEY – 9:45 AM

- R-4 PUBLIC HEARING and Consideration of a RESOLUTION Establishing Fees and Charges for Chapter 29, Building Regulations, of the Multnomah County Code and Repealing Resolution No. 09-063**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-4**

**PORTLAND DEVELOPMENT SERVICES SENIOR
BUSINESS OPERATIONS MANAGER DENISE
KLEIM, EXPLANATION, RESPONSE TO
QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE RESOLUTION IS ADOPTED**

- R-5 Second Reading and Proposed Adoption of an ORDINANCE Relating to County Organization; Concerning the Organization and Functions of the Office of Government Relations. (Extra copies in back of Boardroom.)**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE SECOND READING AND
ADOPTION**

**COUNTY ATTORNEY AGNES SOWLE IF
NEEDED EXPLANATION, RESPONSE TO
QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

**THE SECOND READING IS APPROVED AND THE
ORDINANCE IS ADOPTED**

DEPARTMENT OF COUNTY MANAGEMENT – 10:02 AM

**R-6 BUDGET MODIFICATION DCM-16 Reclassifying a Service
Reimbursement between the Fleet Fund and the Road Fund for Accounting
Purposes**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-6**

**PRINCIPAL BUDGET ANALYST JULIE NEBURKA
EXPLANATION, RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE BUDGET MODIFICATION IS APPROVED

DEPARTMENT OF COMMUNITY JUSTICE - 10:05 AM

**R-7 BUDGET MODIFICATION DCJ-15 Reducing the Fed/State Fund by
\$1,928,574 and 16.94 FTE Due to State of Oregon Funding Reductions for
Fiscal Year 2010**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-7**

**DCJ DEPARTMENT DIRECTOR SCOTT TAYLOR,
ADULT SERVICES DIVISION SENIOR PROGRAM
MANAGER CARL GOODMAN, AND JUVENILE
SERVICES DIVISION SENIOR PROGRAM
MANAGER DAVE KOCH EXPLANATION,
RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE BUDGET MODIFICATION IS APPROVED

**R-8 BUDGET MODIFICATION DCJ-17 Appropriating \$431,123, from the
Oregon Criminal Justice Commission Recovery Act Measure 57 Grant, in
the Department of Community Justice's Federal/State Budget**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-8**

**DCJ SENIOR PROGRAM MANAGER KATHLEEN
TREB EXPLANATION, RESPONSE TO
QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

THE BUDGET MODIFICATION IS APPROVED

DEPARTMENT OF COMMUNITY SERVICES – 10:12 AM

- R-9** First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Code Revision to Allow Office Use at PGE Park in Compliance with Metro's Functional Plan and Declaring an Emergency (Extra copies in back of Boardroom.)

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE FIRST READING**

**PLANNER KEVIN COOK EXPLANATION,
RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

**THE FIRST READING IS APPROVED, THE
SECOND READING IS THURSDAY, MARCH 11,
2010**

- R-10** First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions to Update Zoning Provisions Applicable to the South Waterfront Subdistrict in Compliance with Metro's Functional Plan and Declaring an Emergency (Extra copies in back of Boardroom.)

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE FIRST READING**

**PLANNER KEVIN COOK EXPLANATION,
RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS

OR

**THE FIRST READING IS APPROVED, THE
SECOND READING IS THURSDAY, MARCH 11,
2010**

R-11 Board Briefing Following up on Resolution 2010-004 Directing the Department of Community Services to Investigate the Use of Alternative Construction Methodologies for the Sellwood Bridge Replacement Project. Presented by Ian Cannon. 90 MINUTES REQUESTED.

**NON-VOTING ITEM. TRANSPORTATION
DIVISION MANAGER IAN CANNON
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION.**

BOARD COMMENT

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.

Thursday, March 4, 2010 – **12:00 PM– 1:30 PM**
Multnomah Building, Sixth Floor Conference Room 635
501 SE Hawthorne Boulevard, Portland

WORK SESSION

WS-1 Board Values Dialogue Session – Presented by Hector Roche. 90 MINUTES REQUESTED.

Thursday, March 4, 2010 - **6:00 PM to 8:00 PM**
Multnomah Building, Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BUDGET FORUM **CREATING A SAFE COMMUNITY**

A quorum of the Multnomah County Board of Commissioners *may* attend the Citizen Involvement Committee and Chair Ted Wheeler Sponsored Community Budget Forum. This Forum is open to the public. For further information, contact Citizen Involvement Committee Executive Director Kathleen Todd at 503 988-3450

GROW Lynda

From: BOGSTAD Deborah L
Sent: Monday, February 22, 2010 4:01 PM
Subject: Early Start on March 2 & 4

Next week is the last time all the Board will be here for a while and a lot of items have been added to the March 2 and March 4 Board meeting agendas.

Can your Commissioner please start at **9:30 on Tuesday, March 2** for the Roundtable Briefings and Policy Discussions? (A 9:00 AM Executive Session may be needed – we will let you know on Wednesday.)

Can your Commissioner please start at **9:00 on Thursday, March 4** for the Regular Board Meeting? **Thanks for letting me know by noon this Wednesday!**

Deb Bogstad, Board Clerk
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Please consider the environment before printing this e-mail

Board Briefing
March 2, 2010
Attendees:

Kafoury, Shiprack, Wheeler, Cogen, McKeel

Mike Jaspin budget office

All of our contracts have a floor of 2%
Forecast will be posted on the web when we're done

Pg 3

GDP growth

Gdp positive forecasters second half of 2010

Mkt stabilized

Hrs worked stabilized

Housing stabilized in some mkts

70K houses have neg equity in ult Cty or 1 in 5 but better than areas, varies by neighborhood

We're building less new homes, mkt still has to stabilize & correct itself

Architecture...billings index fell that's a leading indicator

702 banks on watch list is growing rapidly

Unemployment claims

So our forecast continues to assume...

Layoffs have tapered down

Jos more secure

Outside incredibly hard to get into a position

Yes, some folks have given up and don't get unemployment so that # can be skewed by those who aren't actively looking any more

In all of post world II recessions

Look at current one

What does this tell us-Wheeler

2013 or 2014 recovery when jobs get back

W: what diff in terms of recovery in 74

OPEC was about that time

House price index

Change is blue line

2006 20% a year

Now falling 15% a year

Index is 3 month avg

So what we see now happened in oct. and nov.

Household income to house price has sort of stabilized above historical averages
We won't see any rapid increase in prices and it will probably drift down another 5%
depending on neighborhood & #s you use

Default filings spiked up, in Jan back down, lowest increase month to month since 2007

Freight traffic leveling

Monthly recording fees

Dec 2009 recorded 180K

This year back up to 2008 levels which shows some stability returning

Wheelers: assumptions on growth

Up to 375K

Depends on interest rates, oct. nov. & dec. 2009 were artificially low, everything froze
up

W: recording fees driven by real estate?

Yes

W: construction

Also house sales

W: housing starts not a metric?

Yes, it would be helpful to know what percentage we are relying on in terms of
residential and commercial starts and also trend data

Shiprack: architects...sub increase in end of 2009 altho drops back in 2010 looks like a
disconnect between downward trend and architects

Kafoury: a lot of folks still refinancing their homes out there

Pg 10 review of current revenues and OTO funds

What you had in adopted budget, change made made in oct. forecast, then in February,
Couple changes: bumped up property tax revenues
2 trends 1 Oct forecast

Video lottery gone down

2 changes compound one another

State budget takes \$5 mil off top and distributes to counties

The lottery rev. has gone down dramatically

That's in place next 2 years

Liquor tax, seeing a decline

CAFFA grant below what we forecasted

So we think for year down \$922,021

10.3 mil 1x only funds after taking out \$922,021

Also have reserves JC??

BIT revenues pg 11

Down 31.5%

Assume down again 2011

If trend better we've had some one time fees not ongoing tracking close to forecast

Could be several million \$\$ above or below

We'll have better idea in March or April

5 year general fund forecast pg. 12

Property taxes, BIT, motor vehicle, etc.

1.41 % forecast

Pg 13 changes in forecast

Summarized

Changes to ongoing revenues and impact on the expenditure revenue gap

Lowering forecast by 1.6 mil

2 mil for

And about \$1 mil by 2015

2 mil in 202

Operating deficit of \$5.5 mil forecast for next year

Pg 14 gen'l fund annual operating deficit

Instead of 2.5% closer to 3%

Pg 15 normal assumptions

Doesn't include east county court facilities and crisis assessment ctr

Total cost increases from 4.75 % to 5.5%

Pg. 16 Forecast risks and issues

Federal reserve can't reduce their policy

Interest rates this low in some healthy markets you'll see housing prices get above their average

Fortunately Jan election off list of worries

Federal reserve ramp down

They've been buying mortgage backed securities and agency papers Freddie and fanny

That's slated to stop in March or April

It's 8 or 9 \$ mil

Forecast .5 to 1% increase

Impacts of stimulus expiration

State of Oregon budgetary issues will be impacted by end of stimulus

Local issues

Summary

Operating deficit \$5.5 vs. forecast in Oct. of \$3.9 mil for 2011

Deficit likely to grow in 2012 to \$11.2 mil

OTO resources

Cogen: if we found a new revenue source we could ongoing be okay

Kafoury congrats on ¼% off amazing with the decline we've had

W: we'd prefer the quarter percent in a different direction

JS: assumptions

East county

CATC expenditures

What do those do

It hasn't been approved, it's out there, be aware

JS: anything comparable to a rainy day fund or ability to create a rainy day fund?

W: BIT reserve was board attempt to create a cushion

Plus we fully funded our federal reserves

We tried not to use it but we did create it

JS: budget #s you presented in Oct.

I'm looking at comparison 1x only funds available in your forecast

Mark Campbell talked about how in not to distant future

Paying for bond

Bond debt will go down

GO bond?

Those taxes are collected separately

Cogen: \$13 mil

Forecast assume the \$2 mil back or

Money sources not included in his forecast

Tryin to balance debt service with operational needs

Kafoury: 1x only \$

Which would lower our \$10 mil...

Cogen: impact on forecast piece in terms of our expenditures

Is that \$\$ counted

Kafoury: you had a graph that showed..

Mark: they level off Oct 1013

Right now \$10 mil

Next 7 years couple big issues

Shiprack: gen'l fund potential bond how to distribute costs of capital expenditures

Out of general fund expenditures or ?? are those in other numeebers that might be showing us

Obligation bonds

Existing is in there we know payments are

New debt is covered with non junk bonds

We could pay financial costs with 1x only funds

Js: \$11 mil deficit is really scarey going forward

So the way we handle our existing debt or our debt to be incurred is going to have an impact on that number

Kafoury:

Pg 12 5 year forecast

You show leveling off starting in FY 2012 we start to level off

If we take care of this \$11 mil via cuts or new revenues we will be on an even playing field

However we just heard drop in bonds...isthat included in this?

That is included?

Yes

Thanks

10:11 am done w/PD-2

Round table on grand jury corrections report

Questions to help board formulate ideas around grand jury report findings

Wheeler: led in & read info

Mike schrunk first to give overview and then series of questions we asked them to cover Recommendations, roles next steps, etc.

He gave us a hanad out on 2010 positive things from the report

Report what they found

Turned over to john

Some of you heard these folks at LPSCC

Except Chair who didn't get to testify

The rest of you got to appear before the Grand Jury

John: thanks

Overview of grand jury report first

Mr lee looked at it

What are the good things

Jails are clean, safe, people who run them do it professionally

Sick time abuse issues are being managed

We means chuck I and grand jury

Medical services are good

\$\$ savings suggestions

Considering cost one thing said to scott taylor and in grand jury report is it was not indicated you can only get out of an 1145 in an opt out period

Grandjury was aware we just didn't include In final

We ought to look at interim costs of 1145 and results are

There are ways to do both

Cost to house somebody if we take an 1145 person

Is it what we get or something else

How to we calculate the cost of a jail bed

Chuck French here to talka bout how we did in past

Ntl model followed to compare 1 jail to another

Not perfect apples to apples but close

Corrections health controversial

Cost to cty & alternatives? Better or worse?

A discussion that ought to be had

Cost of marshall contract

We get \$ from them but what does it cost us

What does it cost us to house in mutl cty?

Misdemeanors, probatoin, jail time subject to prob. Or people waiting charges on more seirous matters

2006 we published jail figure

Sheriff disagreed

Came to closer figure between us

Hotel 100 beds and \$100 a room for each bed that's your fixed cost

50 beds for \$50 to make up cost on others, charge more

Grand jury said if we give our beds to the state and federal gov't for less than it is costing us it raises cost of other beds and those are mult cty beds for mult cty prisoners

As a board you should know since you'll make decisions about 1145 and contracts

What does it really cost us

Cogen; agree, cost challenge, heard various figures since I've been here

Do you have suggestion how we should go about getting to a #

3 figures; dcj, sheriff and us

How do we do compared to everybody else

What do those #s mean

With legislative process the lobbying that goes on

How do you as board try to get best figures

JS: standardization? Is that part of your background w/the grand jury
What we are looking for is framework and commonality in determination of cost of jail bed is

e.g.: if you throw into recipe cost of jail bed inflation result of contract w/us marshall
what impact does that have?

Chuck French:

We did survey 006 assessed jail bed costs
Jeff cty will be diff than Mult cty etc.
Sheriff in diff cty report things in diff fashion
Might not be the samethru ut the state

We use formula 2006 determine cost \$157
Approached ntl groups for their assessments
Utilized for different counties w/whom we compared
We didn't rely on those counties to report those costs; political & institutional considerations
We went to budgets of those counties, obtained their budget figures, attempted to apply
In some instances differences remarkable
Some 90% greater costs than what was being reported
Obtain formula comfy with run thru their budget office

JS: a moving target

John said dynamic contract \$50 hypothetical a day for a bed that costs you \$100 it drives that disparity up

That seems nightmarish if you think you're going to make any figures and when you reach triggers for the 1145 opt out

Wheeler: we prob. Need substantial follow up

If I hear you correct we need clear assumptions are

If you go cty to cty diff assumptions built into their costs

In our cty we have substantial overhead and it's built into the sheriff

Not just the cost of empty jail bed

We have units currently closed

First ones are most expensive ecause of fixed costs; security, kitchen, utilities

Marginal costs reduced for more beds

Marshall contracts never understood cost of jail bed not same depending on which beds in sytem you are filling if last beds vs. first beds.

What assumptions

What are the assumptions you have built into the cost recovery model?

A declining marginal cost recovery rate

Cogen: new folks in might have to open new unit

We hired forensic accountant 60 pages is his analysis of the cost

He recommended against use of marginal recovery analysis because too many uncertainties involved

When you apply that model encourages use of contracted jail beds and squeezes # of jail beds that can be used for our city prisoners

Marshall can bring anyone from within the district

Same applies to 1145 prisoners

What we are doing is renting beds for potential detrimental to us

Chuck:

John: introduce chet

Chet Lee foreman grand jury works for Intel

Past \$60 mil budget responsibility & had the job to create faster chip

Chet: cost of city health \$46 per person per day

Wash city uses contract service 600 facilities across the US that does it for \$17

What are diff of management, quality, litigation, etc.

W: business model techs instead of RN?

W: undermedicate? How achieving these?

Chet: quality vs cost

Do you want to try it as a test program

Potential savings great

Other things look at our contracts w/folks work in jails

Pilot some of these ideas, they work other

Backfill with retirees part time

Using civilians floor patrol, doors, backfill schedules

Instead of bringing people in

Last one kind of a wild card

We used to have work release program

Hands down easy

Have low risk prisoners who are transitioning into work force

Instead of being held cheaper teach them skills and get them transitioning

Use same space to house more prisoners; being used, some good, some bad

It's possible but we'd have to make changes to run differently

Transport of inmates – have them housed over weekend then pick up

Monday transport

Time before trial – speed that up?

Lack of jail beds in jury report and a lack of sanctions

Judges don't feel they have places to sentence people

Lack of options

Alternatives to jail

Work release or jail beds

JS: public safety

Grandjury needs to look at outcomes

Interesting crime appears to be going down, avail of jail beds has gone down

How public safety is impacted by jail beds

Creates disconnects

Beinteresting to have grandjury look at outcomes

We are operating on assumptions

John: breakdown between Commissioners and Sheriff's office

1 thing we suggest is: before we convene, write letter to Board

Corrections grand jury, anything you'd like them to look at specifically

Chet:

Corr wants to hosue prisoners safely they don't talk about going cheaper

Mckeel: I was in LPSXCC you talked about grandjury process

While we have you hear any suggestions fo rhte grand jury process? And how it might differ from what happened this year and how you see that

Chet: thought it worked well

Use some selection based on people get t hem in the process

We got the info we needed

Agents of change are a bit of an antagonist

Mc keel: cross section of people on jury

Chet: yes we had a variety of folks on this

You don't get health care single parents or teachers

Not random but you get professionals whose companies will support them

Cief Deputy Hasler

Captain Ross

Sheriff Staton

Dan: t hanked for the report

1 key thing address how we disseminate this report with chair and DA ofc and how we implement

We don't have an effectiveprocess

We want to be able to respond to the report promptly

Currently in process of establishing a work group

Comm McKeel will sit on that work group with Capt Rosche and Peter Ozanne
We went thru report and found several areas we'd like to address because I don't even
have a clear understanding how that works
e.g: how we cost our beds out

once established cost feature it will be to us to come back to DA ofc and board with
possible recommendations
once cost established that's what we'll utilize in the sheriff ofc from here on

marshall beds – revenue source we can't go without
we need to research agreements, how we develop costs for us marshall beds
clear understanding of beds we will utilize
or whether utilizing marshall as revenue source

3rd staffing strategies
Grand jury report got back several suggestions
Since then additional positions we've added to that list
Once this group is established union contractual issues collective bargaining issues

Some areas I'm not responsible for
SB 1145 not my consideration, its up to Chair whether to use that as a source of funding
We will respond to that in the future

2nd privatization of health services; my responsibility care of inmates we have in our
facilities, this serv provided thru health dept, funding established thru cty/board
Usage: they'll look at these issues but not something sheriff can officially address
Cty rules and state rules apply
We'll uses best practices to address those issues

Process when subcomm complete they'll gie us an answer
Create cost savings and efficiency in sheriff ofc
Hope they will be identified as something we've resolved and not be on the reporet again

Wheeler: Sheriff gave great report to LPSCC
Appreciate yoru willingness to try structure process that coems each year
How do we check something off the lsit
There was comm. Formed last year and we concluded we could not opt out of 1145
The savings didn't justy the increased risk and other issues looked at
Want us to collectively agree we've reviewed an issue studied and reached conclusion

Grand jury has right to raise whatever they want
If we've llooked at it and studied it,

Agree re: 1145 and privatization not really sheriff responsibility to investigate or make
those decisions

Prerogative of county commissioners but your advice would be respected to engage in that

Court questions cost of jail beds we want to work with you to reach agreement what our standards are

Worst thing we can do is disagree re: costs

We need agreement so we now we're comparing same information

Staton

Ozanne: sheriff covered well, cost issue build formula or approach everyone can understand and we can use

Marginal utility analysis that hotel analogy why it works for business and not for us

Shiprack: impressed by this response

Questions raised by report and your willingness to get into it

Time frame

One thing like to consider establish utilize this process after their report is complete

I don't think this has transpired previously

Wheeler: you mentioned release of grand jury report

Release

Oregonian does story on it very next day

We got it at 4pm and story in paper next morning

Haven't had a chance to process it

Maybe there's a way we can get it prior to official release so we have chance to review before it's released

Research after fact, never any follow up on those conclusions had yet a lot of the same stories

Cty partners and private citizens had done a lot of work to look at those issues

Lillian Shirley and ??? her microphone wasn't on and I didn't hear her

Our response is based on your outline

Policy decisions and directions county should pursue

Thanks for your support going thru this process areas to work on

Vanetta was with her

Last name??

Constrictions of working in jail setting

3 questions we've focused on

We also noted by chair last time grand jury made these recommendations we cooperated and did a lot of due diligence in looking at options
Not going to revisit today but you have our full assurance we will do what is best for county

Next steps Vanetta
DA felt we provided good care
Our care within jails is safe I feel

Next steps
Dev a contract to secure consultant to improve the levels of service
Help the dept. and the county
We did that several years ago and evaluated what we were doing
Our referral patterns were clinically appropriate
We will look at documenting that again
Met w/our peers to understand how they structure their delivery models at other city and urban areas

We scheduled tour to go to Wash city field trip to evaluate jail
Will identify other jails similar to ours

W: how do you save \$ in a model that's privatized
Who do you bring in that is qualified to deliver the service

V: you could flatten the # of hours they there to respond
Delay sending out prisoners for specialized care
How you pay retirement
Some overhead a private contractor wouldn't be responsible for because they don't own the building

Cap hospitalization
Leverage?
Some jurisdictions made changes how they are required to reimburse hospitals

Hospital systems have to accept Medicare rate
We don't have that kind of advantageous pricing
The state would have to do that we would have to petition the State

Mc Keel: Wash city facility
Health care issues they deal with similar or different?

V: they frequency of mental and health issues
Urban area, it's higher here and adds to the cost

W: question for Agnes

Grand jury report stated that by privatizing corr health this co would assume the liability for the city

A: we can contract away liability w/our vendors

Problem: not always will that stand up in court

Plaintiff sues we say tender to this contract not always will we be left out of it

No b/w answer; as we look around country w/the other prisons & jails th at's what they're doing

Lillian: you can put anything you want in a contract

We can stip they have to accept unionized work force

250K a number for outside services

Then they roll it into what they charge us

You have to be careful using comparative data

That's why we want a consultant

City comm. Has to make final decision bu we need to document what we are asking for and have a clear concise business plan

JS: as policy makers we could pay less, but what are the outcomes expectations if asking for same serv receiving currently how does that price out in private market

I think that's the point you're making

When it comes time to sue they'll look beyond the contract

Cogen: we have indemnity and hold harmless

Agnes: it changes the cost structure

In 1983 actions court said we can't contract that liability away

They can indemnify us but then we get into a fight with them as well

V: experience of various contractors

There are 157 companies and diff levels of experience

They are publicly traded and looking for max pay out to their shareholders

JS: your letter Dec wash city baseline charge

V: \$16 50 per inmate per day based on jail's experience do that calculation before they come into the contract

If your experience different, your analysis and city has to pay

City has had to pay diff in past

V: roles

Support from board to ask staff to develop RFP

Front end investment on this of work

Would like independent evaluation team

Work with MACO to explore ways to reduce costs

Tried to maintain coverage if they have coverage while in jail

Cogen: get idea of savings

V: 10-20% lower than what we pay now

Medicare is 30 cents on a \$\$

And we have a bit of a discount now

McKeel ntl maco health care comm. Appointment and we've asked her to take that forward for us

30 cents on a \$ but we have to negotiate this kind of deal with our providers

Last question and anticipated timeline

Dev comprehensive RFP

Requires sig up front investment of time

This work in initial phases

Jan 2011 new provider started we would have to release RFP in July

Nov.Dec transition

Start date jan 2 2011

Another jurisdiction hired someone and is unhappy with the service and looking for alternatives; they weren't happy with the quality

V: building partnerships with the correction staff; difficult to quantify, working together makes jail run more efficiently

W: question sheriff this is not his responsibility to sort out

It's ours

Corrections health could make his team's job more difficult by what we decide

This is not a hospital, it's a jail

When they come in already sick; mental and addiction problems

Having been a business person, I want to know what the business model is

How do they make their \$\$ and where they make their \$\$

Staffing is obvious but we've pushed our staffing down in recent years

2nd is service delivery

Answering question whether we are delivering proper service delivery

What happens to opulation at large if you push that down too far

I want to make sure the way they make \$\$ is NOT by under medicating folks

Overhead we have either way

2nd is service delivery

3rd is staffing

Not sure where this is going to go in terms of where I would personally feel comfy accepting cuts

Vanetta: I think they got some savings by being a corporation, they may utilize more inexpensive meds; there are some things we're looking at; moving to diamond pharmacy, some improvements we can make in the medications; some efficiencies we can achieve
Are they receiving the services they need

You are well dressed, I'm just voicing my concerns

Cheaper versus safety

JS: budget forecast representation
Some talk about our new mental health crisis center
Goes beyond saving money to outcome and beyond
When the grand jury visits our jails
Folks who work there and are incarcerated there know each other pretty well
Consistent population of prisoners
Frequent flyers
Jails were clean safe and people that ran them did a good job
Clark county experience makes me nervous
We have longevity
Folks working there stable well trained work force in the jail
I am interested at this point to Mr. Lee I admire your persistence
We need to examine our contracts including health outcomes
Chronically sickest population in multi-county

Lil: I don't think 1 true way
Our perspective of folks in our jails are from our community
They are our responsibility before there, while there, and after they leave
What is best for community and how do we support this group

Different perspective on the population
Our belief the philosophy

Kafoury: if we can find out reasons why it costs less to privatize
Maybe we can apply pieces of it to our situation
what works/what doesn't

V: other things to respond to
Ntl comm. On corr health care accreditation status and moving away from that accreditation

Wash county rec'd award best program

Moving away from accreditation made by prev board to save \$\$ and budget constraints
Accreditation helpful but not gold standard; help you direct organization to have consistent standards
Less than 10% of jails in US are accredited

The program dir for corr health
Majority of those

Kafoury left at 11:38 am

V: other piece Wash jails they rec'd award....

Nice they were recognized, we share information, they toured how we deliver mental health services, adopted it, and were awarded for it!

Computerized health records

We had explored pursuing software program but since multi site and a lot of inmate movement haven't found program that has caught up with that

Electronic health systems we hope to make the one in public health work for us

These prisoners are in other programs too; hiv shelters, etc. so they are already in our system in other areas

Moving electronically diamond pharmacy electronic ordering and administration

W: which meds using might e some cost savings

V: getting those reports now

Went live with Diamond July 2009 starting to see some patterns they're producing reports for us

Stricter formularies

Working w/clinical not to overlay clinical solution

Lil: turnover in population so quick you may not want to take someone off product they've been on 4 days; it gets complicated; we have default to generic;

Will they know the difference, aren't they identical

Most, but not all

Medical providers don't believe that

Who makes decision

V: we become physicians when they come in

Pharmacy and medical director to create safe formulary for our pharmaceuticals

We are in negotiating phase

14 day screening, physicals rec.

We don't have resources to do that

Wash city jail having access to feedback and training

Way we managed recommendation and some things in 14 day screening as we looked at resources we prioritized public health, chronic and acute illnesses, e.g.: TB

Keep jail population safe

We are screening and triage

Benchmarks and central information

We agree

Best practices for multiple programs good

Evaluate turnover liability judgements benchmarking best practices same size multi site jails

Last

Liability

We've already discussed

Next steps for board

Corr and sheriff we heard next steps they are taking

Any the board specifically wants to take or just engage in their process

Cogen: the 1145 for Jackie

Not sure we can opt out of 1145?

Mid year budget cuts is it really the case we cannot opt out?

If that's the case is it something we can track so if we have opp to opt out

Dept of comm. Justice tracks that; majority of \$\$ goes to the dept of comm. Justice

They do look at that

Opt out not a window of time it's an appropriation issue

Not triggered by time by state appropriation of those \$\$ of that program

Peter O: they can adjust workload standards; reduce demand for comm. Services

That can influence our ability to opt out

We do follow it

DCJ follows that and is alerted to it

We're funded thru LPSCC for it

Not currently available to us

Something we're watching as state \$2 bil shortfall plays out

Certainly a possibility

JS: is it not avail because state increased level of comp to local gov'ts? Actual costs?

And they tried to find a lens or matrix compare apples to apples in this survey

P: in regard to jail costs

Yes

Ginger Martin is in charge dir of comm. Justice

She oversaw that study

I will do personally is get that information from her

On subcommittee for gov cabinet want to save \$\$ including regionalization of jails

Jackie: important thing work with ginger martin,
Mult Cty is unique in its size and level of risk people we supervise
That study helped bring into line the other jurisdictions and recognize the programs

PO: jails differ across country another variable we have to try and control for them and see
where they are

Chet: no glad folks are looking at our report

11:52 am

**FY 2011 General
Fund 5-Year Forecast Update**
*Presentation to the Board of County
Commissioners*

Multnomah County Budget Office
March 2, 2010

Introduction

- Economic Overview
- FY 2010 Revenue Review
- FY 2010 and 2011 One-Time-Only Funds
- FY 2011 General Fund 5-Year Forecast
 - 5-Year Outlook
 - What's changed
 - Operating Deficit Overview
 - Expenditure Assumptions
 - ✓ No Change from October
 - ✓ CPI/COLA Update
- Forecast Risks & Issues
- Summary & Questions



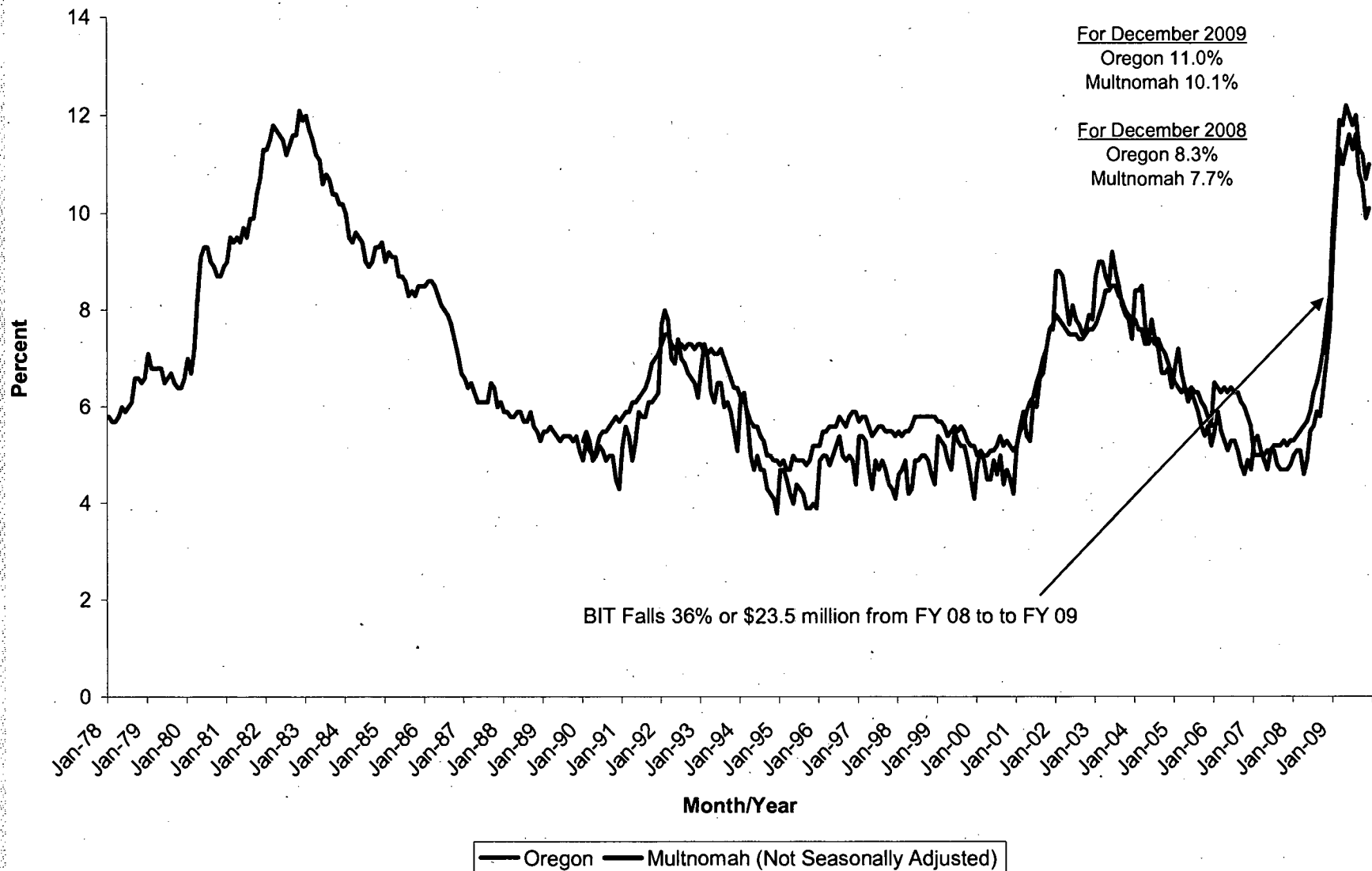
Economic Overview

- Stabilizing economy with technical end of recession in 2009.
 - GDP – For 2009 Q3 = 2.6% and Q4 = 5.9%
 - ✓ But... in Q4, personnel consumption expenditures grew @ 1.7%
 - ✓ Increases driven by temporary inventory adjustments with substantial support from Government stimulus and monetary policy
 - Labor Markets – Employment, unemployment, work week, etc.
 - Housing
 - Industrial production & transportation
- Some not so 'Fun Facts' and recent trends
 - Portland Metro Area – 69,722 or 14.8% homes with mortgage have negative equity, including those with near negative equity pushes rate to 20.3% (First American Core Logic).
 - New Home sales for January @ seasonally adjusted annual rate of 309,000 (a historic low) and down 11.2% from December number of 348,000... At peak, was 1.3 million.
 - American Institute of Architects' Architecture Billings Index fell in January to 42.5 indicating continued contraction in commercial real estate... this is leading indicator.
 - FDIC Q4 Quarterly Banking Profile – 702 'problem' banks with assets of \$403 billion.
 - Weekly Unemployment Claims – 4-week moving average @ 473,750, which is down from 600,000 plus, bit still near peak levels seen in the last two recession.
- Forecast continues to assume a stabilizing national and local economy with a protracted and uneven recovery

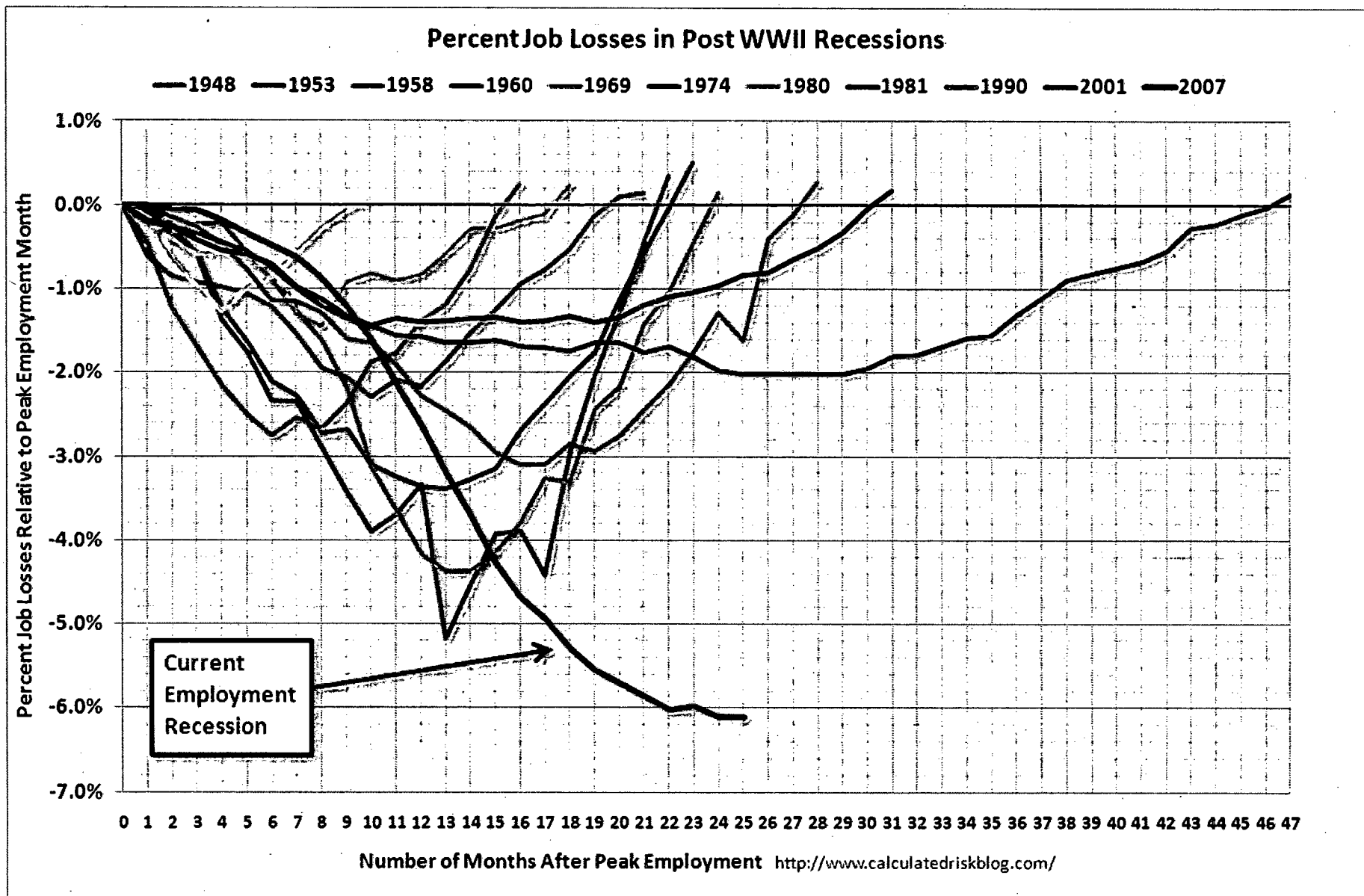


Economic Overview

Oregon & Multnomah County Unemployment Rates

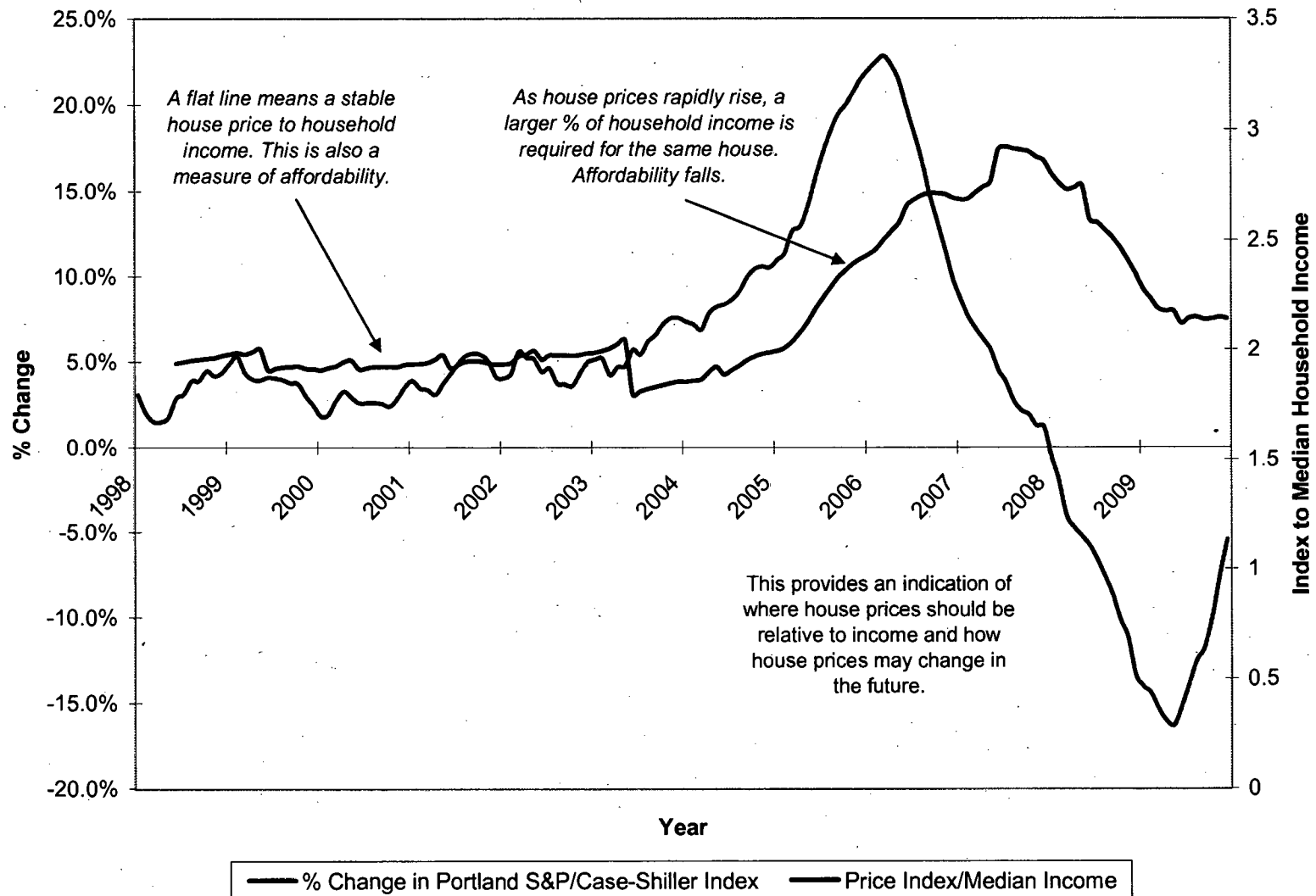


Economic Overview



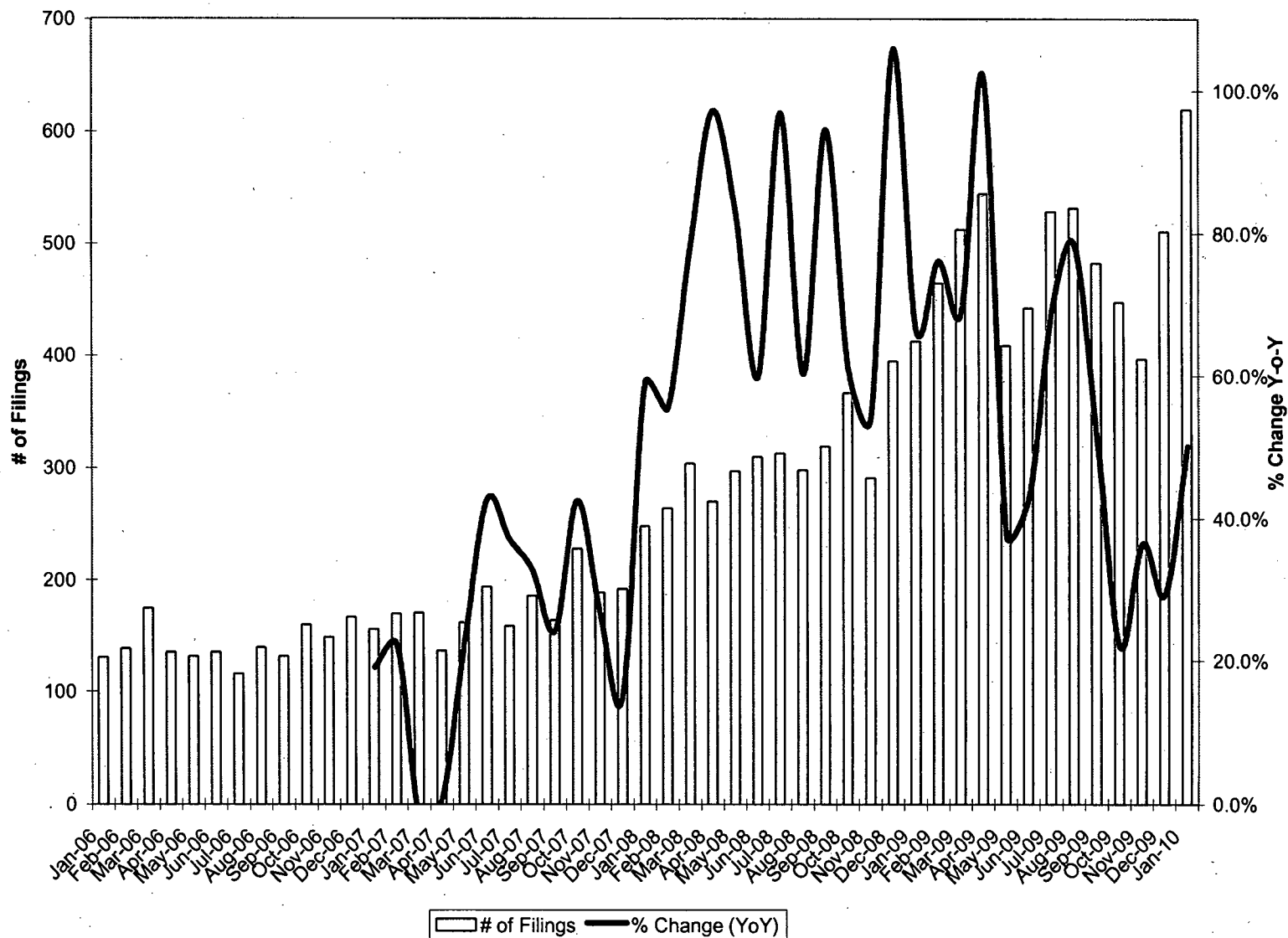
Economic Overview

**% Change in Portland S&P/Case-Shiller House Price Index and
Index to Median Household Income (Thru December)**



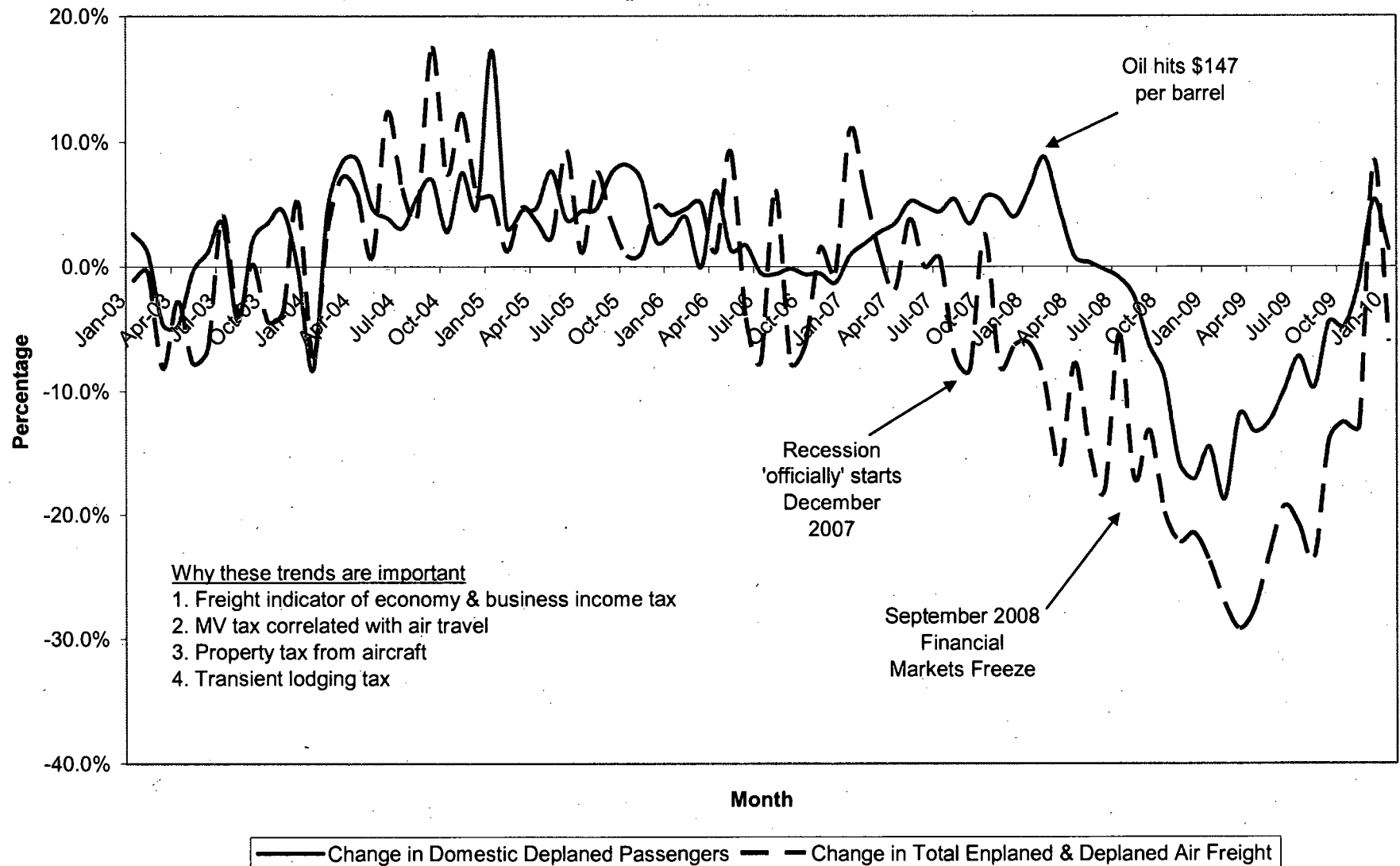
Economic Overview

Default Filings in Multnomah County & Year-Over-Year % Change (Thru January)



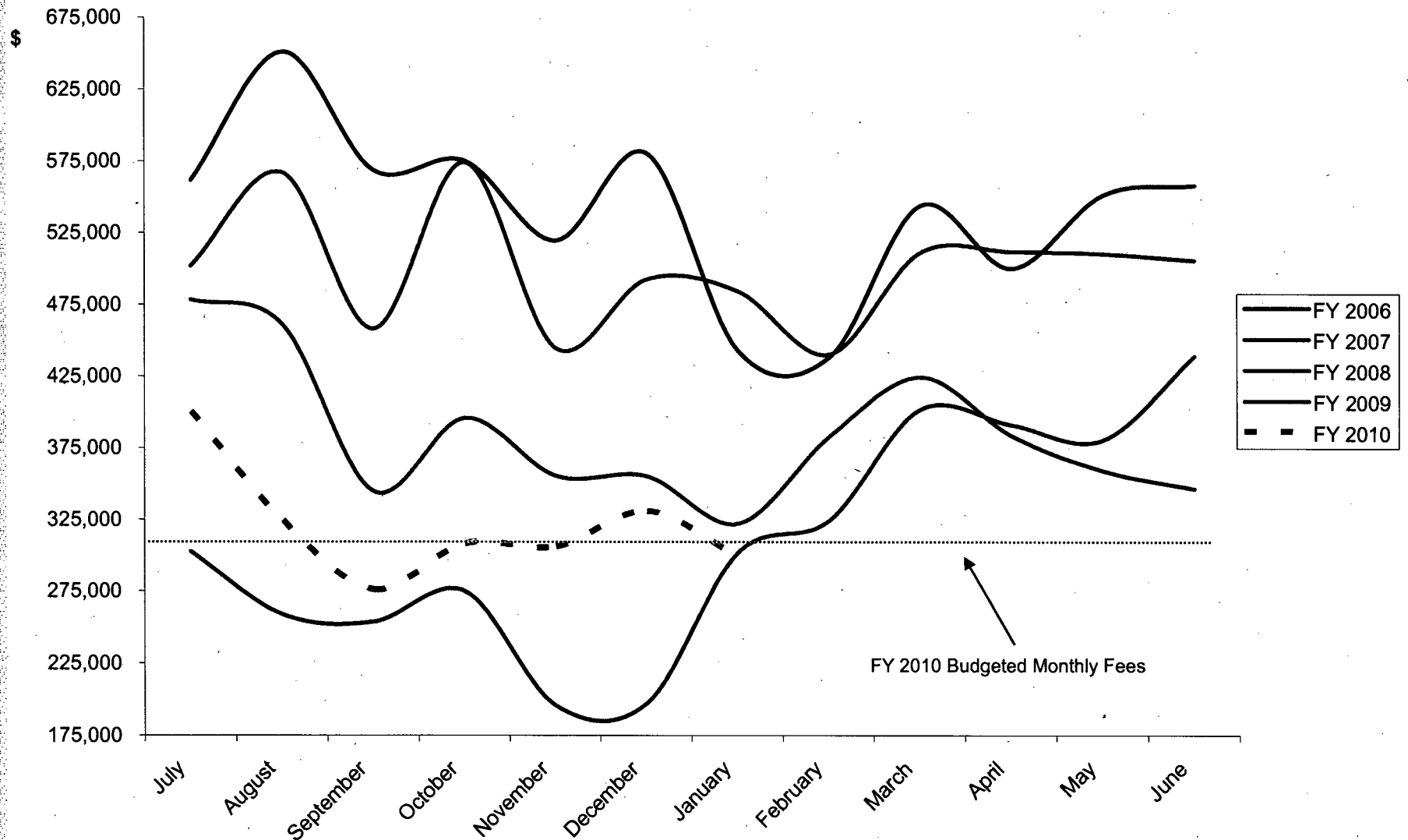
Economic Overview

Year-Over-Year Change in Passengers & Freight at PDX (Thru January)



Economic Overview

Monthly Recording Fees (Thru January)



FY 2010 Revenue Review & OTO Funds

	Adopted ¹	October Forecast Change	February Forecast Change	Net Change From Adopted
Property Taxes	221,248,041	1,572,323	1,929,152	3,501,475
Business Income Taxes	42,528,000	0	(265,000)	(265,000)
Motor Vehicle Rental Taxes	17,412,540	0	0	0
US Marshal	9,225,000	(2,098,750)	0	(2,098,750)
State Shared				
Video Lottery	5,559,535	0	(1,659,535)	(1,659,535)
Liquor	2,637,935	456,920	(289,855)	167,065
Cigarette	900,000	(140,276)		(140,276)
Amusement	100,000	75,000	0	75,000
Recording Fees/CAFFA Grant	7,242,500	250,000	0	250,000
City of Portland	1,170,678	(228,000)		(228,000)
Indirect				0
Departmental	8,721,000	0	0	0
Central Indirect/Svc Reimburse	7,548,132	0	(400,000)	(400,000)
Elections	1,173,750	(124,000)	0	(124,000)
All Other	15,019,735	0	0	0
FY 10 Revenue Adjustments ²	340,486,846	(236,783)	(685,238)	(922,021)
% of Revenue		-0.07%	-0.20%	-0.27%

Higher BWC (ending balance from FY 09)	8,243,991
Unappropriated above 10% Reserve	3,598,319
Less 10% Revenue Reserve Increase	<u>(620,847)</u>
OTO funds available for FY 2011 ³	10,299,442

Additional FY 2011 OTO if BIT Reserve not used or kept for FY 2011 6,000,000

1. Excludes BWC, ITAX Revenue, and General Reserve Fund Cash Transfer into General Fund.

2. Not adjusted for revenue adjustments directly offset by expenditure changes.

3. Required addition to Revenue Reserve Reduced by \$157,824 from October forecast.



FY 2010 Revenue Review & OTO Funds

BIT Collections Fiscal Year-to-Date Through January

	FY 08	FY 09	FY 10	FY 10 vs. FY 08	FY 10 vs. FY 09
Quarterly	20,625,939	19,233,717	15,603,196	-24.4%	-18.9%
Yearly	6,136,276	5,080,710	6,433,250	4.8%	26.6%
Refund/Interest	2,122,669	4,574,843	5,133,990	141.9%	12.2%
NSF Check	25,496	40,003	53,588	110.2%	34.0%
Total	24,614,049	19,699,581	16,848,867	-31.5%	-14.5%
Actual or Budget	65,650,000	42,900,000	42,528,000		



5-Year General Fund Forecast

Major General Fund Revenue Sources ¹

	Adopted FY 2010	Forecast FY 2010 ²	Forecast FY 2011	Forecast FY 2012	Forecast FY 2013	Forecast FY 2014	Forecast FY 2015
Property Taxes	221,248,041	224,749,519	228,530,991	235,948,246	244,182,387	252,508,465	261,637,279
Business Income Taxes	42,528,000	42,263,000	42,263,000	43,854,400	49,212,928	56,014,479	62,736,217
Motor Vehicle Rental Taxes	17,412,540	17,412,540	17,847,854	18,561,768	19,675,474	20,265,738	20,873,710
US Marshal	9,225,000	7,126,250	7,114,844	7,290,215	7,505,921	7,728,099	7,956,942
Recording Fees/CAFFA Grant	7,242,500	7,492,500	8,435,000	8,905,625	9,384,781	9,460,027	9,536,777
State Shared	9,197,470	7,639,724	7,907,479	8,862,679	9,189,634	9,557,987	9,779,742
Indirect & Service Reimbrs.	16,269,132	15,869,132	16,631,438	17,148,507	17,682,326	18,233,440	18,802,414
	323,122,683	322,552,665	328,730,606	340,571,440	356,833,451	373,768,235	391,323,081
<i>% of Total Revenue</i>	94.6%	94.7%	95.2%	95.7%	96.0%	96.1%	96.3%
All Other General Fund	18,286,181	17,934,181	16,543,564	15,303,378	14,906,323	15,308,473	15,178,166
Total	341,408,864	340,486,846	345,274,170	355,874,818	371,739,774	389,076,708	406,501,247
 % Change in Ongoing Revenue		-0.27%	1.41%	3.07%	4.46%	4.66%	4.48%

1. Excludes BWC, ITAX Revenue, and General Reserve Fund Cash Transfer into General Fund.

2. Not adjusted for revenue adjustments directly offset by expenditure changes.



5-Year General Fund Forecast

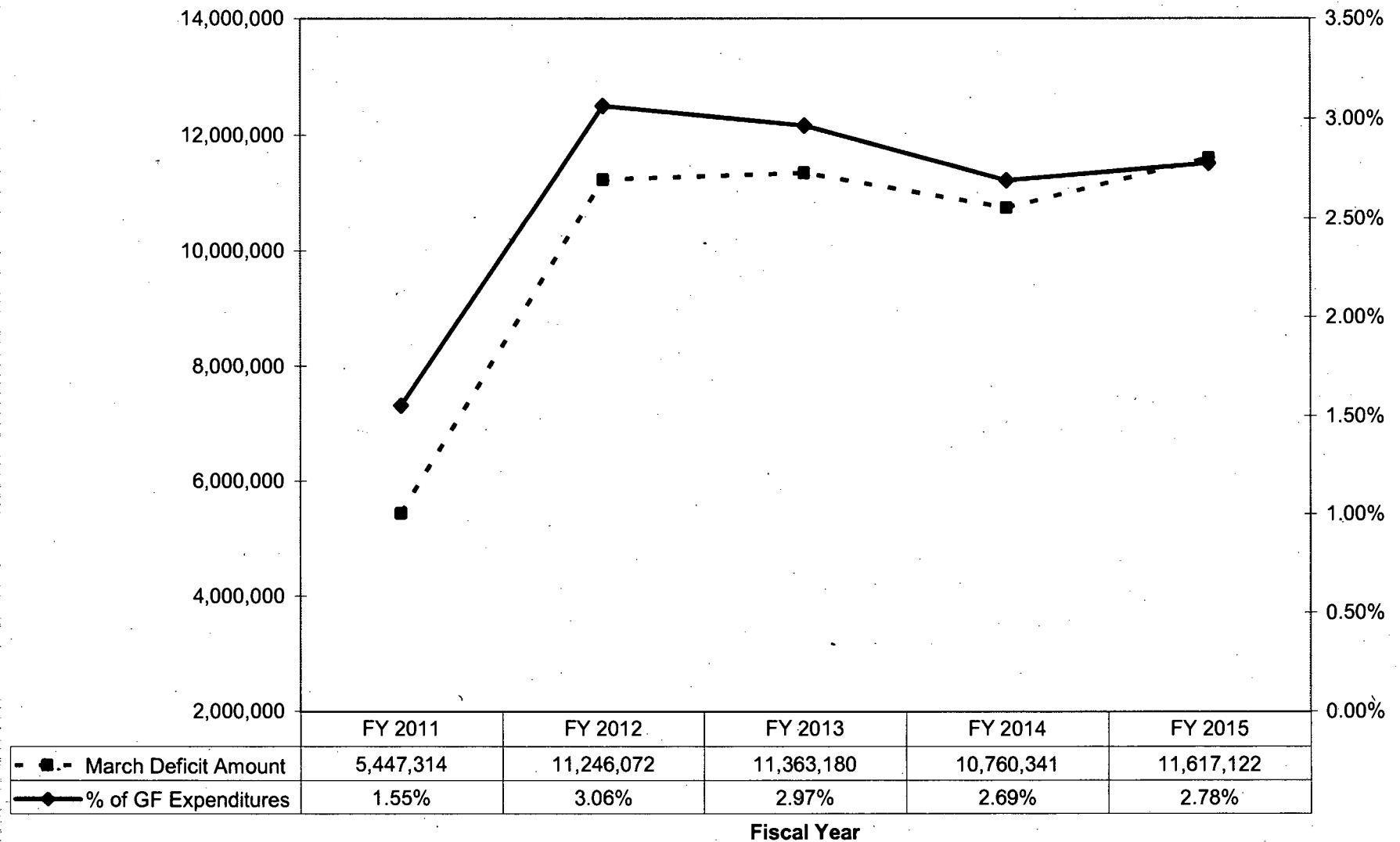
Changes to Ongoing Revenues and Impact on the Expenditure/Revenue Gap

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Property Tax	588,832	0	0	0	0
Business Income Tax	(265,000)	(800,000)	(800,000)	0	0
Video Lottery	(1,603,523)	(866,236)	(763,523)	(625,907)	(641,555)
Liquor Tax	(298,551)	(307,507)	(316,733)	(326,235)	(336,021)
Net Change	(1,578,242)	(1,973,743)	(1,880,256)	(952,142)	(977,576)
Rev/Exp Gap - October 2009 Forecast	(3,869,072)	(9,272,329)	(9,482,924)	(9,808,199)	(10,639,546)
Rev/Exp Gap - March 2010 Forecast	(5,447,314)	(11,246,072)	(11,363,180)	(10,760,341)	(11,617,122)



5-Year General Fund Forecast

General Fund Annual Operating Deficit



5-Year General Fund Forecast

- Assumes:

- ✓ No ongoing backfill of state programs
- ✓ No new or expanded General Fund programs
 - East County Court Facilities
 - Crisis Assessment & Treatment Center
- ✓ No structural changes in revenues (i.e., tax law changes, new legislation, or additional property tax levies)
- ✓ Total labor costs increase between 4.75% to 5.50%
- ✓ 'Normal' Inflation

- The actual operating deficit will certainly be different



Forecast Risks & Issues

- Economy does not continue to stabilize and recover
 - ✓ BIT
 - ✓ Commercial real estate
 - ✓ Property Tax Compression
- New Asset Bubbles & Inflation
- State Budget/Economy
 - ✓ ~~January Election~~
 - ✓ Federal Reserve Ramp Down
 - ✓ Stimulus Expiration
 - ✓ State of Oregon Budgetary Issues
- Internal/Local Issues
 - ✓ New & Replacement Structures and Operating Costs (East County Courts, Crisis Assessment & Treatment Center, Downtown Courthouse, etc.)
 - ✓ Retiree Benefits Liability
 - ✓ Health Care and Health Costs



Summary

- FY 2010 General Fund ongoing revenues in-line with Adopted Budget – down \$900,000 or 0.27% of planned revenues.
- FY 2011 operating deficit of \$5.5 million vs. a deficit of \$3.9 million forecasted October.
- FY 2012 operating deficit likely to grow to \$11.2 million
- FY 2012 to FY 2015 – annual operating deficit stabilizes at roughly \$11.3 million or 2.9% of expenditures
- OTO resources for FY 2011 of \$10.3 million, but high as \$16.3 million if the BIT reserve isn't used
- Questions?
- More Info: www.co.multnomah.or.us/budget



GUTHRIE Barbara

From: LEE Beckie
Sent: Thursday, March 04, 2010 7:51 AM
To: GROW Lynda; GUTHRIE Barbara
Subject: Fw: Proclamation Names

I just got theses names last night for R-2 for Ted's script - sorry for the last minute.

From: Charlene McGee <mcgee_charlene@hotmail.com>
To: LEE Beckie
Sent: Wed Mar 03 21:09:19 2010
Subject: Proclamation Names

Hello BEckie,

Apologies for teh delayed response. My son has been sick and we have been back and forth tending to him. HAVe been away from email and work. Nonetheless, here are the names of the folks who will speak tomorrow. Please do accept my apology.

The women names are:

- Oluyinka Akinjiola
- Esther Imbuye

- Teyent Gossa

O-lee-yenka Akeen je

Thanks again for everything!

Charlene

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

R-3

GROW Lynda

From: PULLEN Mike J
Sent: Tuesday, March 02, 2010 2:29 PM
To: GROW Lynda; BOGSTAD Deborah L
Cc: TODD Joshua L; BAKER Mark; FRAME Stephen D
Subject: RE: DVD player on boardroom laptop?

Thank you Deb and Lynda. I think playing the DVD is better than linking to the video via the internet, because the internet sometimes creates a buffering delay during the download. Looks like the room is set to go. Mark Baker is burning a DVD we can test at noon on Wednesday when the group does a rehearsal in the boardroom.

Michael Pullen
Multnomah County Public Affairs Office
W: 503-988-6804 C: 503-209-4111
mike.j.pullen@co.multnomah.or.us
Visit our newsroom:
<http://www.co.multnomah.or.us>
On Twitter: [SellwoodBridge](#), [MultCoBridges](#), [MultCoRoads](#)

From: GROW Lynda
Sent: Tuesday, March 02, 2010 2:10 PM
To: BOGSTAD Deborah L; PULLEN Mike J; FRAME Stephen D
Cc: TODD Joshua L; BAKER Mark
Subject: RE: DVD player on boardroom laptop?

Ok, thanks.

Lynda Grow, Assistant Board Clerk
(503) 988-5274
lynda.grow@co.multnomah.or.us

From: BOGSTAD Deborah L
Sent: Tuesday, March 02, 2010 10:05 AM
To: PULLEN Mike J; GROW Lynda; FRAME Stephen D
Cc: TODD Joshua L; BAKER Mark
Subject: RE: DVD player on boardroom laptop?

Lynda is doing the Board meetings this week, but in response to your questions, yes; yes; yes and yes. If it is a true DVD, i.e. not one created with MAC for example, we also have a separate DVD player at the Attorney's desk. Steve, would you prefer me to have Aaron send one of his electronic technicians to assist Mike, et al on Wednesday? Let me know. Lynda, the link to the video is on the APR for R-3 at the end of General Information 1.

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



Please consider the environment before printing this e-mail

From: PULLEN Mike J
Sent: Monday, March 01, 2010 9:19 AM
To: BOGSTAD Deborah L
Cc: FRAME Stephen D; TODD Joshua L; BAKER Mark
Subject: DVD player on boardroom laptop?

Hi Deb,

At this Thursday's board meeting, we plan to show our Innovation video to the board (at 9:30). Does the laptop at the testimony table have a DVD player and software to play a DVD? If not, we could access the video on the internet. Also, do you know if the sound system for the boardroom is synched to the laptop station? I'm wondering if we will be able to hear the audio on the video.

Steve, we are doing a rehearsal of our video presentation in boardroom at noon this Wednesday. Can you stop by so we can confirm audio/video for video we plan to show at Thursday board meeting? Thanks.

Michael Pullen
Multnomah County Public Affairs Office
W: 503-988-6804 C: 503-209-4111
mike.j.pullen@co.multnomah.or.us
Visit our newsroom:
<http://www.co.multnomah.or.us>
On Twitter: [SellwoodBridge](#), [MultCoBridges](#), [MultCoRoads](#)

GROW Lynda



From: PULLEN Mike J
Sent: Monday, March 01, 2010 8:55 AM
To: GROW Lynda
Subject: RE: leaders of change video: confirmed for 3/4 @ 9:30 am

Appreciate your help with this Lynda. We have everyone on the same page now, thanks to you!

Michael Pullen
Multnomah County Public Affairs Office
W: 503-988-6804 C: 503-209-4111
mike.j.pullen@co.multnomah.or.us
Visit our newsroom:
<http://www.co.multnomah.or.us>
On Twitter: [SellwoodBridge](#), [MultCoBridges](#), [MultCoRoads](#)

From: GROW Lynda
Sent: Friday, February 26, 2010 5:56 PM
To: PULLEN Mike J; TODD Joshua L; MCLELLAN Jana E
Subject: leaders of change video: confirmed for 3/4 @ 9:30 am

Mr Pullen asked me to let you know.
Lyn

Lynda Grow, Assistant Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Blvd., Ste. 600
Portland, Oregon 97214-3587
 Phone: (503) 988-5274
 Fax: (503) 988-3013
lynda.grow@co.multnomah.or.us

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: 3-4-10

SUBJECT: privatization of Corrections health services

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Jessica Stevens

ADDRESS: 640/SE Foster Rd

CITY/STATE/ZIP: PD OR 97206

PHONE: _____ DAYS: 503 559 2935 EVES: _____

EMAIL: Stevensj@opeuseiu.org FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: submitting

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.

Testimony

March 3, 2010

To: Multnomah County Commissioners

From: Jessica Stevens, Executive Director, SEIU Oregon State Council

Thank you Chair Wheeler and Commissioners. I am here today on behalf of the 50,000 SEIU members in Oregon and the 143 healthcare workers and SEIU members at the Glenn Dyer Detention Facility and the Santa Rita Jail in Alameda County, California.

We understand that there are some on-going discussions regarding the possibility of privatizing County Corrections health care. I want to share with you this cautionary tale involving Tennessee-based Prison Health Services. We think you should know how PHS is treating healthcare employees in California and about the unmet contract promises PHS made to the Alameda County Board of Supervisors.

In 2006, the Alameda County Board of Supervisors entered into a contract with PHS for healthcare services at Glenn Dyer and Santa Rita. As a part of this \$77 million, three-year contract, PHS asked for and received a 10% annual increase in funds for employee wages and healthcare benefits.

However, PHS administrators have made it clear that they never intended to honor this part of their contract with the County. In fact, when asked about the agreement PHS administrators told SEIU bargaining team members that PHS could spend the money however they wanted.

Since the contract expiration in August of 2009, PHS has proposed takeaways and drastic cuts for front-line employees, including eliminating the established wage scale and requiring workers to pay 50% of their healthcare costs—nearly \$900 per month for a family.

As a result of PHS's refusal to both hold to the terms of their contract with Alameda County and bargain in good faith, SEIU members at Glenn Dyer and Santa Rita voted with an overwhelming 94% to call a one-day unfair labor practices strike on Tuesday, March 9th.

Since that time, PHS has begun a campaign of threats and intimidation against employees. PHS administrator Bill Wilson has served employees with notice of an illegal 7-day lockout and has also notified employees that their vacation time will be cancelled due to the strike. PHS is prepared to spend more than \$1 million in taxpayer money to bring in replacement workers for the lockout.

As County governments both here and in California struggle in these tough economic times, it is crucial that every dollar we spend is spent wisely and that once committed, these dollars are dedicated to their explicit purpose. And when an out-of-state corporation in an effort to maximize profits violates this imperative, it is an issue of great concern to us all.

As conversations continue on the topic of privatization of Multnomah County Corrections health care, we strongly encourage you to take into consideration Prison Health Services' record of failing to honor contractual agreements, questionable approaches to providing care, their unfair approach to bargaining with employees, and an overall pattern of prioritizing profits over patient care.

Thank you for your time.

PRISON HEALTH SERVICES, INC.

Santa Rita Jail/Glenn Dyer Detention

5325 Broder Blvd.
Dublin, CA 94568

Date: 3/2/10
To: All Staff
From: Bill Wilson, Health Services Administrator
Re: Strike – Return to Work Notice
Cc: D. Sanchas, Lieutenant

As you know, PHS has received a strike notice from the SEIU, informing us that you will be walking out and withholding your services to our patients beginning at 6 a.m., March 9 and that such activity will continue "unless or until a mutually agreeable resolution has been reached." Subsequently, PHS received from the Union an "unconditional offer to return to work," which offers on your behalf to return to work on March 10 at 6:00 a.m. This "unconditional offer" is inconsistent with the Strike Notice described above, which has never been rescinded or superseded to our knowledge.

PHS fully recognizes and supports your right under law to withhold your services from our patients and to engage in a work stoppage in support of the Union's position. However, under these circumstances, PHS has certain rights and obligations as well. PHS has an obligation to ensure that the patient care that you have been providing at Santa Rita and Glenn Dyer for so many years continues without interruption. Also, PHS has the right to encourage the union to accept our reasonable bargaining positions by keeping you off of work for a specific period of time.

Accordingly, this is to notify you that effective 6:00 a.m. on March 9, 2010, PHS will be continuing to fulfill its contract with the County through the use of temporary replacement employees. Bargaining unit employees will be welcome to return to their first scheduled shift commencing after 6:00 a.m. March 16 or upon the signing of a collective bargaining agreement with the Union, whichever is earlier.

2

**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: 3/4/10

SUBJECT: ~~HEP~~ 12/17/09 + 2/25/10 HEALTHCARE

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: PAUL, ADOLPH, PHILLIPS

ADDRESS: 1212 S.W-CLAY STREET

CITY/STATE/ZIP: PORTLAND, OR 97201

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: HEALTH CARE

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.

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: 3/4/10

SUBJECT: Mcc 13.505 Impoundment

AGENDA NUMBER OR TOPIC:

FOR: AGAINST: THE ABOVE AGENDA ITEM

NAME: Thomas Buchholz

ADDRESS: 109 10th St.

CITY/STATE/ZIP: Oregon City Ore

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

EMAIL: FAX:

SPECIFIC ISSUE:

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.
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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.

March 4, 2010

Ted Wheeler
1818 NE MLK Jr. Blvd. - Suite B
Portland, OR 97212

Re: *Multnomah County Attorney Letter February 19, 2010*

Dear Chairman Wheeler and County Commissioners:

In the Multnomah County Attorney's letter, Ms. Sowle states, "The criminal forfeiture statutes have no bearing whatsoever on Multnomah County's impoundment procedure found in MCC 13.505. The authority for impoundment is not found in the criminal forfeiture statutes you continue to cite, ORS Chapter 167 which deals with forfeiture of animals connected with criminal offences against their owners."

One of the criminal forfeiture statutes that I have consistently cited is ORS 167.347. "Forfeiture of animal to animal care agency (i.e. Multnomah County) 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..."

ORS 167.345 is the authority for impoundment that have been subjected to "treatment in violation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365, or 167.428..." ORS 167.345 is the authority to impound animals. ORS 167.347 and 167.350 are the statutes for forfeiture.

I have to ask myself if Ms. Sowle has read and understands the criminal statutes in ORS Chapter 167.

MCC 13.505 (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 required protective custody and care because of mistreatment or neglect by its owner or keeper..."

MCC 13.503 (b) "It is unlawful for any person to commit any of the following: (8) Physically mistreat any animal either by abuse or neglect, of failure to furnish minimum;"

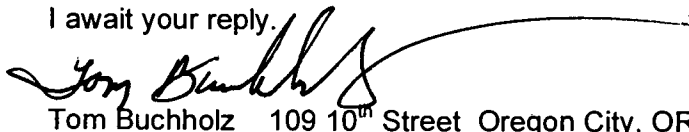
The term "minimum care" is defined in Multnomah County Code as "having the same meaning as provided in ORS 167.310 (8)." ORS 167.310 is found in ORS 161.005 - The Oregon State Criminal Code.

Where are the animals impounded when the owner or keeper violates MCC 13.503 (8)?

When I'm told that MCC 13.505 (Impoundment) is based solely on nuisance law (ORS Chapter 609) I have to ask myself why would Multnomah County use ORS Chapter 167 (criminal law) to define "minimum care". I also believe it doesn't take a rocket scientist to deduce that legal terms like "protective custody", "mistreatment", and "neglect" are consistent with criminal law, instead of nuisance law.

Does this letter raise any red flags?

I await your reply.



Tom Buchholz 109 10th Street Oregon City, OR 97045

* In the current ORS "minimum" care is defined at **ORS 167.310 (7)**.



AGNES SOWLE
County Attorney

JOHN S. THOMAS
Deputy County Attorney

OFFICE OF MULTNOMAH COUNTY ATTORNEY

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
503.988.3138

DAVID N. BLANKFELD
CARLOS J. CALANDRIELLO
SALLY A. CARTER
SANDRA N. DUFFY
SUSAN M. DUNAWAY
STEPHANIE E. DUVALL
PATRICK W. HENRY
STEPHEN L. MADKOUR
JENNY M. MORF
BERNADETTE D. NUNLEY
MATTHEW O. RYAN
KATHRYN A. SHORT
JED R. TOMKINS
JACQUELINE A. WEBER
Assistants

February 19, 2010

Thomas Buchholz
109 10th Street
Oregon City, Oregon 97045

RE: *Multnomah County Animal Control*

Dear Mr. Buchholz:

At the request of Ted Wheeler, I have reviewed the documents you have left with the Board at the last few meetings to advise him and the Board whether there is any legal merit to the claims you have made about Multnomah County Animal Control. I have also reviewed the statutes you cite and the previous correspondence you have received from this office and the office of the District Attorney going back as far as 1998. I agree with the opinions of Assistant County Attorney Jenny Morf sent to you on July 8, 2002 and again on April 7, 2008, and the opinion of Deputy District Attorney Frederick Lenzser sent to you on April 29, 1998. I find no merit in your claims.

The criminal forfeiture statutes you cite have no bearing whatsoever on Multnomah County's impoundment procedure found in MCC 13.505. The authority for impoundment is not found in the criminal forfeiture statutes you continue to cite, ORS Chapter 167 which deals with forfeiture of animals connected with criminal offenses against their owners. Instead, the authority for impoundment is found in ORS Chapter 609. Unlike the criminal forfeiture statutes which do contain a notice and hearing requirement, ORS Chapter 609 and MCC 13.505 are based upon nuisance law and do not require notice and a hearing. Instead, upon receiving an animal for impound, Animal Control is obligated to make reasonable efforts to notify the owner of the impoundment and hold the animal for a specified period of time during which the owner has an opportunity to redeem the animal.

As Ms. Morf explained to you in 2002 and confirmed in 2008, an animal impounded under MCC 13.505 will not be released until the owner pays the fines or fees associated with the impound; or complies with any lawfully imposed conditions relating to the animal. If the animal

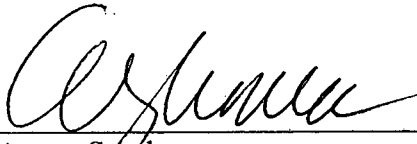
Mr. Thomas Buchholz
February 19, 2010
Page 2 of 2

is not collected within the prescribed time period, then the animal becomes property of Multnomah County and the Director of Animal Control can make the animal available for adoption or otherwise dispose of the animal by humane means. MCC 13.505 (D) sets the minimum time an animal must be held prior to disposition, in a given case it could be longer period of time.

I have advised Chair Wheeler and the Board of Commissioners that there is no legal merit in your assertion that Animal Control is violating ORS Chapter 167.

Sincerely,

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

A handwritten signature in cursive script, appearing to read 'Agnes Sowle', written over a horizontal line.

Agnes Sowle
Multnomah County Attorney

c: Ted Wheeler
Commissioner Kafoury
Commissioner Cogen
Commissioner Shiprack
Commissioner McKeel
Jenny Morf
Frederick Lenzser

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.

(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.

DIRECTOR. The director of the animal control division of the county, or the director's designee.

DOMESTIC ANIMAL. Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, or which may be vaccinated against rabies with an approved rabies vaccine and for which there is an established rabies quarantine observation period. Examples of domestic animals include dogs, cats and livestock.

EUTHANASIA. Putting an animal to death in a humane manner. 1998

FACILITY. A site excluding veterinary hospitals operated or used for any of the following:

(1) Boarding, training or similar purposes of dogs, cats, or other animals commonly maintained as pets for varying periods of time;

(2) The purposes of breeding, buying, selling, or bartering of dogs and/or cats or other animals commonly maintained as pets;

HARBORING OF A DANGEROUS OR EXOTIC ANIMAL. To knowingly allow the animal to remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard, enclosure, vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

HEARINGS OFFICER. A person appointed by the Chair to hear appeals decisions of the director concerning violations of this chapter.

IMMEDIATE HEALTH HAZARD. Exists if at any given location there are conditions related to animal care that the director determines warrant immediate intervention; such conditions include, but are not limited to inadequate sanitation, untreated disease, or animals in numbers greater than the animal's owner or keeper can reasonably care for.

KEEPER. Any person or legal entity who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72

hours or someone who accepted the animal for the purpose of safe keeping.

LIVESTOCK. Animals, including but not limited to fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, swine or other farm animals, excluding dogs and cats.

LIVESTOCK FACILITY. Any site for the keeping of livestock.

MINIMUM CARE. Has the meaning as provided in ORS 167.310(8).

MUZZLE. A device constructed of strong, soft material or a metal muzzle that is made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

OWNER. Any person or legal entity having a possessory property right in the animal or any person who has been a keeper of an animal for more than 90 days.

PERMIT. For the purpose of § 13.305, shall include human conduct that is intentional, deliberate, careless, inadvertent, or negligent in relationship to an animal.

PERSON. Any natural person, association, partnership, firm or corporation.

PET. A domestic or other animal allowed under this chapter to be kept as a companion.

PET LICENSE. A record issued by Animal Control which identifies an animal of licensable age and the owner.

PHYSICAL DEVICE OR STRUCTURE. A tether, trolley system, other physical control device or any structure made of material sufficiently strong to adequately and humanely confine the animal in a manner that would prevent it from escaping the premises.

PHYSICAL INJURY. Physical impairment or as evidenced by scrapes, cuts, punctures, bruises or physical pain.

§ 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

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: 3-4-10

SUBJECT: Reserves

AGENDA NUMBER OR TOPIC: non agenda

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Mollie Nelson

ADDRESS: 13512 NW Springville Ln

CITY/STATE/ZIP: Portland OR 97229

PHONE: _____ DAYS: 503 297 1534 EVES: _____

EMAIL: mollie@comcast.net FAX: _____

SPECIFIC ISSUE: Thanking commissioners

WRITTEN TESTIMONY: no

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
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March 4, 2010

Ted Wheeler
1818 NE MLK Jr. Blvd. - Suite B
Portland, OR 97212

Re: *Multnomah County Attorney Letter February 19, 2010*

Dear Chairman Wheeler and County Commissioners:

In the Multnomah County Attorney's letter, Ms. Sowle states, "The criminal forfeiture statutes have no bearing whatsoever on Multnomah County's impoundment procedure found in MCC 13.505. The authority for impoundment is not found in the criminal forfeiture statutes you continue to cite, ORS Chapter 167 which deals with forfeiture of animals connected with criminal offences against their owners."

One of the criminal forfeiture statutes that I have consistently cited is ORS 167.347. "Forfeiture of animal to animal care agency (i.e. Multnomah County) 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..."

ORS 167.345 is the authority for impoundment that have been subjected to "treatment in violation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365, or 167.428..." ORS 167.345 is the authority to impound animals. ORS 167.347 and 167.350 are the statutes for forfeiture.

I have to ask myself if Ms. Sowle has read and understands the criminal statutes in ORS Chapter 167.

MCC 13.505 (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 required protective custody and care because of mistreatment or neglect by its owner or keeper..."

MCC 13.503 (b) "It is unlawful for any person to commit any of the following: (8) Physically mistreat any animal either by abuse or neglect, of failure to furnish minimum;"

The term "minimum care" is defined in Multnomah County Code as "having the same meaning as provided in ORS 167.310 (8)." ORS 167.310 is found in ORS 161.005 - The Oregon State Criminal Code.

Where are the animals impounded when the owner or keeper violates MCC 13.503 (8)?

When I'm told that MCC 13.505 (Impoundment) is based solely on nuisance law (ORS Chapter 609) I have to ask myself why would Multnomah County use ORS Chapter 167 (criminal law) to define "minimum care". I also believe it doesn't take a rocket scientist to deduce that legal terms like "protective custody", "mistreatment", and "neglect" are consistent with criminal law, instead of nuisance law.

Does this letter raise any red flags?

I await your reply.



Tom Buchholz 109 10th Street Oregon City, OR 97045

* In the current ORS "minimum" care is defined at **ORS 167.310 (7)**.



AGNES SOWLE
County Attorney

JOHN S. THOMAS
Deputy County Attorney

OFFICE OF MULTNOMAH COUNTY ATTORNEY

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

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STEPHANIE E. DUVALL
PATRICK W. HENRY
STEPHEN L. MADKOUR
JENNY M. MORF
BERNADETTE D. NUNLEY
MATTHEW O. RYAN
KATHRYN A. SHORT
JED R. TOMKINS
JACQUELINE A. WEBER
Assistants

February 19, 2010

Thomas Buchholz
109 10th Street
Oregon City, Oregon 97045

RE: *Multnomah County Animal Control*

Dear Mr. Buchholz:

At the request of Ted Wheeler, I have reviewed the documents you have left with the Board at the last few meetings to advise him and the Board whether there is any legal merit to the claims you have made about Multnomah County Animal Control. I have also reviewed the statutes you cite and the previous correspondence you have received from this office and the office of the District Attorney going back as far as 1998. I agree with the opinions of Assistant County Attorney Jenny Morf sent to you on July 8, 2002 and again on April 7, 2008, and the opinion of Deputy District Attorney Frederick Lenzser sent to you on April 29, 1998. I find no merit in your claims.

The criminal forfeiture statutes you cite have no bearing whatsoever on Multnomah County's impoundment procedure found in MCC 13.505. The authority for impoundment is not found in the criminal forfeiture statutes you continue to cite, ORS Chapter 167 which deals with forfeiture of animals connected with criminal offenses against their owners. Instead, the authority for impoundment is found in ORS Chapter 609. Unlike the criminal forfeiture statutes which do contain a notice and hearing requirement, ORS Chapter 609 and MCC 13.505 are based upon nuisance law and do not require notice and a hearing. Instead, upon receiving an animal for impound, Animal Control is obligated to make reasonable efforts to notify the owner of the impoundment and hold the animal for a specified period of time during which the owner has an opportunity to redeem the animal.

As Ms. Morf explained to you in 2002 and confirmed in 2008, an animal impounded under MCC 13.505 will not be released until the owner pays the fines or fees associated with the impound; or complies with any lawfully imposed conditions relating to the animal. If the animal

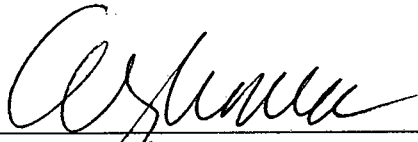
Mr. Thomas Buchholz
February 19, 2010
Page 2 of 2

is not collected within the prescribed time period, then the animal becomes property of Multnomah County and the Director of Animal Control can make the animal available for adoption or otherwise dispose of the animal by humane means. MCC 13.505 (D) sets the minimum time an animal must be held prior to disposition, in a given case it could be longer period of time.

I have advised Chair Wheeler and the Board of Commissioners that there is no legal merit in your assertion that Animal Control is violating ORS Chapter 167.

Sincerely,

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Multnomah County Attorney

c: Ted Wheeler
Commissioner Kafoury
Commissioner Cogen
Commissioner Shiprack
Commissioner McKeel
Jenny Morf
Frederick Lenzser

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.

(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.

DIRECTOR. The director of the animal control division of the county, or the director's designee.

DOMESTIC ANIMAL. Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, or which may be vaccinated against rabies with an approved rabies vaccine and for which there is an established rabies quarantine observation period. Examples of domestic animals include dogs, cats and livestock.

EUTHANASIA. Putting an animal to death in a humane manner. 1998

FACILITY. A site excluding veterinary hospitals operated or used for any of the following:

(1) Boarding, training or similar purposes of dogs, cats, or other animals commonly maintained as pets for varying periods of time;

(2) The purposes of breeding, buying, selling, or bartering of dogs and/or cats or other animals commonly maintained as pets;

HARBORING OF A DANGEROUS OR EXOTIC ANIMAL. To knowingly allow the animal to remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard, enclosure, vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

HEARINGS OFFICER. A person appointed by the Chair to hear appeals decisions of the director concerning violations of this chapter.

IMMEDIATE HEALTH HAZARD. Exists if at any given location there are conditions related to animal care that the director determines warrant immediate intervention; such conditions include, but are not limited to inadequate sanitation, untreated disease, or animals in numbers greater than the animal's owner or keeper can reasonably care for.

KEEPER. Any person or legal entity who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72

hours or someone who accepted the animal for the purpose of safe keeping.

LIVESTOCK. Animals, including but not limited to fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, swine or other farm animals, excluding dogs and cats.

LIVESTOCK FACILITY. Any site for the keeping of livestock.

MINIMUM CARE. Has the meaning as provided in ORS 167.310(8).

MUZZLE. A device constructed of strong, soft material or a metal muzzle that is made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

OWNER. Any person or legal entity having a possessory property right in the animal or any person who has been a keeper of an animal for more than 90 days.

PERMIT. For the purpose of § 13.305, shall include human conduct that is intentional, deliberate, careless, inadvertent, or negligent in relationship to an animal.

PERSON. Any natural person, association, partnership, firm or corporation.

PET. A domestic or other animal allowed under this chapter to be kept as a companion.

PET LICENSE. A record issued by Animal Control which identifies an animal of licensable age and the owner.

PHYSICAL DEVICE OR STRUCTURE. A tether, trolley system, other physical control device or any structure made of material sufficiently strong to adequately and humanely confine the animal in a manner that would prevent it from escaping the premises.

PHYSICAL INJURY. Physical impairment or as evidenced by scrapes, cuts, punctures, bruises or physical pain.

§ 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

5

**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: 3-4-10

SUBJECT: Reserves

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Carol Chesarek

ADDRESS: 13300 NW Germantown Road

CITY/STATE/ZIP: Portland, OR 97231

PHONE: _____ DAYS: _____

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: Thanks!

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.

1. The goals for community budget forums are to inform citizens where we are in the budget process, to educate them about priority budget issues and to gather citizen priorities and ideas to help shape budget decisions.
2. The Chair's Office and Citizens Involvement Committee (CIC) will host two forums in March to collect public input that will help shape the Chair's executive budget.

- a. March 4, 6:00 to 8:00 PM, Multnomah Building, Boardroom

Topic Area: Creating a Safe Community

(Focused on county services provided by the Sheriff's Office, District Attorney, Dept. of Community Justice, and Corrections Health.)

- b. March 18, 6:00 to 8:00 PM, Multnomah Building, Boardroom

Topic Area: Creating a Healthy Community

(Focused on county services provided by the Health Dept, Dept. of County Human Services, Dept of Community Services, Library Dept, Commission on Children, Families and Communities, Dept of County Management, and Office of Information Technology.)

3. Format for March 2010 Community Budget Forums:

- a. Welcome and Intros – CIC Chair Brad McLean, emcee, Chair Wheeler, other electeds and CIC members.
- b. Chair Wheeler – how input from last year's forums influenced his budget proposal.
- c. Introduce the process for the evening – Carol Ford
- d. County Services – Budget Office or Operations Council?

Educational piece: Present a list of the services and basic budget information on the services that the County provides in the topic area. Handout/materials for audience.

- e. Open space for citizen input opportunity. Citizens move around the room as they please. They can give input, talk directly to County officials and with each other.
 - Several stations set up around the room with CIC and staff volunteer facilitators. Facilitators record citizen comments on flip charts. As themes or similar suggestions come up, facilitators will group and summarize them.
 - 4 to 6 stations for main question of the forum

*What do you think are the characteristics of a safe/healthy community?
(Topic depending on which forum.)*

What do you think needs to happen now in Multnomah County to achieve this safe/healthy community in 5 years?

- 1 station: Other good ideas to help the County be more efficient and effective
 - We will point out experts in the topic area and the budget, so that citizens can ask them specific questions, talk to them one-on-one. No tables set up for them.
- f. Report out by each facilitator. After all reports, the Chair, electeds or Department Directors can ask clarifying questions, give information or respond to citizen input.
 - g. Next steps in the budget process and any final comments – Brad and Ted

4. Other items

- a. Volunteer facilitators – Carol will recruit volunteers from County staff. Kathleen from CIC. Training will be just in time – prior to each forum.
- b. We'll use DCJ's culinary program to provide food. Healthy snacks for 100 people.
- c. We'll set up a space with tables for a children's activities area. Wendy Lear, Health, will coordinate with other departments.
- d. We'll set up space for Departments who want to advertise/market their County services.
- e. We'll work with Sustainability to make this a "green" meeting.
- f. CIC will schedule Spanish and Russian translators. We are planning on how to make it more user friendly for people for whom English is their second language (based on feedback received after last year's forums).
- g. Outreach and publicizing
 - Kathleen Todd, CIC will prepare a flyer that will be distributed via their community organization database. She will also work with PAO on the media release. Information will emphasize the difference between forums and public hearings to be held later in the process.
 - PAO will post community budget forum dates on County website.

5. Online Virtual Community Forum – Carol working with Tara Bowen-Biggs.

- a. Ask the same questions online as in person at live community forums.
- b. Open it Feb 22 and leave until March 26. – Give input to Ted before April 1.
- c. Tara will attend both live community forums with lap tops to show people how to use the online forum.

Calendar

*Possible
attendance
required*

GROW Lynda

From: FORD Carol M
Sent: Thursday, February 18, 2010 3:46 PM
To: #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4
Cc: TODD Kathleen M; #ALL CHAIR'S OFFICE
Subject: Community Budget Forums

To Commissioners

We finalizing the Chair/CIC's Community Budget Forums on March 4 and March 18th. You and your staff are, of course, more than welcome to attend and meet the citizens with us. If you let us know whether you or staff plan to attend, we'll pass the information along to the Chair.

Two forums are scheduled to collect public input that will help shape the Chair's executive budget.

- a. March 4, 6:00 to 8:00 PM, Multnomah Building, Boardroom.**
Topic Area: Creating a Safe Community
- b. March 18, 6:00 to 8:00 PM, Multnomah Building, Boardroom**
Topic Area: Creating a Healthy Community

The Community Budget Forums are basically the same format as last year - open space, informal - except that Chair, electeds and department heads will respond after they've heard the report out of citizens' input. We are also trying to be more community friendly with refreshments (catered by DCJ's culinary program) and a Children's Corner.

Thank you.

Carol M. Ford
Administrative Review Project Manager
Office 503-988-3312 Ext. 23605
Cell 503-790-5481

GROW Lynda

From: FORD Carol M
Sent: Thursday, February 18, 2010 3:15 PM
To: #DRM; #COUNTY OPERATIONS COUNCIL
Cc: #COUNTY OPERATIONS COUNCIL ALTERNATES; #DRM CC
Subject: FW: Facilitators at Community Budget Forums - Great Volunteers!

Attachments: Bud forum facilitator guidelines.doc

DRMS and Op Council – Here's the list of facilitators I have signed up. I still need more.

Thanks.... Carol

From: FORD Carol M
Sent: Thursday, February 18, 2010 3:12 PM
To: KIRWIN-ALVORD Rosemary; HALL Diana C; McDADE-HOOD Molly C; LI Mary T; ROLLINS Chiquita M; OTIS Brig; DESMOND Kate; DENTINGER Jean M; VANDERZANDEN Garret; MIKKELSEN June; MARTINEZ Richard F; BECK Becca; FARMER Stuart L; JOHNSON KaRin R
Subject: Facilitators at Community Budget Forums - Great Volunteers!

Facilitators – thank you for volunteering to assist at the Chair's Community Budget Forums. Below is the list I have to date. I'm making requests to departments to add more. For those of you who said you were available for either dates or both dates, I'm using you on the 4th and hoping that I can get enough additional volunteers for the 18th so that you have the night off.

Attached are some guidelines with a summary of how things will work at the forums and the facilitators' roles. My final suggestion is important: Have fun – enjoy the interaction.



Bud forum
facilitator guidelines.

March 4 – Safe Community	March 18 – Health Community
1. KIRWIN-ALVORD Rosemary, DCM	2. VANDERZANDEN Garret, DCM
2. HALL Diana C, SUN	2. MIKKELSON June, LIBRARY
3. McDADE-HOOD Molly C, MCSO	3. MARTINEZ, Richard, IT
4. LI Mary, DCHS	4. BECK, Becca, IT
5. ROLLINS Chiquita, DCHS	5. FARMER Stuart L, DCS
6. OTIS, Brig, IT	6. JOHNSON, KaRin, Health
7. DESOMND, Kate, DCJ	7.
8. DENTINGER Jean M, DCHS	8.
9.	9.
10.	10.
	Available if necessary
	KIRWIN-ALVORD Rosemary, DCM (either)
	HALL Diana C, SUN (either)
	LI Mary, DCHS (either)

Please come early on your evening – so that we can get you set up.

I'm out of town February 23rd thru March 3rd. But I should be able to access email if you have questions. You can also contact Kathleen Todd, at CIC

Thank you.

Carol M. Ford
Administrative Review Project Manager
Office 503-988-3312 Ext. 23605
Cell 503-790-5481

FACILITATOR GUIDELINES
FY2011 Community Budget Forums (March 4th and 18th)

1. The goals for community budget forums are to inform citizens where we are in the budget process, to educate them about priority budget issues and to gather citizen priorities and ideas to help shape budget decisions.
2. Two forums in March to collect public input that will help shape the Chair's executive budget.
 - a. **March 4, 6:00 to 8:00 PM, Multnomah Building, Boardroom.**
Topic Area: Creating a Safe Community
 - b. **March 18, 6:00 to 8:00 PM, Multnomah Building, Boardroom**
Topic Area: Creating a Healthy Community
3. **Format for March 2010 Community Budget Forums:**
Welcome and Intros
Chair Wheeler – Budget, financial status. How citizen input is used.
County Services Budget Information.
Introduce the process for the evening – Carol Ford.
Open space for citizen input opportunity. Citizens move around the room as they please.
They can give input at **facilitated stations**; can talk with County officials and each other.
Report out from facilitators. Comments from experts.
4. **County Facilitators' Role – Station #1: Collect citizen input on what Multnomah County should do "to create a safe and healthy community."**
 - a. For Station #1, there will be 5 set-ups with flip chart paper and markers on easels. A citizen goes to only one of them – does not need to go to all. Each station collects the same information.
 - b. Two **Facilitators** will be assigned to each set up. One to ask the citizens questions and one to record on the paper.
 - c. Citizens will form small informal groups around each set-up (everyone stands – no tables). Citizens will listen to what others say. Once they give their input, they can move on or stay to listen to more. (Usually they leave to get food or take a break.)
 - d. **Facilitators'** role is to record citizen comments on flip charts. Facilitators ask clarifying questions to help citizens to be specific.
 - e. Questions that **Facilitators** will ask each citizen:

What do you think (are the most important) characteristics of a safe/healthy community?

 - Record on one sheet
 - Add the phrase "**the most important**" so that each person gives you one or two (and not a long list)
 - Write down as a list. Make checks when others agree; add new ideas.

What do you think (is the most important thing that) needs to happen now in Multnomah County to achieve this safe/healthy community in 5 years?

 - Record on another sheet
 - Add the phrase "**the most important thing(s)**" so that each person gives you one or two (and not a long list)
 - Write down as a list. Make checks when others agree; add new ideas.

FACILITATOR GUIDELINES
FY2011 Community Budget Forums (March 4th and 18th)

- f. **Facilitators** should group and summarize as themes or similar suggestions appear.
 - g. At the end of the meeting, **Facilitators** will report out a summary of what they heard – themes, do not read all comments.
 - Report first – Characteristics of a safe/healthy community
 - Report second – suggestions for what the County needs to do now to get there.
 - h. After all reports, the Chair, electeds or Department Directors can ask clarifying questions, give information or respond to citizen input.
- 5. **County Facilitators** – please come early to check in with Carol Ford and get your station assignment.
 - 6. CIC volunteers will facilitate a station where citizens can give “good ideas to help the County be more efficient and effective.”
 - 7. Tara Bowen-Biggs is setting up an online Virtual Community Forum that will let people answer the same questions online that you are facilitating in person at community forums.

Carol's last suggestions:

- *Remember that you are doing a good thing - helping citizens send their messages to the Chair.*
- *Facilitators are not expected to be topic experts or advocates.*
- *Facilitators to listen to what citizens are saying and make no judgment.*
- *Have fun – enjoy the interaction.*

GROW Lynda

From: FORD Carol M
Sent: Thursday, February 18, 2010 2:51 PM
Subject: Departments' Roles at Community Budget Forums

TO: Sheriff, DA, DRMs, DRMs cc, Op Council, Op Council Alternates, CCFC, CIC

Departments' Roles at Community Budget Forums March 4 and 18, 2010

With two weeks to go, here's a summary of Department roles at upcoming forums

1. Electeds, Directors and/or senior staff should attend at least the forum that relates to you.
March 4 – Safe Community (MCSO, DA, DCJ, Corrections Health).
March 18 – Healthy Community (Everyone else).

Remember – after they hear the report outs by the facilitators, electeds, directors and/or senior staff can respond and comment.

2. Opportunities to advertise "great County employees and services" to the public
 - a. The Department "Fair". You can distribute department information; have a mascot or give-aways at the "fair" to be located in the Multnomah Building lobby. The forum format allows citizens time to browse. This is voluntary – up to the department. Contact Kathleen Todd, CIC, if you want to reserve space at a table.
 - b. Department volunteers to facilitate citizen input. **We still need two more facilitators for March 4th and 4 more for March 18th.** Contact Carol M. Ford by February 22nd (I'm out of town Feb 23rd to March 3rd) or just show up.
 - c. Department volunteers to assist in the Children's Corner. Contact Wendy Lear, Health Department.

Thank you.

Carol M. Ford
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