



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

REVISED 06/21/07

## BOARD OF COMMISSIONERS

### Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

### Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

Email: [district1@co.multnomah.or.us](mailto:district1@co.multnomah.or.us)

### Jeff Cogen, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

Email: [district2@co.multnomah.or.us](mailto:district2@co.multnomah.or.us)

### Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: [district3@co.multnomah.or.us](mailto:district3@co.multnomah.or.us)

### Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

## JUNE 26 & 28, 2007 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	9:30 a.m. Tuesday Briefing on Minority Overrepresentation in the Juvenile Justice System
Pg 3	9:30 a.m. Thursday Resolution Adopting a Policy to Reduce Benzene Pollution
Pg 3	9:50 a.m. Thursday Resolution Authorizing the Development of Solar Energy Projects on County Facilities
Pg 3	10:15 a.m. Thursday Financial Condition Audit Report
Pg 4	11:00 a.m. Thursday Ordinance Amending County Nuisance Control Law Relating to Public Health Threats
Pg 4	11:05 a.m. Thursday Resolution Authorizing Limited Tax Abatements for Affordable Housing and Economic Development

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Tuesday, June 26, 2007 - 9:00 AM  
Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

## **IF NEEDED EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-30 MINUTES REQUESTED.
- 

Tuesday, June 26, 2007 - 9:30 AM  
Multnomah Building, Sixth Floor Commissioners Conference Room 635  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFING**

- B-1 Briefing on Minority Over-representation in the Juvenile Justice System. Presented by David Koch. 45-60 MINUTES REQUESTED.
- 

Thursday, June 28, 2007 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM** **DEPARTMENT OF LIBRARY SERVICES**

- C-1 Budget Modification LIB-07 Reclassifying a 1.0 FTE Library Position in Outreach Services Division, Adult Outreach, as Determined by the Class/Comp Unit of Central Human Resources

### **DEPARTMENT OF COMMUNITY JUSTICE**

- C-2 Budget Modification DCJ-20 Reclassifying a Finance Specialist 2 to a Finance Specialist Senior in the Business Services Division, as Determined by the Class/Comp Unit of Central Human Resources

**SHERIFF'S OFFICE**

- C-3 Intergovernmental Revenue Agreement 0708052 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances
- C-4 Intergovernmental Revenue Agreement 0708053 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup

**REGULAR AGENDA**

**PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

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

- R-1 RESOLUTION Adopting a Policy to Reduce Benzene Pollution. Presented by Commissioner Jeff Cogen, Rich Swift and Molly Chidsey. 10 MINUTES REQUESTED. (Rescheduled from 6/14/07)
- R-2 Budget Modification NOND-06 Appropriating Regional Investment Board Grant Revenue
- R-3 Budget Modification NOND-07 Appropriating \$15,000 from the City of Portland for the Public Safety Plan
- R-4 RESOLUTION Authorizing the Development of Solar Energy Projects on County Facilities. Presented by Margie Harris, Betsy Kaufman, Kat West, representative from Renewables Northwest Project, representative from Sustainable Development Commission, and Invited Others. 35 MINUTES REQUESTED.

**AUDITOR'S OFFICE - 10:15 AM**

- R-5 Financial Condition Report 2007. Presented by LaVonne Griffin-Valade and Judith DeVilliers. 30 MINUTES REQUESTED.

**DEPARTMENT OF COUNTY MANAGEMENT – 10:45 AM**

- R-6 RESOLUTION Approving an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Justice Center Project
- R-7 RESOLUTION Authorizing Election to Receive National Forest Related Safety-Net Payments Under P.L. 106-393
- R-8 RESOLUTION Authorizing Election to Receive O&C Land Related Safety-Net Payments Under P.L. 106-393
- R-9 Budget Modification DCM-12 Appropriating \$128,750 General Fund Contingency to Transfer Appropriations to Departments Impacted by Local 88 Class/Comp Studies Completed During the Year

**DEPARTMENT OF HEALTH – 11:00 AM**

- R-10 First Reading of a Proposed ORDINANCE Amending Nuisance Control Law (Multnomah County Code Chapters 15.225-15.236) Relating to Public Health Threats

**NON-DEPARTMENTAL – 11:05 AM**

- R-11 RESOLUTION Authorizing the City of Portland's Tax Exemption Programs Administrated by the Portland Development Commission. Presented by Bill Farver, John Thomas, Randy Walruff and Keith Witcosky. 15 MINUTES REQUESTED.

**DEPARTMENT OF COUNTY HUMAN SERVICES – 11:20 AM**

- R-12 NOTICE OF INTENT to Apply for a Department of Health and Human Services Grant to Increase the Well-Being of Children Affected by Methamphetamine or Other Substance Abuse

**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.



Multnomah County Oregon

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**NON-DEPARTMENTAL – 11:05 AM**

- R-11 RESOLUTION Authorizing Limited Tax Abatements for Affordable Housing and Economic Development. Presented by Bill Farver, John Thomas, Randy Walruff and Portland Development Commission Staff Steve Dotterer and Andy Wilch. 1 HOUR REQUESTED.

**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.

## **Board Meeting schedule July 3 through September 4, 2007:**

July 3 and July 5 meetings cancelled

July 10 meetings cancelled – July 12 regular items, briefings, executive sessions as needed

July 17 and July 19 meetings cancelled

July 24 meetings cancelled – July 26 regular items, briefings, executive sessions as needed

July 31 Board Work Session on State Budget Cuts

August 2 meeting cancelled

August 7 meetings cancelled – August 9 regular items, briefings, executive sessions as needed

August 14 meetings cancelled – August 16 regular items, briefings, executive sessions as needed

August 21 and August 23 meetings cancelled

August 28 and August 30 meetings cancelled

September 4 meetings cancelled – September 6 regular items, briefings, executive sessions as needed

September 11 and 13 – back to regular Tuesday and Thursday Board meetings schedule

**Please Note:** These cancellations are subject to change. Appropriate advance notice will be provided. If you have any questions or concerns about these dates, please do not hesitate to contact Board Clerk Deb Bogstad @ 503 988-3277. Thank you.



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
501 S.E. HAWTHORNE BLVD., Room 600  
PORTLAND, OREGON 97204  
(503) 988-5217

LISA NAITO • DISTRICT 3 COMMISSIONER

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## MEMORANDUM

TO: Chair Ted Wheeler  
Commissioner Maria Rojo de Steffey  
Commissioner Jeff Cogen  
Commissioner Lonnie Roberts  
Board Clerk Deb Bogstad

FROM: Matthew Lieuallen  
Staff to Commissioner Lisa Naito

DATE: June 12, 2007

RE: Naito Excuse Memo

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Commissioner Naito will be unable to attend the June 26, June 28, July 10, and July 12 Board meetings or briefings. Commissioner Naito will be out of town on vacation.

Thank you,  
Matthew Lieuallen



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 6/26/07  
**Agenda Item #:** E-1  
**Est. Start Time:** 9:00 AM  
**Date Submitted:** 06/20/07

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

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

**Requested Meeting Date:** June 26, 2007      **Amount of Time Needed:** 15-30 minutes  
**Department:** Non-Departmental      **Division:** County Attorney  
**Contact(s):** Agnes Sowle  
**Phone:** 503 988-3138      **Ext.** 83138      **I/O Address:** 503/500  
**Presenter(s):** Agnes Sowle and Invited Others

**General Information**

1. **What action are you requesting from the Board?**  
     No final decision will be made in the Executive Session.
2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**  
     Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.
3. **Explain the fiscal impact (current year and ongoing).**
4. **Explain any legal and/or policy issues involved.**  
     ORS 192.660(2)(d),(e)and/or(h)
5. **Explain any citizen and/or other government participation that has or will take place.**

**Required Signature**

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

**Date:** 06/20/07



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/07  
**Agenda Item #:** B-1  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 06/18/07

**Agenda Title:** **Briefing on Minority Over-representation in the Juvenile Justice System**

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

**Requested Meeting Date:** June 26, 2007      **Amount of Time Needed:** 45-60 minutes  
**Department:** Department of Community Justice      **Division:** JSD  
**Contact(s):** Robb Freda-Cowie  
**Phone:** 503 988-5820      **Ext.** 85820      **I/O Address:** 311/1/Dave Koch  
**Presenter(s):** Dave Koch

**General Information**

**1. What action are you requesting from the Board?**

This is a briefing requested by Chair Wheeler on increased over-representation of minority youth in the county's juvenile justice system.

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

Multnomah County is nationally recognized for its success in reducing the number of youth who are held in detention, while reducing juvenile crime. The county has also demonstrated success in reducing disparities in the rates at which Anglo and minority youth are held in juvenile detention than have other jurisdictions nationwide.

DCJ measures the rates of confinement of youth at Donald E. Long Home, the county's juvenile detention facility. Each year, these rates are reported in DCJ's Minority Over-representation report (see "Juvenile Minority Over-Representation in Multnomah County's Department of Community Justice: Calendar Year 2006 Youth Data").

From 1997 to 2002, the rates at which Anglo and minority youth were held in detention were virtually identical. However, since 2003, a persistent and growing gap has emerged. Last year

(calendar year 2006), the gap between minority and Anglo detention rates increased to 17%.

The causes of this gap are complex. However, two major, interrelated factors appear to be linked to this recent increase in disproportionate minority over-representation:

- **Elimination or reductions in delinquency prevention and intervention programs:** The growing gap in the rates at which African-American and white teens are held in detention *directly coincides* with cuts to county prevention and intervention programs that have occurred since 2002-2003 (when detain rates were nearly equal).

Since 2002, net funding for the Department of Community Justice's Juvenile Service Division has declined by almost \$3 million (from \$29.7 million in FY 2001 to \$26.8 million in FY 2006). (See attached graph for a list of program reductions and the changes in detain rates that followed.)

Adjusted for inflation, this represents an almost \$7.5 million dollar loss from current service level. This reduction has had a significant impact on programs designed to prevent youth from entering the juvenile justice system and divert delinquent youth (particularly minority youth) from further criminal activity and eventual detention or commitment to state youth correctional facilities.

The Forest Project is a case in point. Located in the Columbia Gorge, the Forest Project provided a non-custody probation sanction option, along with behavior change components (e.g., cognitive restructuring groups and a computer lab). Because it offered juvenile probation officers a restrictive intervention as an alternative to detention, it became an important part of our juvenile detention reform initiative. Nearly 500 high and medium risk youth each year were sent to the Forest Project, which averted 1,664 days of detention utilization. This meant that fewer African-American and other teens were locked up when they violated probation, reducing detention rates.

Unlike custody sanctions, the Forest Project also showed reduced arrests among program participants. Again, this means that fewer African-American teens returned to the community and committed new crimes, further lowering the number of youth held in custody.

Due to budget cuts, the Forest Project was eliminated in 2005.

While the juvenile system is primarily county-funded, state and federal cuts since 2002 have also played destabilizing roles that have contributed to increased disparity. Between the 2003-2007 biennia, the state cut Juvenile Crime Prevention funds to Multnomah County by over \$900,000. Gang Transition Services were cut \$500,000 in the 2003-2005 session. Federal Juvenile Accountability Block Grants were also successively reduced \$450,000 in this time. Both these grants have been targeted at high-risk youth of color who are involved in gang activity.

While the state has withdrawn funding – and cut custody beds at the Oregon Youth Authority – counties have been forced to supervise more dangerous youth. *The risk level of teens on probation in Multnomah County is now identical to the risk level of youth who are in OYA custody.* Yet, while the Governor's proposed budget restores the county to 2001-2003 state funding levels, the Co-Chairs' budget proposes to cut Gang Transition Services by \$1.1 million and reduce the Governor's proposed increases to state juvenile crime

prevention funds.

- **Increasing concentration of high-risk minority youth in the justice system:** Progressive reductions in prevention and diversion programs have forced the county justice system to focus on high- to medium-risk youth. The lack of prevention and early intervention services has the greatest impact on minority communities that have less access to health care and social services, as well as adolescent drug abuse treatment and mental health services. Consequently, youth with these problems are more likely to come to the attention of police.

This has created a vicious cycle in which youth with severe problems are unable to gain access to treatment services until they acquire more serious delinquency records and, as a result, face greater consequences (being held in detention or committed to an OYA youth correctional facility) for failure.

At the same time, the county has few intervention options left available for youth who are developing risky behaviors. Last year DCJ sent out 1,600 warning letters to parents of youth facing charges for theft and drug possession – in the past, many of these youth could have been required to perform community service, attend family counseling or undergo an assessment for drug and alcohol dependence.

These factors appear to be borne out in risk assessment scores. As part of the county's more than decade-long juvenile detention reform effort, the Department of Community Justice has used the RAI (risk assessment instrument) to screen youth at detention intake. These scores, based on objective, standardized and validated criteria, are used to determine which youth should be held in detention (because of public safety or flight risk) and which youth should be released, or referred to an alternative placement.

In 2006, African-American youth were least likely to be released, which indicates that the youth who are brought to detention by police generally have higher risk scores, as measured by the RAI's validated, standardized criteria. In other words, increased disparity in detention rates cannot be explained by the application of subjective "gut-level" decisions by custody staff. The RAI is measuring an increase in risk factors among African-American youth at detention intake.

Why has this occurred? The RAI is a back-end-of-the-system indicator that shows that when minority youth are brought to the door, they arrive following a cumulative series of instances in which these children have experienced problems that have not been addressed by adults (at home, at school and in the community) that increase their risk levels – repeated arrests, expulsion from school, history of out-of-home placement and runaways. As a result, they are more likely to be detained.

While we are concerned about the increase in detain rates among minority youth, this increase should be considered within the larger context of the county's detention reform initiative. Overall, Multnomah County's detention reforms have substantially reduced the total number of minority youth who are held in juvenile detention. On any given day, approximately 30-40 fewer African-American youth (and youth of other ethnicities) are held in detention than were 10 years ago.

The relatively small numbers of youth who are admitted to detention also affect the percentages of youth detained – e.g., decisions affecting a dozen youth of different ethnicities can produce large fluctuations in percentages on a year to year basis.

In addition, we do not know if recent increases represent the beginning of a long-term trend, or a

temporary anomaly associated with recent budget convulsions to county-funded services aimed at youth.

At the same time, the actions of other justice system and community partners also affects which youth are ultimately brought to juvenile detention. Suspension and expulsion from schools, foster-care placements and policing decisions directly and indirectly contribute to the county's increased disparity in detention rates. The county is not alone in its connection to this issue or in its role in addressing it.

Multnomah County is committed to community safety and fairness in the juvenile justice system. DCJ and our juvenile justice system partners will continue to work to mitigate disparities in our juvenile system by:

- Investing in community-based detention alternatives (Program offer 50023B), where youth can be safely supervised in the community, at less cost than being held in juvenile detention.
- Revising the objective risk instrument (RAI) used to determine which youth are held in detention, based on a recent validation study.
- Reviewing probation supervision and sanctioning practices.
- Evaluating programs serving African-American youth on supervision.
- Broadening the Juvenile Justice Council and working with its members to share information and coordinate practices designed to address minority over-representation.

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

N/A

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

N/A

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

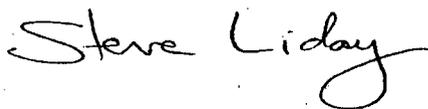
N/A

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**Required Signature**

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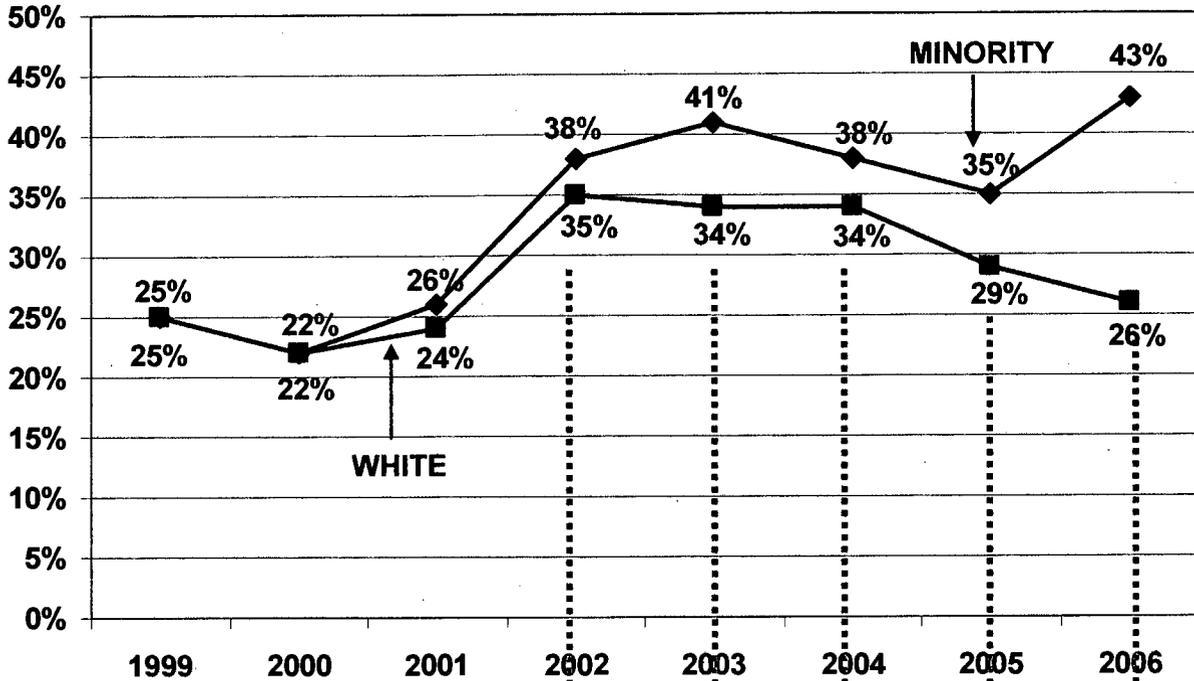
**Elected Official or  
Department/  
Agency Director:**



**Date: June 18, 2007**

Steve Liday

### DCJ Detain Rate by White/Minority Over Time: 1999-2006



**Program Funding Cut:**  
 Turnaround School  
 Family Resource Center  
 School Attendance Initiative  
 Residential Sex Offender Treatment (50% reduction)  
 Skill Development  
 School-based Probation Officers

**Program Funding Cut:**  
 School Attendance Initiative (eliminated)  
 Diversion (80% reduction)  
 Early Intervention Unit (reduction)  
 RISE Program  
 MESD Alternative School Support  
 Day Reporting Center (reduction)  
 Juvenile Treatment Court

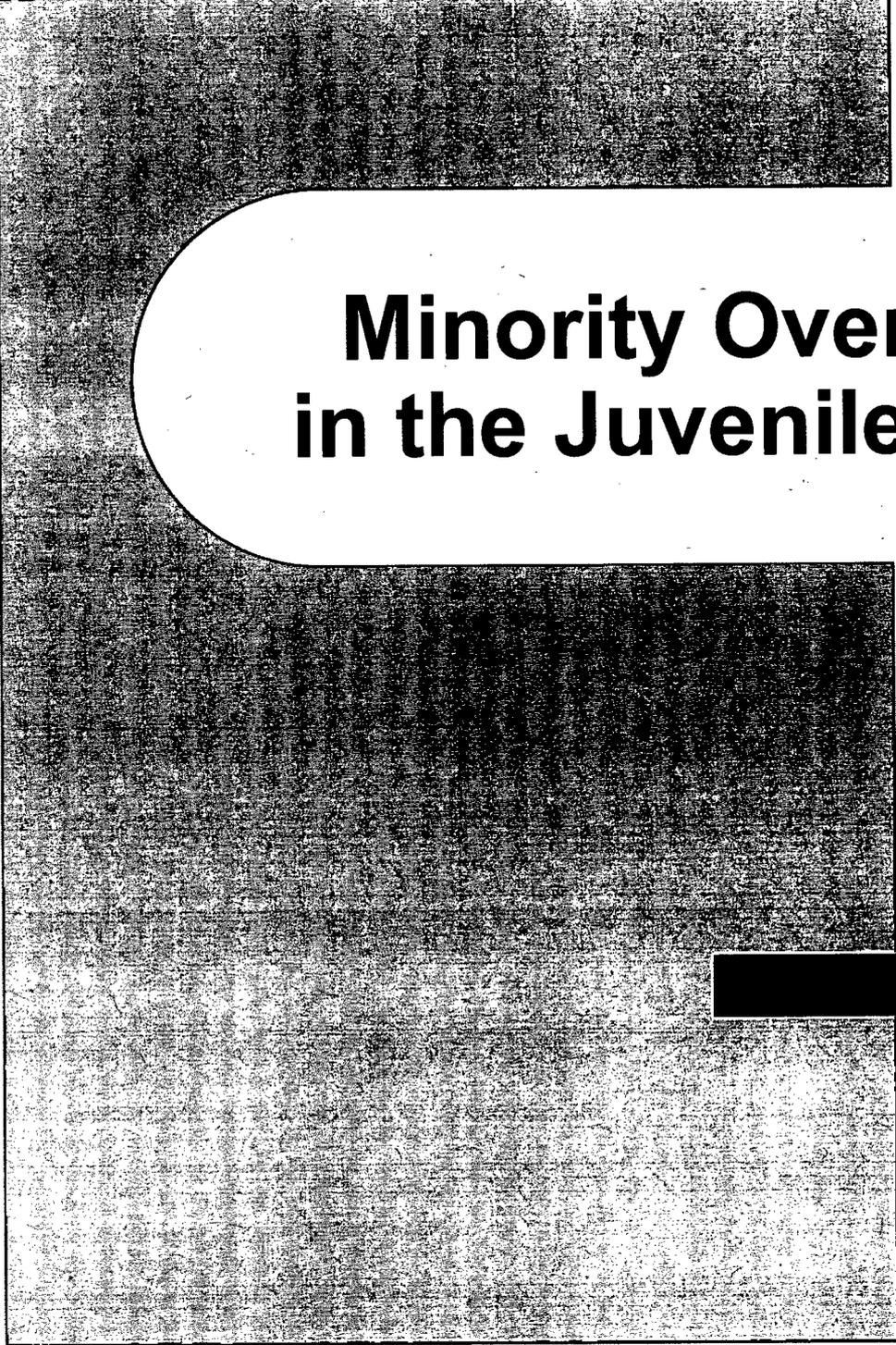
**Program Funding Cut:**  
 MST (program reduction)  
 Assessment Intervention Treatment Program

**Program Funding Cut:**  
 Forest Project  
 Day Reporting Center (eliminated)  
 Youth Gang Outreach

**Program Funding Cut from:**  
 Summer Youth Program  
 Juvenile Education Advocates

Program Cuts are represented within the calendar year

**Total Net Funding Lost 2001-2006: (\$2.9M)**



# **Minority Overrepresentation in the Juvenile Justice System**

Steve Liday

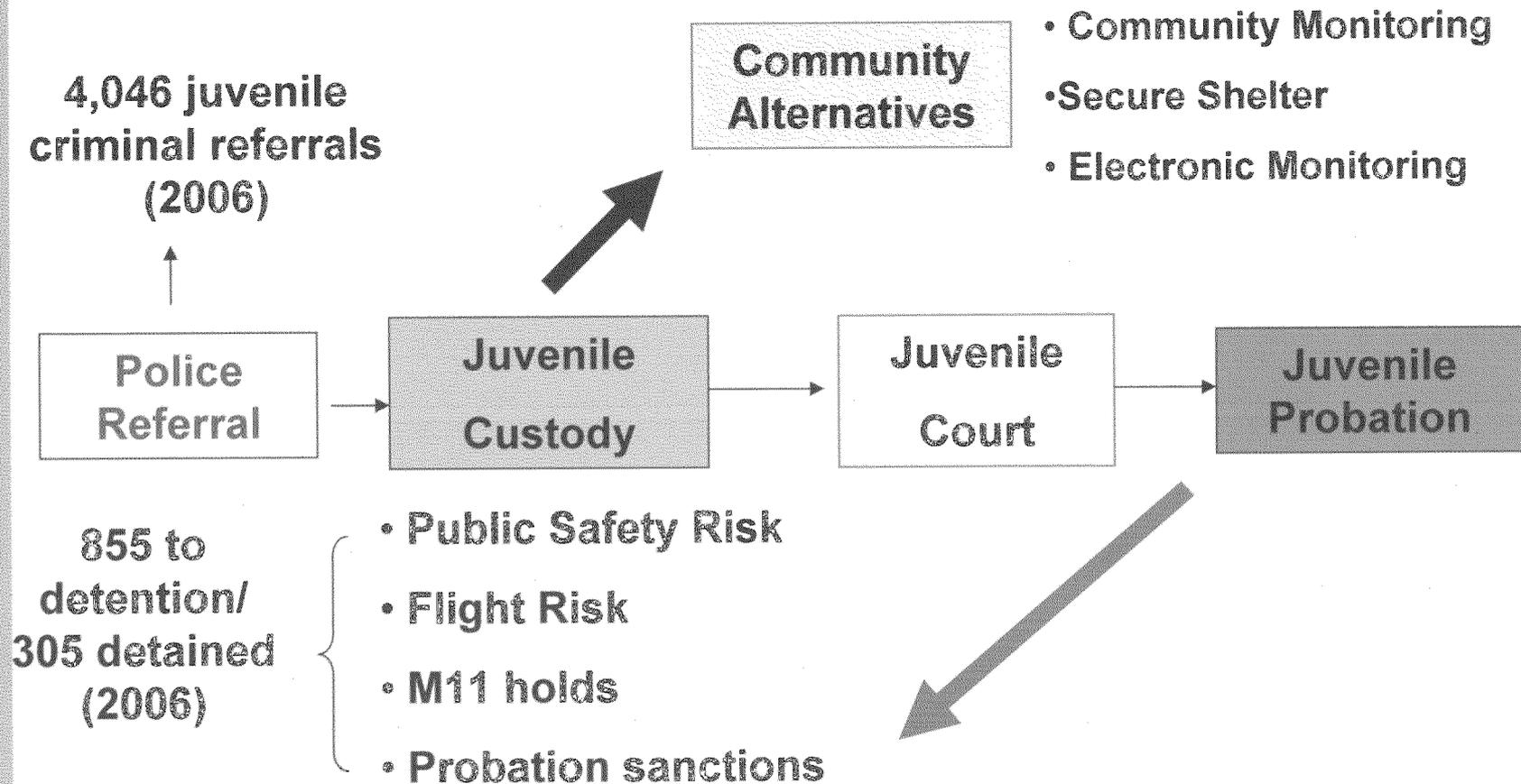
David Koch

Judge Nan Waller



June 26, 2007

# Juvenile Detention in the Juvenile Justice System



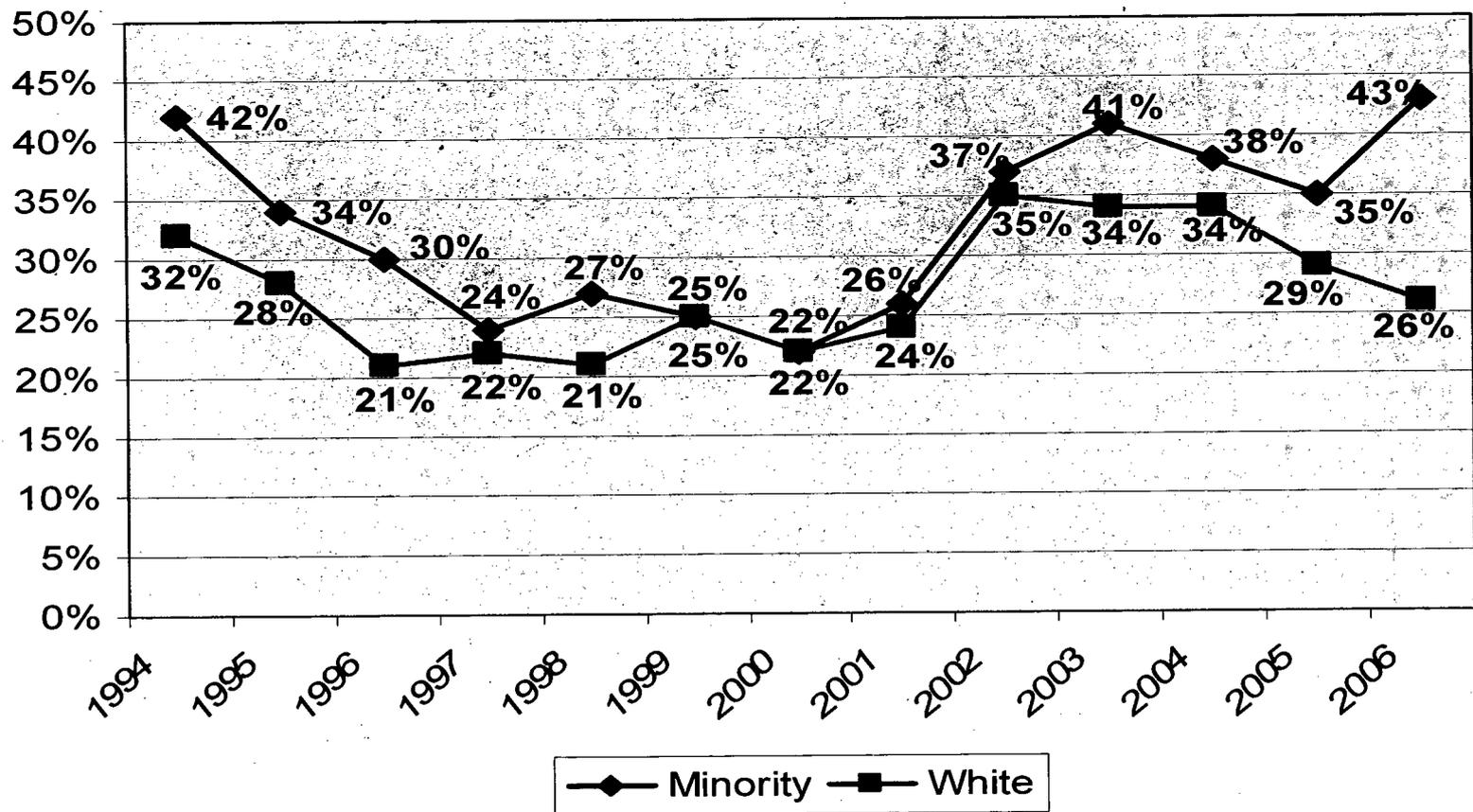
# Minority Overrepresentation Report 2006

- Annual Analysis of Juvenile System
  - Has the problem of over-representation of minority youth decreased, increased, or remained stable in the past year?
  - If there are differences, where do these differences exist ?
- Does not answer 'Why?'
- Does not recommend policy response

# Minority Overrepresentation Report: 2006 Findings

- Minority youth more likely to be detained than Anglo youth.
- Disparity driven by referral and detention rates among African-American youth.
- Hispanic youth *comparable* in proportion to their representation in the community.
  - Hispanic youth within 5% of average at each decision point analyzed.

# Multnomah County Detain Rates 1994-2006 (Minority v. Anglo)



# Detention Rates in Perspective 2005 and 2006

2005

Detained

282

African American	125 (36.9%)
Asian	13 (18.6%)
Hispanic	69 (34%)
Anglo	106 (25.8%)
Native American	9 (37.5%)

2006

Detained

305

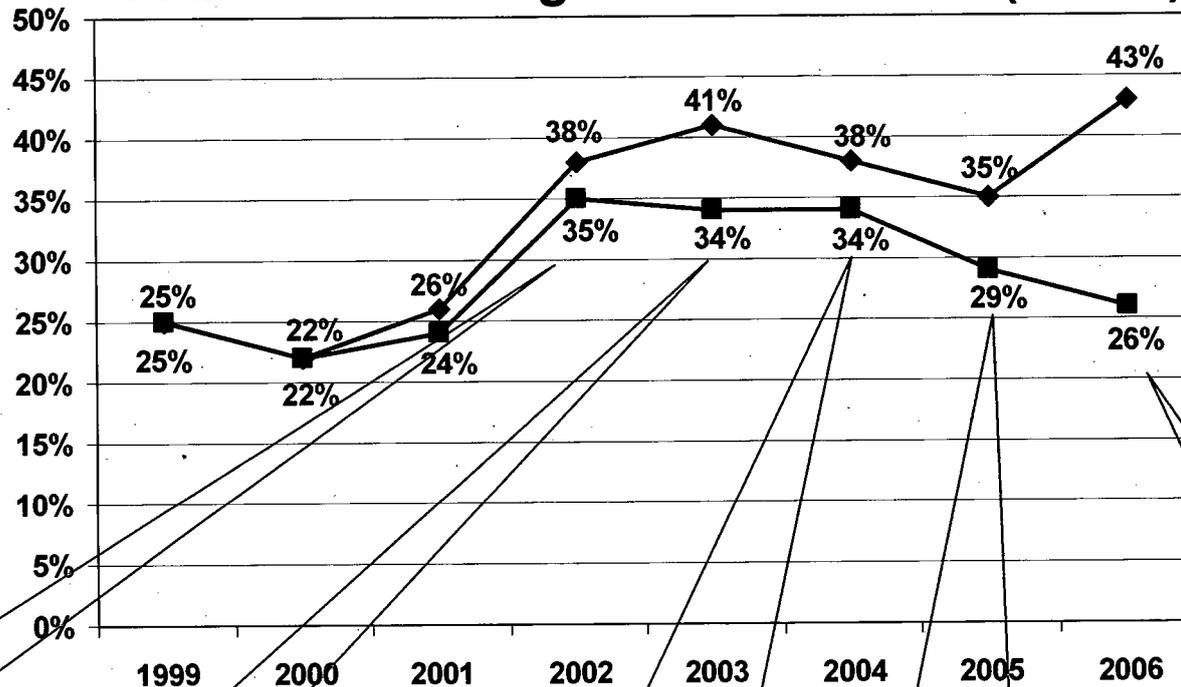
African American	168 (44%)
Asian	14 (46.7%)
Hispanic	27 (32%)
Anglo	88 (25.6%)
Native American	8 (57.1%)

## What is Driving Increased Disparity?

- Increasing concentration of high-risk minority youth in the justice system.
  - Risk level of probation youth in Multnomah County same as risk level of youth in OYA custody.
- Elimination or reductions in delinquency prevention and intervention programs.
  - Since 2002 net funding for Juvenile declined by \$2.9 million (\$7.5 million adjusted for inflation)

# DCJ Detain Rate by White/Minority Over Time: 1999-2006

Total Net Funding Lost 2001-2006: (\$2.9M)



Funding Cut:  
School-based  
prevention services

Funding Cut:  
Diversion  
Treatment Court

Funding Cut:  
Assessment and Treatment  
Programs

Funding Cut:  
Forest Project, DRC,  
Gang Outreach

Funding Cut:  
Summer Youth  
Program

## Funded Programs that Address Disparities in Detention and OYA Commitment

Program	Role	Population
ATYF (50011) MST (50019A) RAD (50020) SRTP (50018)	Treatment Services	High and Medium Risk
Communities of Color (50015) JCAMY (50016) Juvenile Accountability (50021) Detention Alternatives (50023A) Detention Alternatives Enhancement (50023B)	Custody Alternatives and Sanctions	High and Medium Risk

# Programs Not Funded that Address Disparities

Program	Role	Population
Early Intervention Unit (50010)	Prevention/Treatment	High risk pre-teens
DCHS Diversion (25124)	Diversion	Low risk
Chronic Offender Program (not submitted in FY 08)	Supervision	High Risk
Juvenile Accountability (50021) staff reduction Forest Project (not submitted in FY 08) Youth Investment Program (not submitted in FY 08)	Custody Alternatives and Sanctions	High and Medium risk

## Is it Getting Better or Worse in 2007?

- 9% Minority-Anglo disparity in 2007 ***excluding*** BM 11 cases (14% with BM 11 cases).
- The majority of BM 11 youth in detention are Minority youth (large proportion of these youth are African American).

# What Are We Doing About It?

- More detention alternatives in community (Program offer 50023B).
- Validation of RAI and revision of override policy.
- Evaluate probation supervision and sanctioning practices.
- Evaluate community-based services.
- Focused discussion with partners (police, schools, OYA, DHS).

## What Else Can We Do?

- Restoration of State cuts.
- More supervision, treatment, sanction and sentence options (e.g., Forest Project, Chronic Offender program).
- Continued Research
- Continued engagement of schools and police.