

ANNOTATED MINUTES

**Tuesday, November 2, 1993 - 9:30 AM
Multnomah County Courthouse, Room 602**

BOARD BRIEFINGS

- B-1 First Quarter Summary of the Health Department's Language Services Expenditures and Activities. Presented by Dave Houghton.**

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS
BY HEALTH DEPARTMENT STAFF, DAVE HOUGHTON AND
JAN SINCLAIR.**

- B-2 Report on the Central Library Interim Lease and Validation Suit. Presented by Dave Boyer, Howard Rankin, Ginnie Cooper, Bob Oberst and Jim Emerson**

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS
BY DAVE BOYER, FINANCE DIRECTOR, MULTNOMAH
COUNTY; HOWARD RANKIN, BOND COUNSEL; GINNIE
COOPER, DIRECTOR, MULTNOMAH COUNTY LIBRARY; BOB
OBERST AND JIM EMERSON, FACILITIES & PROPERTY
MANAGEMENT. LEASE AGREEMENT TO BE PRESENTED TO
THE BOARD FOR CONSIDERATION ON TUESDAY,
NOVEMBER 9, 1993.**

- B-3 Update on the Sex Offender Notification/S.B. 2759. Presented by Michael Haines and Joanne Fuller.**

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS
BY DEPARTMENT OF COMMUNITY CORRECTIONS STAFF,
MICHAEL HAINES AND JOANNE FULLER.**

**Tuesday, November 2, 1993 - 11:15 AM
Multnomah County Courthouse, Room 602**

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h), for the Purpose of Consultation with Counsel Concerning Legal Rights and Duties Regarding Current Litigation. Presented by Laurence Kressel. (Continued from Thursday, October 28, 1993.)**

EXECUTIVE SESSION HELD.

**Thursday, November 4, 1993 - 9:30 AM
Multnomah County Courthouse, Room 602**

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Gary Hansen, Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, THE CONSENT CALENDAR (C-1 THROUGH C-10) WAS UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:

C-1 Dispenser Class A for:

- a) PINK FEATHER, 14154 SE DIVISION STREET, PORTLAND 97236;
- b) THE DRUM & RICCARDOS LA FIESTA RESTAURANT, 14601 SE DIVISION, PORTLAND 97236;
- c) MULTNOMAH FALLS LODGE, SCENIC HWY. AND COLUMBIA GORGE, BRIDAL VEIL 97010

C-2 Dispenser Class B for:

- a) THE RAQUET CLUB, 1853 SW HIGHLAND ROAD, PORTLAND 97221

C-3 Package Store for:

- a) PLAINVIEW GROCERY, 11800 NW CORNELIUS PASS ROAD, PORTLAND 97231;
- b) FRED MEYER, INC., 14700 SE DIVISION, PORTLAND 97206;
- c) LARSON'S MARINA, 14444 NW LARSON ROAD, PORTLAND 97231;
- d) ALBERTSON'S FOOD CENTER #502, 1350 NE 122ND AVENUE, PORTLAND 97230;
- e) ORIENT COUNTRY STORE, 29822 SE ORIENT DRIVE, GRESHAM 97080;
- f) COUNTY FOOD MART, 5708 SE 136TH, PORTLAND 97236;
- g) K.S. FOOD MARKET, 15231 SE DIVISION, PORTLAND 97236;
- h) MINI MART EXPRESS, 16437 SE POWELL, PORTLAND 97236

C-4 Retail Malt Beverage for:

- a) POWELLHURST TAVERN, 12344 SE POWELL BLVD., PORTLAND 97236;
- b) PLEASANT HOME SALOON, 31637 SE DODGE PARK BLVD., GRESHAM 97030;
- c) FOUR ACES, 15826 SE DIVISION, PORTLAND 97236;
- d) CLUB 122, 12131 SE HOLGATE, PORTLAND 97266;
- e) CLUB GENESIS, 13639 SE POWELL, PORTLAND 97236;
- f) DAILY DOUBLE TAVERN, 1607 NE 162ND, PORTLAND 97230;
- g) HAGARS AT VIKING PARK, 29311 STARK STREET, TROUTDALE 97060

NON-DEPARTMENTAL

C-5 In the Matter of the Appointment of George Standingelk to the Portland Multnomah Commission on Aging, Representative to Disabled Community, Term Ending July, 1996

C-6 Ratification of Amendment No. 4 to Intergovernmental Agreement, Contract #500214, between the City of Portland, Metropolitan Arts Commission and Multnomah County Regarding Operation of the Metro Arts Commission, Including Reference to Eventual Regionalization of Service, for the Period Upon Execution and to be Perpetual

DEPARTMENT OF SOCIAL SERVICES

- C-7 Ratification of Amendment No. 2 to Intergovernmental Agreement, Contract #100284, between Multnomah County Mental Health, Youth and Family Services, Alcohol and Drug Program and the Oregon Health Sciences University, Alcohol Treatment and Training Center to Add State Funded Cost of Living Allowance (COLA) to the Diversion Services for the Requirements of the Contract, for the Period July 1, 1993 through June 30, 1994
- C-8 Ratification of Amendment No. 1 to Intergovernmental Revenue Agreement, Contract #103524, between Multnomah County Mental Health, Youth and Family Services, Child and Adolescent Mental Health Program Office and Centennial School District #28J to Add \$12,500 in Revenue to Provide Additional School Mental Health Consultant Services, for the Period September 1, 1993 through June 30, 1994
- C-9 Ratification of an Intergovernmental Revenue Agreement, Contract #103844, between Multnomah County Mental Health, Youth and Family Services, Adult Mental Health Program Office and the City of Portland, Housing and Community Development to Provide \$70,095 in Revenue for the County to Assist in the Operation of the Bridgeview Project to Shelter Chronically Mentally Ill Citizens, for the Period July 1, 1993 through June 30, 1994

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-10 ORDER in the Matter of the Execution of Deed D940923 Upon Complete Performance of a Contract to ELMER J. FENNERN and MARY L. FENNERN

ORDER 93-360.

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 Ratification of an Intergovernmental Agreement, Contract #500284, between Multnomah County Sheriff's Office, Jointly with the Gresham Police Department, Troutdale Police Department, Fairview Police Department, Multnomah County Aging Services Division and the Multnomah County District Attorney's Office to Provide Investigation and Reporting of Abuse of Elderly Persons in Multnomah County, for the Period November 1993 through November 1998

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-1. PAULA GADOTTI, SHERIFF'S OFFICE; BECKY WEHRLI, DIRECTOR PMCoA AND SHIRLEY MCGREW, CHAIR PMCoA PRESENTED AND EXPLANATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER SHARRON KELLEY THANKED ALL INVOLVED FOR THE WORK PUTTING THIS AGREEMENT TOGETHER. ALSO, FOR THE STRONG SUPPORT IN EAST COUNTY. VOTE ON MOTION WAS UNANIMOUSLY APPROVED.

- R-2 RESOLUTION in the Matter of Designating the Tax Supervising and Conservation Commission to Oversee the Tax Coordination Plan

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-2. MARIA ROJO de STEFFEY PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. RESOLUTION 93-361 WAS UNANIMOUSLY APPROVED.

- R-3 ORDER in the Matter of the Dismissal of Finley and Meyers v. City of Portland, a Petition for Way of Necessity, No. 92-51-A

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-3. MATTHEW RYAN, ASSISTANT COUNTY COUNSEL PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 93-362 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 PUBLIC HEARING: ORDER in the Matter of the Vacation of a Portion of SE Butler Road, County Road Nos. 365 and 588, from SE 190th Drive Easterly 298 ft., More or Less

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4. STAFF REPORT PRESENTED BY JOHN DORST. PUBLIC HEARING WAS HEALD, NO PUBLIC TESTIMONY RECEIVED. ORDER 93-363 WAS UNANIMOUSLY APPROVED.

- R-5 RESOLUTION Setting a Hearing Date in the Matter of Surrendering Jurisdiction to the City of Portland All County Roads Annexed to the City of Portland Effective June 30, 1993

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. BOB PEARSON PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. RESOLUTION 93-364 SETTING HEARING DATE ON THURSDAY, DECEMBER 23, 1993 WAS UNANIMOUSLY APPROVED.

- R-6 Ratification of an Intergovernmental Agreement, Contract #300944, between Multnomah County, Transportation Division and the City of Portland Water Bureau to Relocate a Water Line at SW First Avenue, Adjacent to the Burnside Bridge to Allow for Bridge Stairway Installation, with the City of Portland Office of Transportation to Reimburse Multnomah County up to \$25,000, for the Period Upon Signature through Completion

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-6. EXPLANATION AND RESPONSE TO BOARD QUESTIONS PRESENTED BY STAN GHEZZI. VOTE ON MOTION WAS UNANIMOUSLY APPROVED.

- R-7 Ratification of an Intergovernmental Agreement, Contract #300954, between Multnomah County, Transportation Division

and the Oregon Department of Transportation (ODOT) for the Preliminary Engineering and Construction Finance Agreement for the NE 207TH AVENUE CONNECTOR, for the Period Upon Signature through Completion

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. EXPLANATION AND RESPONSE TO BOARD QUESTIONS PRESENTED BY KATHY BUSSE. VOTE ON MOTION WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF SOCIAL SERVICES

R-8 RESOLUTION in the Matter of Approving Recommendations From the Housing and Community Development Commission (HCDC) Regarding Allocation of PILOT Revenues

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. EXPLANATION AND RESPONSE TO BOARD QUESTIONS PRESENTED BY RAY ESPANA.

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, CONSIDERATION AND APPROVAL TO AMEND PROPOSED RESOLUTION PAGE 2 TO ADD A SECOND THEREFORE IT IS FURTHER RESOLVED CLAUSE TO READ: "THEREFORE IT IS FURTHER RESOLVED THAT THE BOARD OF COMMISSIONERS BE PROVIDED WITH AN ANNUAL REPORTING ON THE DISTRIBUTION OF PILOT FUNDS AS WELL AS A PERFORMANCE REVIEW OF THE IMPLEMENTATION OF THE PILOT ALLOCATIONS."

VOTE ON MOTION TO APPROVE THE PROPOSED AMENDMENT WAS UNANIMOUSLY APPROVED.

VOTE ON MOTION TO APPROVE RESOLUTION 93-365 AS AMENDED WAS UNANIMOUSLY APPROVED.

PUBLIC COMMENT

R-9 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

MAYOR PAUL THALHOFER, CITY OF TROUTDALE PRESENTED TESTIMONY IN OPPOSITION TO THE PROPOSED MEASURE 26-1, ON THE NOVEMBER 9, 1993 BALLOT.

There being no further business, the meeting was adjourned at 10:35 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By Corrie A. Parke

0325C/1-5
cap

SHARRON KELLEY
Multnomah County Commissioner
District 4



Portland Building
1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5213

MEMORANDUM

TO: Clerk of the Board
Board of County Commissioners

FROM: Sharron Kelley

RE: Early Departure from Board Meeting

DATE: October 20, 1993

BOARD OF
COUNTY COMMISSIONERS
1993 NOV -2 PM 1:13
MULTNOMAH COUNTY
OREGON

I will be departing early from the November 2nd Board meeting for a speaking engagement that was previously scheduled.

1701L-30



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR • 248-3308
DAN SALTZMAN • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
TANYA COLLIER • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

November 1 - 5, 1993

Tuesday, November 2, 1993 - 9:30 AM - Board Briefings . . .Page 2

Tuesday, November 2, 1993 - 11:15 AM - Executive Session. .Page 2

Thursday, November 4, 1993 - 9:30 AM - Regular Meeting. . .Page 2

MEETING CHANGES AND/OR CANCELLATIONS

Tuesday, November 9th	Briefing, Regular Meeting and Planning Items
Thursday, November 11th	<u>HOLIDAY/Meeting Cancelled</u>
Tuesday, November 16th	<u>Meeting Cancelled</u>
Thursday, November 18th	<u>Meeting Cancelled</u>
Tuesday, November 23rd	Regular Meeting and Planning Items
Thursday, November 25th	<u>HOLIDAY/Meeting Cancelled</u>

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

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers
Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, November 2, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 First Quarter Summary of the Health Department's Language Services Expenditures and Activities. Presented by Dave Houghton. 9:30 AM TIME CERTAIN, 30 MINUTES REQUESTED.
- B-2 Report on the Central Library Interim Lease Lease and Validation Suit. Presented by Dave Boyer, Howard Rankin, Ginnie Cooper, Bob Oberst and Jim Emerson. 10:00 AM TIME CERTAIN, 45 MINUTES REQUESTED.
- B-3 Update on the Sex Offender Notification/S.B. 2759. Presented by Michael Haines and Joanne Fuller. 10:45 AM TIME CERTAIN, 30 MINUTES REQUESTED.
-

Tuesday, November 2, 1993 - 11:15 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h), for the Purpose of Consultation with Counsel Concerning Legal Rights and Duties Regarding Current Litigation. Presented by Laurence Kressel. 11:15 AM TIME CERTAIN, 45 MINUTES REQUESTED (continued from Thursday, October 28, 1993).
-

Thursday, November 4, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

SHERIFF'S OFFICE

Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:

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a) PINK FEATHER, 14154 SE DIVISION STREET, PORTLAND 97236;
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97060

NON-DEPARTMENTAL

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DEPARTMENT OF ENVIRONMENTAL SERVICES

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REGULAR AGENDA

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- R-2 RESOLUTION in the Matter of Designating the Tax Supervising and Conservation Commission to Oversee the Tax Coordination Plan
- R-3 ORDER in the Matter of the Dismissal of Finley and Meyers v. City of Portland, a Petition for Way of Necessity, No. 92-51-A

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 PUBLIC HEARING: ORDER in the Matter of the Vacation of a Portion of SE Butler Road, County Road Nos. 365 and 588, from SE 190th Drive Easterly 298 ft., More or Less
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DEPARTMENT OF SOCIAL SERVICES

- R-8 RESOLUTION in the Matter of Approving Recommendations From the Housing and Community Development Commission (HCDC) Regarding Allocation of PILOT Revenues

PUBLIC COMMENT

- R-9 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

MEETING DATE: NOV 02 1993

AGENDA NO.: B-1

(Above space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: AN UPDATE ON LANGUAGE SERVICES

BOARD BRIEFING Date Requested: NOVEMBER 2, 1993

Amount of Time Needed: 15 TO 30 MINUTES (STARTING AT 9:30)

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: HEALTH DIVISION: SPECIALTY CARE SERVICES

CONTACT: DAVE HOUGHTON TELEPHONE #: _____
BLDG/ROOM #: _____

PERSON(S) MAKING PRESENTATION: DAVE HOUGHTON

ACTION REQUESTED:

[X] INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

In response to the Board's request to be kept informed of progress on the Health Department's language issues, this will be a 1st Quarter report on activities and expenditures.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Or

DEPARTMENT MANAGER: Mary L. Henrich

(ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES)

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
MULTI-NOMINAL COUNTY
OREGON
1993 OCT 26 AM 10:38

MEETING DATE: _____

AGENDA NO.: _____

(Above space for Board Clerk's Use ONLY)
-----**AGENDA PLACEMENT FORM**SUBJECT: AN UPDATE ON LANGUAGE SERVICESBOARD BRIEFING Date Requested: NOVEMBER 2, 1993Amount of Time Needed: 15 TO 30 MINUTES (STARTING AT 9:30)

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: HEALTH DIVISION: SPECIALTY CARE SERVICESCONTACT: DAVE HOUGHTON TELEPHONE #: _____
BLDG/ROOM #: _____PERSON(S) MAKING PRESENTATION: DAVE HOUGHTON**ACTION REQUESTED:**

[X] INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

In response to the Board's request to be kept informed of progress on the Health Department's language issues, this will be a 1st Quarter report on activities and expenditures.

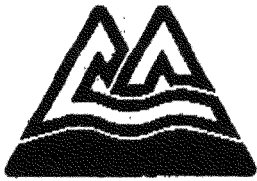
SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OrDEPARTMENT MANAGER: Mary L. Henrich

(ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES)

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

**MULTNOMAH COUNTY OREGON**

HEALTH DEPARTMENT
426 S.W. STARK STREET, 8TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3674
FAX (503) 248-3676 TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS
GLADYS MCCOY • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

FAX TRANSMITTAL MEMO

NUMBER OF PAGES 3+C TODAY'S DATE 10/26/93 TIME 11:56

TO: Carie P. FROM: MULTNOMAH COUNTY HEALTH DEPARTMENT

COMPANY: _____ NAME: Dave Houghton / Jan Sinclair

FAX#: _____ PHONE#: _____ FAX#: 248-3676 PHONE#: 248-3674

COMMENTS: _____

MEMORANDUM

TO: Board of County Commissioners
FROM: Billi Odegaard *Don Sundark
for B.M.O.*
REQUESTED PLACEMENT DATE: 11/02/93
DATE: October 26, 1993
SUBJECT: Health Department Language Services Update Briefing

I. Recommendation/Action Requested:

Board direction on recommendation from Health Department of Language Service Office for continuing current course of hiring bilingual staff as vacancies occur in the Department.

II. Background/Analysis:

Hearing is at Board request for 1st quarter expenditure report of Language Service Budget to include summary of change and activities in Health Department to decrease interpretation costs.

Health Department budget for interpretation for 93-94 is approximately 1.2 million dollars. Health Department 93-94 initial request for Language Services was 1.4 million. At budget hearings there was much discussion about interpretation costs to make changes rapidly to decrease costs and at the same time try to avoid layoffs.

III. Financial Impact: N/A

Briefing - 1st quarter summary of Health Department's Language Services expenditures and activities.

IV. Legal Issues:

Civil Rights Act of 1964 and subsequent Federal Grant requirements relating to equal access.

Legislation:

Section 329-42 U.S. C. 254b (f)(3)(j) and Section 330-42 U.S.C. 254c (e)(f)(J)

Regulation:

42 CFR Section 51c.303(1)(page 195)

V. Controversial Issues:

- * Hiring bilingual employees, replacing monolingual staff.
- * Communities perception of access to services.
- * Fear of layoffs, particularly front line staff.

VI. Link to Current County Policies:

Consistent with current policies related to equal access. Following Civil Service and Labor contracts for all hiring.

VII. Citizens Participation:

Briefings and consultation has been done regularly with the Health Department's Community Health Council.

VIII. Other Government Participation: N/A

MEETING DATE: NOV 02 1993

AGENDA NO: B-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: CENTRAL LIBRARY INTERIM LEASE AND VALIDATION SUIT

BOARD BRIEFING Date Requested: 11-2-93

Amount of Time Needed: 45 Minutes

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: Environmental Services DIVISION: Facilities & Property Management

CONTACT: Jim Emerson TELEPHONE #: 248-3322
BLDG/ROOM #: 421/3rd

PERSON(S) MAKING PRESENTATION: Dave Boyer, Howard Rankin, Ginnie Cooper, Bob Oberst and Jim Emerson

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Staff will report on recommended siting option, lease negotiation, and validation suit plans, as directed by Board at July 20, 1993 briefing.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: [Signature] [Signature] [Signature] [Signature]

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1993 OCT 26 AM 10:39



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

BEVERLY STEIN
MULTNOMAH COUNTY CHAIR

STAFF REPORT for Agenda Item

To: Board of County Commissioners

From: Jim Emerson, Construction Manager

Date: 11-2-93

RE: Central Library Interim Location Lease and Validation Suit
Informal Briefing

I. Recommendation/Action Requested:

For information and concurrence. Opportunity to resolve questions before formal action to be requested Nov. 9th.

II. Background/Analysis:

The Board directed staff to identify and negotiate for interim leased space to be used to house Central Library during Central's reconstruction, based on input from Bond Counsel that the County can file a Validation Suit with the Courts once a lease has been authorized. The Suit will ask the Courts to approve use of General Obligation Bond proceeds for lease and relocation costs, on the basis that these costs are appurtenant to the capital project and in the public interest.

Three valid proposals for lease space were received (see attached pages.) Staff recommends the use of the old State Office Building ("The Fifth Avenue Building") due to its configuration, location, availability, and proposal price. Staff is negotiating the lease details and will share the negotiated terms with you on November 9th. The lease must be authorized in order to become a basis for the Suit, but not executed until the Suit is successful. Bond Counsel will review the steps taken in the course of the Validation Suit, and the potential outcomes.

III. Financial Impact:

The project must be kept within the G.O. Bond limit, so there is no General Fund impact. If the Validation Suit succeeds, estimated project cost savings are over \$1,000,000 compared to doing construction in an operating Library. Unless the Suit is approved only after lengthy appeals process, about two years will also be cut from the schedule.

(continued)

- IV. Legal Issues:
Use of G.O. Bond funds for operating costs or maintenance is not legal. Leases are generally construed as operating expenses. Our position is that the interim (lease) location is an integral part of our capital construction program for Central Library, since it allows construction to proceed faster, cheaper, and with less risk.
- V. Controversial Issues:
We will craft the language of the Suit to support our capital program without creating an undue precedent for improper use of G.O. Bonds by other jurisdictions. Some observers may take issue with either the concept or the details of this effort.
- VI. Link to Current County Policies:
Consistent: results in lower costs and risks, shorter schedule; therefore favorable to the public interest.
- VII. Citizen Participation:
The Library Board concurs with this effort. The new Central Library Design and Construction Oversight Committee is invited to the Briefing. Invitations for lease site proposals were publicly advertised.
- VIII. Other Government Participation:
No direct effect on other County or non-County groups. Potential of co-location with another group and/or use of improved space after Library moves back to Central has been discussed briefly with two Divisions (A & T, MHYFS) but is not close to conclusion.

CENTRAL LIBRARY INTERIM LOCATION PROPOSAL

FIFTH AVENUE BUILDING (Old State Office Building)
1400 SW 5th

Lease premises: Approx. 100,000 square feet, including
40,000 - Ground Floor (4th Ave. entry)
36,000 - First Floor (5th Ave. entry plus
2nd and 3rd floors of tower);
the above for Library use.
24,000 - 4th and 5th floors of tower;
for book storage.
Additional storage space at no charge if
not pre-leased and no improvements.

Base Rent: \$600,000/year. Paid at \$50,000/month.

Additional costs:

- A. Operations and interior Maintenance, chiefly
utilities and custodial. Estimate: \$350,000/yr.
Air-conditioned.
- B. Improvements: Included in base rent, at a
minimal level. Added improvements, if required,
could be amortized into added rent or paid lump sum.

Term: Three years

Parking & Loading: Loading area off-street included. Parking
available on-site at market rate for 66 cars.
Large commercial parking garage across the street.

Public Transportation: Excellent bus service on 5th Avenue.

Offered by: Building Owner.
Building is substantially ready to occupy.

CENTRAL LIBRARY INTERIM LOCATION PROPOSAL

"PLAZA 5th AVENUE BUILDING" (Lipman-Wolfe, Frederick & Nelson)
521 SW 5th

Lease premises: 90,000 - 100,000 square feet, including
20,000 - Ground floor
40,000 - 2nd and 3rd floors;
the above for library use.
30,000+: 4th and 5th floors for book
storage.
Additional storage space at \$8/sf/yr.

Base Rent: \$840,000/year. Paid all in advance.

Additional costs:

- A. Operations and interior Maintenance, chiefly
utilities and custodial. Estimate: \$300,000/yr.
Not air-conditioned.
- B. Improvements: Included in base rent, at a minimal
level. Added improvements, if required, would be
paid by County as a lump sum.

Term: Three years

Parking & Loading: Loading area provided adjacent to street,
but vehicle remains on-street.
No parking.

Public Transportation: Excellent, Bus Mall location. Close to
light rail line.

Offered by: Developer not yet in possession of building.
Building needs substantial reconstruction.

CENTRAL LIBRARY INTERIM LOCATION PROPOSAL

OREGON HISTORICAL SOCIETY WAREHOUSE (Old Meier & Frank Whse.)
1417 NW Everett St.

Lease Premises: Approx. 80-100,000 square feet
Various potential configurations.
Some additional storage space may be available.

Base Rent: ^{216,000.}
~~\$288,000~~/year, as-is. Paid monthly.

Additional costs:

- A. Operations and interior Maintenance, chiefly utilities and custodial. Estimate: \$325,000/yr. Not air-conditioned.
- A.1 Systems maintenance (elevator, air handling, water, etc.) Estimate: \$50,000/yr.
- B. Improvements: Not included. County would provide and fund via lump sum or loan. Estimated cost: \$3.5 - 4.5 million.

Term: Three years

Parking and Loading: Building has internal loading docks, but Code may prevent use due to fire/exhaust separation.
No parking.

Public Transportation: On a bus line.

Offered by: Building Owner.
Building needs substantial modification for this use, and possibly a zoning action.

Meeting Date: NOV 02 1993

Agenda No.: B-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Sex Offender Notification/S.B. 2759

BOARD BRIEFING Date Requested: November 2, 1993

Amount of time needed: 30 minutes

REGULAR MEETING Date Requested: _____

Amount of time needed: _____

DEPARTMENT: Community Corrections DIVISION: _____

CONTACT: Michael Haines TELEPHONE #: 248-3456
BLDG/ROOM #: 162/MTSW

PERSON(S) MAKING PRESENTATION: Michael Haines and Joanne Fuller

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Recent passage of SB 2759 has created the legal structure for Probation and Parole Officers to provide public notification when dangerous predatory sex offenders are released to the community. The Department of Community Corrections, working with the State Department of Corrections, has developed State Administrative Rule and proposed Multnomah County policy and procedure in order to begin notification by November 3, 1993, the effective date of this legislation. The Department wishes to inform the Board about related issues.

SIGNATURES REQUIRED:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Heath [Signature] for Director T. Holden

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

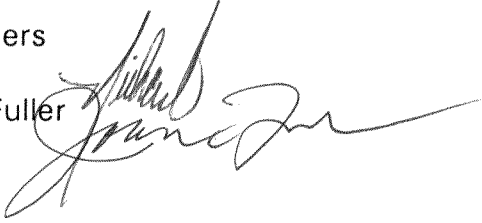
BOARD OF
COUNTY COMMISSIONERS
1993 OCT 26 PM 3:49
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY DEPARTMENT OF
COMMUNITY CORRECTIONS

M E M O R A N D U M

TO: Board of County Commissioners

FROM: Michael Haines and Joanne Fuller 

DATE: October 25, 1993

SUBJECT: Agenda Placement Date: November 2, 1993
Sex Offender Notification

I. Recommendation/Action Requested

Informational

II. Background/Analysis

Recent passage of SB 2759 has created the legal structure for Probation and Parole Officers to provide public notification when dangerous predatory sex offenders are released to the community. The Department of Community Corrections, working with the State Department of Corrections, has developed State Administrative Rule and proposed Multnomah County policy and procedure in order to begin notification by November 3, 1993, the effective date of this legislation. The Department wishes to inform the Board about related issues.

III. Financial Impact

The Legislature did not appropriate additional funding for these activities. The Department proposes to accomplish notification within existing resources.

IV. Legal Issues

County Counsel is currently reviewing proposed policy and procedure. No other legal issues have been identified at this time.

V. Controversial Issues

Notification to communities about the whereabouts of sex offenders raises the issue of the conflict between an offender's right to privacy and the public's right to know. In Washington State, there have been troubling isolated instances of taunting and vandalism related to public awareness of sex offenders' residences. The Department believes that close work, communication, education and coordination with neighborhood organizations will decrease the likelihood of such incidents.

VI. Link to County Policies

The Department has a group of Probation and Parole Officers who provide specialized supervision of sex offenders. This group has worked closely together to create consistency in the supervision of all sex offenders. In the past, Probation and Parole Officers have implemented limited notification of neighbors, schools, and community groups. There is currently no policy regarding community notification.

VII. Citizen Participation

The Department has been actively educating multiple citizen groups as these policies and procedures are being developed. About 20 presentations have been made in the last 60 days. In September, the legislation and proposed policies were presented by the Multnomah County Child Abuse Task Force to the media, neighborhood associations, and interested citizens. No citizen testimony on this issue is anticipated at the Board Briefing.

VIII. Other Government Participation

The Department has worked with the following government agencies in the development of policies and procedures: District Attorney's Office, Portland Police Bureau, MCSO, Bureau of Emergency Communications, State Department of Corrections, CSD, AFS.

67th OREGON LEGISLATIVE ASSEMBLY--1993 Regular Session

Enrolled
House Bill 2759

Introduced and printed pursuant to House Rule 13.01

CHAPTER

807

AN ACT

Relating to release of offenders.

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

SECTION 1. (1) For purposes of sections 1 to 3 of this Act, a person is a predatory sex offender if the person exhibits characteristics showing a tendency to victimize or injure others and has been convicted of a sex crime listed in ORS 181.517 (1) to (4) or of attempting to commit one of those crimes.

(2) In determining whether a person is a predatory sex offender, an agency may use a sex offender risk assessment scale approved by the Department of Corrections.

SECTION 2. (1) If the State Board of Parole and Post-Prison Supervision for a person on parole or post-prison supervision or the Department of Corrections or a community corrections agency for a person on probation makes a determination that the person under its supervision is a predatory sex offender, the agency supervising the person shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender.

(2) In making a determination under subsection (1) of this section, the agency shall consider notifying:

- (a) The person's family;
- (b) The person's sponsor;
- (c) Residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent; and
- (d) Any prior victim of the offender.

(3) When an agency determines that notification is necessary, the agency may use any method of communication that the agency determines is appropriate. The notification may include, but is not limited to, distribution of the following information:

- (a) The person's name and address;
- (b) A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color;
- (c) The type of vehicle that the person is known to drive;
- (d) Any conditions or restrictions upon the person's probation, parole, post-prison supervision or conditional release;
- (e) A description of the person's primary and secondary targets;
- (f) A description of the person's method of offense;
- (g) A current photograph of the person; and
- (h) The name or telephone number of the person's parole and probation officer.

SECTION 3. (1) Unless the agency determines that release of the information would substantially interfere with the treatment or rehabilitation of the supervised person, an agency that supervises a predatory sex offender shall make any information regarding the

person that the agency determines is appropriate, including, but not limited to, the information listed in section 2 (3) of this Act, available to any other person upon request.

(2) Notwithstanding subsection (1) of this section, the agency shall make the information listed in section 2 (3) of this Act, or any other information regarding the supervised person that the agency determines is appropriate, available to any other person upon request if the person under supervision:

(a) Is a predatory sex offender; and

(b) Is neglecting to take treatment or participate in rehabilitation.

SECTION 4. The Department of Corrections and any other agency responsible for supervising persons described in this Act shall report to the Sixty-eighth Legislative Assembly concerning any public notifications made pursuant to this Act.

SECTION 5. (1) For the purposes of this section:

(a) "Medical treatment program" means a treatment program based on a successful medical model that has been proven to reduce recidivism, and that may include treatment by prescribed medication when recommended by a qualified psychiatrist or physician, psychological treatment, or both. Any treatment administered under a medical treatment program must be within the range of treatments generally recognized as acceptable within the medical community.

(b) "Program participant" means a person sentenced for a term of imprisonment based on conviction of a sex crime or a felony attempt to commit a sex crime, or a person who is eligible for parole or post-prison supervision after a term of imprisonment based on conviction of a sex crime or a felony attempt to commit a sex crime, who agrees to participate in a medical treatment program after having been evaluated to be a suitable candidate and who has been provided with adequate information to give informed consent to participation.

(c) "Sex crime" means rape in any degree, sodomy in any degree, unlawful sexual penetration in any degree and sexual abuse in the first or second degree.

(2) The Department of Corrections shall establish a medical treatment program for persons convicted of a sex crime or a felony attempt to commit a sex crime. Any person sentenced for a sex crime or a felony attempt to commit a sex crime may be evaluated to determine if available medical or psychological treatment would be likely to reduce the biological, emotional or psychological impulses that were the probable cause of the person's criminal conduct. If the evaluation determines that the person is a suitable candidate, the department shall offer to allow the person to participate in the medical treatment program. The person must agree to become a program participant.

(3) The State Board of Parole and Post-Prison Supervision shall offer as a condition of parole or post-prison supervision to persons convicted of a sex crime or a felony attempt to commit a sex crime the opportunity to participate in a medical treatment program established by the Department of Corrections under this section. Any person eligible for release for a sex crime or felony attempt to commit a sex crime may be evaluated to determine if available medical or psychological treatment would be likely to reduce the biological, emotional or psychological impulses that were the probable cause of the person's criminal conduct. If the evaluation determines that the person is a suitable candidate, the board shall offer to allow the person to participate in the medical treatment program. The person must agree to become a program participant.

(4) The Department of Corrections shall adopt rules prescribing the procedures and guidelines for implementing the medical treatment programs required under the provisions of this section.

(5) The Department of Corrections shall report to the Sixty-eighth and Sixty-ninth Legislative Assemblies on the success of the medical treatment programs required under the provisions of this section, including a report on recidivism rates of program participants.

Passed by House June 1, 1993

Repassed by House July 30, 1993

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate July 21, 1993

Repassed by Senate July 31, 1993

.....
President of Senate

Received by Governor:

.....M., 1993

Approved:

4:01 p.m. September 10, 1993

.....
Governor

Filed by Office of Secretary of State:

5:10 p.m. September 10, 1993

.....
Secretary of State

DRAFT

SEX OFFENDER NOTIFICATION POLICY

I. POLICY

It is the policy of the Multnomah County Department of Community Corrections to identify those offenders who have been convicted of certain sex offenses and/or present a risk to public safety based on predatory or sexually dangerous tendencies.

II. PURPOSE

To establish guidelines and procedures for consistently assessing and identifying sexually dangerous persons under community supervision, and for making appropriate public notifications concerning the presence of these individuals in the community.

III. APPLICATION

This policy applies to all employees of Multnomah County Department of Community Corrections.

IV. AUTHORITY

ORS, Chapter 807 and Oregon Administrative Rule.

V. DEFINITIONS

Sex Offender: A person convicted of Rape, Sodomy, Sex Abuse or Unlawful Sexual Penetration With A Foreign Object, in any degree, or an attempt to commit any of the foregoing offenses.

Predatory Sex Offender: A sex offender who has been convicted of any of the above offenses, and who has demonstrated a propensity or tendency toward victimizing or injuring others, and who scores high on the sex offender assessment tool or scores three of the six items on the tool identified by an asterisk.

Sex Offender Assessment: A standardized instrument for assessing community risk and other factors relative to convicted sex offenders.

VI. PROCEDURES

- A. The supervising officer will formulate a plan for notification of individuals and/or a community of the current or impending presence of certain sex offenders.
- B. The plan will be formulated taking into consideration the sex offender assessment tool score, the areas in which the offender lives, works and/or frequents, and the presence in those geographical areas of victims, schools, churches, neighbors, community parks, convenience stores and other places children or potential victims may frequent.
- C. The plan will take into consideration the offender's family, living situation, work environment and treatment status.
- D. Following the development of the plan for notification, the probation and parole officer will obtain supervisory approval for plan implementation.
- E. The notification will then be carried out by means considered appropriate and necessary. Such notifications may include, but are not limited to, the following:
 1. Personal contact by a Department of Community Corrections representative.
 2. Contact by telephone.
 3. Distribution of fliers.
 4. Mailings.
 5. Contact with community based organizations.
- F. The notification may include all or any part of the following information:
 1. Name and address of the offender.
 2. Complete physical description.
 3. Type of vehicle(s) the offender is known to drive.

4. Any conditions or restrictions included in the probation, parole, post-prison supervision or other conditional release requirements.
 5. A description of the offender's method of operation and victim profile.
 6. Most current, available photograph of the offender and vehicle(s) the offender is known to utilize.
- G. The supervising officer will ensure the notification includes the Department's phone number, through which interested parties may make contact with the supervising officer or other appropriate Department representative.
- H. Sex Offender Risk Assessment will be prepared on all sex offenders within 30 days of their assignment to the supervising officer.
- I. We will complete the notification plan no later than 30 calendar days following preparation of the risk assessment tool, unless extenuating circumstances exist.
- J. Supervising officers will follow the Board of Parole and Post Prison Supervision policies for notification of parolees and post prison supervision offenders.

THIS POLICY IS TEMPORARILY ADOPTED EFFECTIVE NOVEMBER 3, 1993.

COMMUNITY ALERT

NAME: _____

ADDRESS: _____

PHYSICAL DESCRIPTION: _____

RESTRICTIONS/CONDITIONS: _____

VICTIM PROFILE: _____

METHOD OF OFFENDING: _____

KNOWN VEHICLES: _____

PROBATION/PAROLE OFFICER: _____

ADDRESS: _____

DAY PHONE: (503) _____

MULTNOMAH COUNTY COMMUNITY CORRECTIONS

COMMUNITY NOTIFICATION PLAN

Date: _____

Offender's Name: _____ S.O. Risk Score: _____

Reasons for Notification: (Briefly describe criminal history, risk score, victim's, etc.)

Current Living, Employment and Other Setting Information: (Churches, clubs, etc.)

Notification Plan: (Who, how, when)

Notification to be Completed by: _____

Supervising Officer: _____

SEX OFFENDER ASSESSMENT

CLIENT: _____

SID: _____

Negative Scale (increases risk)

- | | | |
|-----|---|-----|
| 1. | History of sexual crimes | -10 |
| 2. | *History of sex offense convictions | -10 |
| 3. | *Stranger to victim | -10 |
| 4. | *Multiple victims | -10 |
| 5. | *Use of weapons, threats, or coercion | -10 |
| 6. | Victim particularly vulnerable | -10 |
| 7. | *Predatory behavior | -10 |
| 8. | Not in "treatment" | -10 |
| 9. | Shows no empathy for victim(s) | -10 |
| 10. | Not progressing in treatment | -10 |
| 11. | New crime during supervision | -10 |
| 12. | Technical violation related to sexual assault cycle | -10 |
| 13. | Multiple paraphilia | -10 |
| 14. | Impulsive or compulsive behavior | -10 |
| 15. | Primary sexual preference is children | -10 |
| 16. | Community instability | -10 |
| 17. | *Prior non-sexual criminal history | -10 |
| 18. | Substance abuse involved in sexual offending behavior | -10 |
| 19. | Substance abuse problems | - 5 |
| 20. | Anger problems | - 5 |
| 21. | Technical violation during supervision | - 5 |
| 22. | Use of sexually arousing materials | - 5 |
| 23. | Mental status inhibits responsible functioning | - 5 |
| 24. | No support system or support system tolerates/supports denial | - 5 |

Subtotal _____

Positive Scale (reduces risk)

- | | | |
|-----|--|-----|
| 1. | Takes full responsibility for offending behavior | +10 |
| 2. | Clear identification and understanding of sexual assault cycle | +10 |
| 3. | Passes disclosure polygraph | +10 |
| 4. | Clarification to victims completed | +10 |
| 5. | Successful completion of approved treatment program | +10 |
| 6. | Passed compliance (maintenance) polygraph | +10 |
| 7. | Completed substance abuse treatment and maintains abstinence | +10 |
| 8. | Demonstrated understanding of thinking errors | + 5 |
| 9. | Support system reinforces compliance and treatment | + 5 |
| 10. | Special conditions compliance | + 5 |

Subtotal _____

High = -210 to -50
 Medium = -45 to 0
 Low = + 5 to +85

TOTAL _____

Automatic Override Characteristics

(will be supervised as high for initial 12 months of supervision)
 Check if applicable

- | | | |
|----|---|-------|
| 1) | Forcible rape; | _____ |
| 2) | Use of weapon during commission of offense; | _____ |
| 3) | Men who molest boys (multiple male victims) | _____ |

Automatic Override
 Final Classification _____

NOTIFICATION CRITERIA:

If three or more issues with an asterisk (*) are scored, a plan will be formulated by the S
 Offender Team to address actual and potential threat in offender's community.

Probation Officer _____

Caseload # _____

Da _____

Negative Scale

1. Convictions, admissions, reported or known offenses
2. Self-explanatory
3. Current crime
4. Current crime, historical offenses
5. Weapons results in automatic override, threats or coercion are related to current offense
6. Relates to age, mental status, physical ability
7. Criminal behavior is potentially exploitive
8. Not actively involved in an approved sex offender treatment program
9. Cannot articulate or demonstrate an understanding of how his crime negatively impacts the victim
10. Therapist reports client not making changes to promote developing profile of safety in community
11. Any new misdemeanors or felony crime during re-class period. This includes any you document, whether convicted or not.
12. Any technical violation which could be interpreted as being related to the client's sexual assault cycle
13. More than one admitted or known sexual deviancy
14. Admitted or diagnosed behavior, behavioral patterns which indicate compulsivity, lack of forethought; i.e., overeating, gambling, substance abuse, shoplifting, etc.
15. Documented or admitted information can include clinical data such as penile plethysmograph and self-report, etc.
16. Multiple jobs in short periods of time; multiple moves, lack of financial responsibility
17. Self-explanatory
18. Present or historical offense occurred in conjunction with use of alcohol or drugs
19. Documented or admitted
20. Any documentation that supports client having difficulty managing or controlling anger
21. Technical violation that is not related to sex offending cycle
22. Any material used for inappropriate sexual arousal. Masturbatory material approved for treatment okay. Initial assessment covers background and reassessment last six months.
23. Mentally retarded, chronically mentally ill, and head-injured offenders
24. Family, friends, support offender's claim of innocence or justify behavior and minimize offender's need for treatment.

Footnote: *8, *10. Cannot take points on both 8 & 10.

Positive Scale

1. Acknowledges complete responsibility for sex offending behavior without using cognitive distortions to minimize behavior and its impact on the victim
2. Demonstrated in treatment process
3. Has honestly disclosed all victims of sexually deviant behavior
4. Articulated through written letter approved in treatment
5. Self-explanatory
6. Truthfully answered polygraph questions related to compliance with treatment and release conditions. No significant non-compliance disclosures. This means client didn't give up significant information prior to test of non-compliance so that (s) could pass test.
7. Inpatient or outpatient treatment; can include treatment while incarcerated.
8. Demonstrated in treatment process by identifying thinking errors used in sexual assault cycle. Offender is able to acknowledge ongoing thinking errors
9. Family, friends, employer, collateral contacts support offender's acceptance of responsibility. Willing to learn offender's sexual assault cycle and thinking errors. Treatment group can be a support system.
10. In compliance with all special conditions, including sex offender conditions

PROPOSED ADMINISTRATIVE RULE

Third Rough Draft

Community Notification for Certain Sex Offenders:

AUTHORITY, PURPOSE and POLICY

- (1) Authority: H.B. 2759 and other appropriate OAR/ORS.
- (2) Purpose: The purpose of this rule is to establish accepted and commonly used practices for notifying individuals and communities when certain convicted sex offenders are living, working and/or frequenting in or near certain areas.
- (3) Policy: It is the policy of the Department of Corrections to provide direction for employees to follow in determining which offenders are eligible for notification and how that notification will take place.

DEFINITIONS

- (1) Sex Offender: Any individual who has been convicted of Rape in any degree, Sodomy in any degree, Sexual Abuse in any degree and Unlawful Sexual Penetration With A Foreign Object in any degree or any attempt to commit one of these crimes.
- (2) Predatory Sex Offender: Any individual who exhibits characteristics showing a tendency to victimize or injure others, who has been convicted of a sex crime noted in (1) above and who scores a minimum of three of the six (*) items or scores high on the sex offender assessment tool.
- (3) Sex Offender Assessment: A standardized assessment tool used to assess probation, post-prison supervision and parole risk and other factors relative to convicted sex offenders.

PROCEDURES

- (1) All sex offenders convicted of Rape, Sodomy, Sex Abuse or Sexual Penetration With A Foreign Object or any attempt at these crimes will be assessed using the sex offender assessment tool.
- (2) Any offender who scores a minimum of three of the six (*) items or who scores high on the sex offender assessment tool will be subject to notification.
- (3) When notification is indicated, the supervising officer will formulate a notification plan on Attachment (1) to this rule. In formulating the notification plan, the supervising officer shall consider notifying:
 - A. The person's family;
 - B. The person's sponsor;

- C. Residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent; and,
- D. Any prior victim of the offender.

When the supervising officer is formulating the notification plan, he/she may use any method of communication that the officer determines is appropriate. The notification may include, but is not limited to, distribution of the following information:

- A. The person's name and address;
- B. A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color;
- C. The type of vehicle the person is known to drive;
- D. Any conditions or restrictions upon the person's probation, parole, post-prison supervision or conditional release;
- E. A description of the person's primary and secondary target;
- F. A description of the person's method of offense;
- G. A current photograph of the person; and,
- H. The name or telephone number of the person's parole or probation officer.

(4) For offenders on parole or post-prison supervision:

- A. Prior to release the release counselor will assess sex offenders who have been convicted of sex crimes under Definitions (1) above using the sex offender assessment tool and forward these results, as part of the release planning packet, to the Board of Parole/Post-Prison Supervision.
- B. At the order of the Board, for those offenders whose score is described in Procedures (2) the offender's conditions of supervision will include a special condition ordering that notification occur and that a notification plan be developed and implemented by the supervising officer either prior to or upon release as the plan requires.
- C. In the absence of a condition requiring notification, a hearing will be requested when the supervising officer determines notification is necessary. This hearing will take place unless the offender consents to notification.

(5) For offenders on probation supervision:

- A. Within 30 days of being placed on probation the supervising officer will complete a sex offender assessment tool to determine the need for notification.
- B. Offender's scoring as described in Procedures (2) above will be subject to notification.
- C. The supervising officer will develop a notification plan as described in Procedures (3).
- D. The notification will be formulated on Attachment (1) to this rule and will be maintained in the offender file along with all documents relating to notification.