

ANNOTATED MINUTES

Tuesday, March 11, 1997 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD POLICY DISCUSSION

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Gary Hansen and Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.

B-1 SB 1145 Implementation Update. Presented by Dave Warren, Sheriff Dan Noelle and Elyse Clawson

ELYSE CLAWSON, SHERIFF DAN NOELLE, DAVE WARREN AND BILL WOOD PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

The policy discussion was adjourned and the regular meeting convened at 10:30 a.m.

Tuesday, March 11, 1997 - 10:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-5) WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

C-1 Appointment of Gloria Fisher to the ANIMAL CONTROL ADVISORY COMMITTEE

- C-2 Appointment of Mary L. Garcia to the DUII COMMUNITY ADVISORY BOARD

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-3 RESOLUTION Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

RESOLUTION 97-36.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-4 FINAL ORDER for Land Use Planning Case CS 3-96 Amending the January 7, 1997 Hearings Officer Decision to Approve a Conditional Use Permit for a Community Service Use

ORDER 97-37.

- C-5 ORDER Authorizing County Retention of Three Tax Foreclosed Properties for Public Use Pursuant to ORS 271.090 and 271.330

ORDER 97-38.

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

NON-DEPARTMENTAL

- R-2 1996 Dedicated Fund Review Report. Presented by Jack Pessia, Chair, Multnomah County Central Citizen Budget Advisory Committee

PRESENTATION RESCHEDULED FOR 9:30 AM, THURSDAY, MARCH 20, 1997.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-5 RESOLUTION Authorizing Condemnation and Immediate Possession of Certain Real Properties Necessary to Complete Permanent Slide Damage Repairs to SW Scholls Ferry Road

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, R-5 WAS UNANIMOUSLY POSTPONED INDEFINITELY.

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

R-3 Budget Modification DCC 7 Increasing the Juvenile and Adult Community Justice Budget by \$1,365,486 for the Supervision of Offenders Convicted of Felonies who are Sentenced to 12 Months or Less of Incarceration

R-4 Budget Modification DCC 8 Increasing the Juvenile and Adult Community Justice Budget by \$985,725 for the Supervision of Offenders Convicted of Felonies who are Sentenced to 12 Months or Less of Incarceration

CHAIR STEIN EXPLANATION AND COMMENTS IN SUPPORT OF DCC 7. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF DCC 7. ELYSE CLAWSON, DAVE WARREN, SHERIFF DAN NOELLE AND CARY HARKAWAY RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BUDGET MODIFICATION DCC 7 UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 10:45 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

BOARD CLERK

OFFICE OF BEVERLY STEIN, COUNTY CHAIR
1120 SW FIFTH AVENUE, SUITE 1515
PORTLAND, OREGON 97204
TELEPHONE • (503) 248-3277
FAX • (503) 248-3013

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

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

AGENDA

FOR THE WEEK OF

MARCH 10, 1997 - MARCH 14, 1997

Tuesday, March 11, 1997 - 9:30 AM - Board Policy Discussion..... Page 2

Tuesday, March 11, 1997 - 10:30 AM - Regular Meeting.....Page 2

THURSDAY, MARCH 13, 1997 - MEETING CANCELLED

INDIVIDUALS WITH DISABILITIES MAY CALL THE BOARD CLERK AT (503) 248-3277, OR MULTNOMAH COUNTY TDD PHONE (503) 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

AN EQUAL OPPORTUNITY EMPLOYER

Tuesday, March 11, 1997 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD POLICY DISCUSSION

- B-1 *SB 1145 Implementation Update. Presented by Dave Warren, Sheriff
Dan Noelle and Elyse Clawson. 1 HOUR REQUESTED.*
-

Tuesday, March 11, 1997 - 10:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 *Appointment of Gloria Fisher to the ANIMAL CONTROL ADVISORY
COMMITTEE*
- C-2 *Appointment of Mary L. Garcia to the DUII COMMUNITY ADVISORY
BOARD*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-3 *RESOLUTION Authorizing Designees of the Mental Health Program
Director to Direct a Peace Officer to Take an Allegedly Mentally Ill
Person into Custody*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-4 *FINAL ORDER for Land Use Planning Case CS 3-96 Amending the
January 7, 1997 Hearings Officer Decision to Approve a Conditional
Use Permit for a Community Service Use*
- C-5 *ORDER Authorizing County Retention of Three Tax Foreclosed
Properties for Public Use Pursuant to ORS 271.090 and 271.330*

REGULAR AGENDA

PUBLIC COMMENT

- R-1 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

NON-DEPARTMENTAL

- R-2 *1996 Dedicated Fund Review Report. Presented by Jack Pessia, Chair, Multnomah County Central Citizen Budget Advisory Committee*

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- R-3 *Budget Modification DCC 7 Increasing the Juvenile and Adult Community Justice Budget by \$1,365,486 for the Supervision of Offenders Convicted of Felonies who are Sentenced to 12 Months or Less of Incarceration*
- R-4 *Budget Modification DCC 8 Increasing the Juvenile and Adult Community Justice Budget by \$985,725 for the Supervision of Offenders Convicted of Felonies who are Sentenced to 12 Months or Less of Incarceration*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-5 *RESOLUTION Authorizing Condemnation and Immediate Possession of Certain Real Properties Necessary to Complete Permanent Slide Damage Repairs to SW Scholls Ferry Road*

MEETING DATE: March 11, 1997
AGENDA #: B-1
ESTIMATED START TIME: 9:30 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Board Policy Discussion

BOARD BRIEFING: DATE REQUESTED: Tuesday, March 11, 1997
REQUESTED BY: Chair Beverly Stein
AMOUNT OF TIME NEEDED: 1 Hour

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein
CONTACT: Bill Farver TELEPHONE #: 248-3958
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Dave Warren, Sheriff Dan Noelle and Elyse Clawson

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☒ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

SB 1145 Implementation Update

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: _____

Beverly Stein

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
97 MAR -6 PM 4:41

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions? Call the Board Clerk @ 248-3277



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: mult.chair@co.multnomah.or.us

MEMORANDUM

TO : Board of County Commissioners
FROM : Beverly Stein
DATE : March 6, 1997
RE : Budget modification to begin implementation of 1145

On March 11, 1997, you will hear the latest information we have on the implementation of SB1145.

Two budget modifications will be on our agenda. We need to approve one of the two actions to allow Community Justice to begin using State SB1145 money to implement the community sanctions portion of the plan. Under the first, we would be appropriating \$985,754. Under the second, we would be appropriating \$1,364,486 ("basic" plan). The second modification would allow us to begin operating on the level proposed in our application to the State a year ago. You are being given a choice because of several uncertainties which I will discuss below and which you will hear about in greater detail on the 11th.

I am recommending that we approve the second budget modification that allows Community Justice to proceed with the community sanctions portion of the "basic", original plan.

The modification that I am recommending you approve uses SB1145 money to fund these sanctions. Because of several uncertainties, we may be called upon to subsidize with County General Fund the SB1145 implementation for the remainder of this fiscal year. However, I do not believe the risk is high and we will have the opportunity to scale back implementation and not subsidize if we so choose.

I am supporting the "basic" plan for the following reasons:

January-July, 1997

1. The Executive Committee of the Local Public Safety Council supports the "basic" 1145 plan. In particular, Sheriff Dan Noelle and DJ Director Elyse Clawson believe this is the proper course of action because it is consistent with the public safety strategy we planned when SB1145 was first approved.



2. The Governor's office and the State Department of Corrections have committed to assist us in paying for 1145 during the first 6 months because of mistakes in earlier calculations. (See attached correspondence from the Governor). Community Justice and the Sheriff's Office and the State have been meeting to get clarity regarding the numbers of 1145 offenders the County is dealing with. (This is not as easy as it might seem!) We are making progress in reconciling the numbers and believe we are close to an agreement with the State.
3. In addition, because of some difficulties in transition, we have been somewhat slow in spending the money for using the rental of State beds which is how we address 1145 offenders jail time until we build the 1145 jail here. The State DOC has pledged to augment our first 6 months by giving us jail bed days at the State if we need them and we have come to an agreement about the number.
4. We can reevaluate this level of funding throughout the spring. If we discover that the number of 1145 offenders or the level of State support is placing the County General Fund in jeopardy, we will return to the Board with a recommendation to scale back the basic approach to one with which we can live or decide to subsidize the plan during the initial six months.

1997-99 Biennium

1. I remain committed to not subsidizing 1145 by using the County General Fund in next year's budget. At the same time, given the numerous uncertainties with the number of offenders and sentencing patterns, we do not have enough information to judge the resources that are needed to do this adequately. We will continue this discussion with you in May and June when we consider the 1145 allocations to Community Justice and the Sheriff's office as part of our budget process.
2. The Governor's budget includes \$7,500,000 for the E Board's use during the biennium to assist counties that need additional money. The Governor has indicated this is a resource we can tap if justified. I believe we can make a case for the County receiving some of those funds depending on our experience after several months.

I look forward to the discussion on the 11th. I hope this is helpful in thinking about the approach you would like to take on the budget modifications.

JOHN A. KITZHABER
GOVERNOR



RECEIVED

FEB 25 1997

BEVERLY STEIN
MULTNOMAH COUNTY

February 11, 1997

Beverly Stein, Chair
Multnomah County Commissioners
Room 1515, Portland Building
1120 SW Fifth Avenue
Portland, Oregon 97204

Dear Chair/Stein: *Bev*

I appreciated your letter regarding Senate Bill 1145 funding to Multnomah County. I am also very aware of the problems associated with funding for the first six months of 1997 (the current biennium). As I understand the concern, it is based on a projected revenue shortfall derived from calculations of SB 1145 population. I also understand that the Department of Corrections has been working with you and the Local Public Safety Coordinating Council to clarify the data related to incarcerations, and that this information will help both the state and county better understand the financial requirements to operate the system.

I am prepared to assist in finding solutions to a shortfall but determining this depends on the continued work that will help us determine if there is actually a shortfall.

I was informed this morning that the meeting which was scheduled with the Department of Corrections was canceled to give the department and county officials more time to go through the population projection models. The process that you initiated on February 6 is a good one and I anticipate that continuing this effort will lead to a management agreement between the state and county. It would be my hope that this process could provide us with the ability to make a policy decision some time in March.

I also wanted to reassure you, the Sheriff, and the Local Public Safety Coordinating Council that I expect the Department of Corrections to work diligently to address the problem of short time SB 1145 offenders. I understand this is a very real transitional policy problem until Multnomah County is able to construct its SB 1145 jail space. It also illustrates exactly the reason that we needed SB 1145 in the first place; it makes no sense for the state to transport short time community offenders all over the state and construction of local jail space is necessary for this change to work. I hope Multnomah County will take a constructive view in reaching an agreement that addresses this logistical problem.

Beverly Stein, Chair
February 11, 1997
Page Two of Two

I know Ballot Measure 47's impacts are making this discussion even more difficult as the future dictates tighter county budgets. It is clear to me that some progress has been made by the discussions that have been initiated between the Local Public Safety Coordinating Council and the Department of Corrections. The continuation of that exercise is essential for us to resolve this matter in an accountable way.

I also wanted to remind you and the Multnomah County Local Public Safety Coordinating Council that my budget sets aside \$7.5 million in the next biennium to deal with SB 1145 problems that exceed the formula budget based on projections of the SB 1145 population. I know the county would like to have had a greater direct allocation of funds. As you are aware, that was not possible to accomplish within the formula that the SB 1145 Implementation Committee developed. As you know, this committee was made up of local elected officials, local program managers, and state community corrections officials. Sheriff Noelle served on the committee and ably argued Multnomah County's point of view.

I recognize that you believe you have additional needs, and the \$7.5 million is intended to provide assistance to counties that run into financial problems implementing SB 1145. This pool of money was made available as a direct result of the Implementation Committee's desire to ensure that no county be placed in an unworkable financial situation.

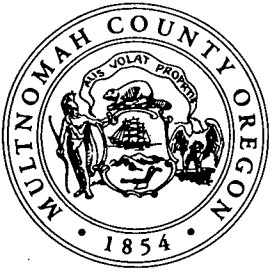
I appreciate your real concerns and would be willing to meet with you and discuss a mutual management strategy to resolve financial issues related to the current biennium once the evaluation and model work is completed. I am disappointed that all issues related to analysis of this problem are not completed, but heartened to know that we are working together to get the job done.

Sincerely,

A handwritten signature in black ink, appearing to read "John", written in a cursive style.

John A. Kitzhaber, M.D.

JAK:lgw



DB

Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
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BOARD OF
COUNTY COMMISSIONERS
97 FEB 14 PM 12:08
MULTNOMAH COUNTY
OREGON

MEMORANDUM

TO : Board of County Commissioners
FROM : Beverly Stein *[Signature]*
RE : Process for Discussion of Public Safety Issues
DATE : 2/13/97

After discussions with Sheriff Dan Noelle and Community Justice Director Elyse Clawson, I am recommending the following steps be taken to prepare for our discussion on 1145 issues.

Our schedule for Board discussions on February 25th will remain as follows:

- 9:30 am Discussion of whether to build the new jail and alcohol and drug facilities, even without new operating funds. Dan and Elyse will present options for how to operate the facilities.
- 1:30 pm. De novo land use hearing
- 2:30 pm. Elyse will present a proposed restructuring of community justice sanctions that has been developed in conjunction with the Courts, District Attorney and Sheriff. This restructuring will explain how she will recommend prioritizing community justice resources and the offender population in response to BM47 cut backs. She will also discuss how ongoing communication will occur among the parties

BOB GRINDSTAFF

On March 11, in the morning, the Board will discuss 1145.

- 9:30 am Discussion of approving a budget modification to appropriate 1145 money to begin community sanctions. As background for the Board, Dave Warren will present information on 1145 policy issues:
- history and definition of 1145 felons



- how many felons the County will have to deal with in the first six months of implementation
- funding for those felons
- alternative bud mods for on street supervision and punishments

In preparation for the March 1145 meetings, representatives of the Sheriff's office, Community Justice, and the Budget office will meet to:

- review Dave Warren's presentation to the Board
- match the state data on who they held from the county with our data on who received sentences of less than 12 months and determine past practice
- determine whether that data can be organized to help test our proposed model for how to sanction these offenders
- agree on how to track current offenders in a way that all parties can understand
- identify and discuss factors that are driving the increase in bookings and the increased number of matrix releases (e.g. Operation Northstar? 1145? BM11? INS holds?)

I think this rescheduling will put us in a better position to discuss the strategic and financial risks and opportunities that we face with 1145 on March 11th.

We will reschedule the discussion of neighborhood and school linked services originally scheduled for March 11 to mid April. We will include an update of the service alignment project at that time.

I thank you for your patience.

c: Dan Noelle, Elyse Clawson, Lorenzo Poe, Dave Warren, Deb Bogstad

jail.doc

SB 1145 Briefing

March 11, 1997

What I want to cover

- Review SB 1145, its history, the State appropriation
- Talk about the numbers of SB 1145 felons
- Explain budgetary options

SB 1145 Overview

History, State appropriation, and parameters within which we operate

SB 1145 History and Goals

- Measure 11 increased pressure on State prisons
- Shifting low level felons to counties freed prison space
- County programs will improve recidivism for the same cost to the State

SB 1145 Population

- Offenders sentenced to less than one year on a felony (state) sentence

Without SB 1145, this population would be in a State prison

State Funding

- Formula based on:
 - Estimated cost to supervise felons at local level.
 - Estimated numbers of felons
 - Ramp up rate beginning 1/1/97

Cost to Supervise - State Formula

- **County costs - statewide estimates**
 - Jail beds - \$65 per day
 - Street supervision - \$7 per day
- **Proportions**
 - 75% in jail beds
 - 25% supervised on street
- **Average cost**
 - \$50.50 per day

Multnomah County Costs

- **County costs**
 - Jail beds - \$76 per day
 - Street supervision - \$26 per day
- **Proportions in County basic plan**
 - 43% of sentence in jail beds
 - minimum stay of 30 days
 - average stay of 56 days
 - 57% of sentence supervised on street

State Funding

- Formula resulted in an appropriation for the six months beginning January 1, 1997.
- Our share of that 1997 operating support from the State:

\$3,165,000

How we have allocated State Funds

- **Support for Local Public Safety Coordinating Council - \$191,000**
- **Offender Management Team - \$418,000**
- **Remaining to handle felons - \$2,557,000**

Numbers of Felons

Projections

Numbers of SB 1145 Felons

- **Number in custody depends on two factors**
 - Number sentenced per court day
 - Length of sentence
- **Current estimates from both State and January / February experience**
 - about 2,100 in 1997-8
 - about 4.4 months average sentence

How many SB 1145 Felons? Current:

Month	Jan	Feb
Start	0	154
In	175	174
Out	21	87
End Count	154	241

Complications:

The Felons in County Jail Beds

- May represent an unanticipated twist to the problem if we cannot send them to a rental prison bed.
- In that case, we have a cost we cannot pay.
- No matter how much money is available, we have no space.

Complications:

What else may affect us?

- Our assumptions are based on ability to place inmates where we want to.
 - INS, local charges, and other county holds prevent us from moving inmates into programs
- There may not be a "real" story; our projections may not work out.
 - Revocations may change as PO's react to the new system.
 - Sentencing frequency may change as judges react to the new system.

Budgetary Options

Scenarios based on different projections and the actions we might take.

Three projections: 1 - Basic Plan

- Total SB 1145 felons 1/1-6/30/97: 1,015
- Total prison bed days: 34,300
- Average stay: 56 days
- Total community intervention bed days: 31,700
- Cost: \$3,210,000 (DCC 7 plus \$1,845,000 for prison bed rent)

Three projections: 2 - Fit within State Appropriation

- Total SB1145 felons 1/1-6/30/97: 1,015
- Total prison bed days (within available funding): 28,800
- Average stay: 34 days
- Total community intervention bed days (available funding): 37,200
- Cost: \$2,534,000 (DCC 8 leaving \$1,550,000 for prison bed rent)

**Three projections: 3 - Basic Plan,
Capped Bed Rental**

- Total SB1145 felons 1/1-6/30/97:1,015
- Total prison bed days: 34,300
- Total rented beds: 22,000
- Average stay: 56 days
- Total community intervention bed days: 31,700
- Cost: \$2,550,000 (DCC 7 leaving \$1,182,000 for prison bed rent)

Board Options: Approve DCC 7

- Implements Basic Plan, authorizes "full" adjunct services
- LPSCC recommendation
- Transfers full funding from SB 1145 pot in Nondepartmental
- If State does not cap number of rented beds, possible General Fund cost of \$660,000

Board Options: Approve DCC 8

- Starts community intervention
- Allows "minimum" necessary adjunct services
- No contingency transfer likely

Questions?