



MULTNOMAH COUNTY OREGON

BOARD CLERK

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1120 SW FIFTH AVENUE, SUITE 1515
PORTLAND, OREGON 97204
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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

MULTNOMAH COUNTY COMMISSIONERS AGENDA FOR THE WEEK OF JUNE 2, 1997 - JUNE 6, 1997

- Tuesday, June 3, 1997 - 9:30 AM - DLS Budget Work Session..... Page 2
- Tuesday, June 3, 1997 - 1:30 PM - DA Budget Work Session..... Page 2
- Tuesday, June 3, 1997 - 2:30 PM - NOND Budget Work Session Page 2
- Tuesday, June 3, 1997 - 3:30 PM - SB 1145 Budget Work Session Page 2
- Wednesday, June 4, 1997 - 6:30 PM - Public Budget Hearing Page 3
- Thursday, June 5, 1997 - 9:30 AM - TSCC Public Budget Hearing Page 3
- Thursday, June 5, 1997 - 10:30 AM - Regular Meeting Page 3
- Thursday, June 5, 1997 - 11:00 AM - Board Briefing Page 5

Tuesday, Wednesday and Thursday meetings this week will be cable-cast live and/or taped and can be seen by cable subscribers in Multnomah County on Channel 30 at the following times:

- Tuesday, 9:30 AM live; playback Tuesday, 11:00 PM & Sunday, 10:30 AM, CityNet 30
- Tuesday, 1:30 PM live; playback Wednesday, 1:30 AM & Sunday, 8:30 PM, CityNet 30
- Wednesday, playback Tuesday 2:00 PM, Friday 9:00 AM & Monday, 11:00 PM Channel 30
- Thursday, 9:30 AM live; playback Friday, 10:00 PM & Sunday, 1:00 PM, Channel 30

****Tuesday meetings produced through Portland Cable Access**

****Wednesday and Thursday meetings produced through Multnomah Community Television**

Tuesday, June 3, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

DLS BUDGET WORK SESSION

WS-1 Department of Library Services 1997-98 Budget Overview and Highlights. DLS Citizen Budget Advisory Committee Presentation. Measure 47 and Other Issues. Board Questions and Answers. 2 HOURS REQUESTED.

Tuesday, June 3, 1997 - 1:30 PM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

DA BUDGET WORK SESSION

WS-2 District Attorney 1997-98 Budget Overview and Highlights. DA Citizen Budget Advisory Committee Presentation. Measure 47 and Other Issues. Board Questions and Answers. 1 HOUR REQUESTED.

Tuesday, June 3, 1997 - 2:30 PM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

NOND BUDGET WORK SESSION

WS-3 Non-Departmental 1997-98 Budget Overview and Highlights. NOND Citizen Budget Advisory Committee Presentation. Measure 47 and Other Issues. Board Questions and Answers. 1 HOUR REQUESTED.

Tuesday, June 3, 1997 - 3:30 PM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

SB 1145 BUDGET WORK SESSION

WS-4 SB 1145 1997-98 Budget Overview and Highlights. Board Questions and Answers. Presented by Dan Noelle, Elyse Clawson, Bill Wood, Bob Grindstaff and Invited Staff. 1.5 HOURS REQUESTED.

Wednesday, June 4, 1997 - 6:30 PM
Gresham Branch Library, Large Meeting Room
384 NW Miller, Gresham

PUBLIC BUDGET HEARING

PH-1 1997-98 Multnomah County Budget Overview. Opportunity for Public Testimony on the 1997-98 Multnomah County Budget. Testimony Limited to Three Minutes Per Person.

Thursday, June 5, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

TSCC PUBLIC BUDGET HEARING

PH-2 The Tax Supervising and Conservation Commission Will Meet to Conduct a Public Hearing on the Approved 1997-98 Multnomah County Budget and the 1996-97 Multnomah County Supplemental Budget. 1 HOUR REQUESTED.

Thursday, June 5, 1997 - 10:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 Appointment of Raymond S. Holmgren and Re-appointment of Janet Van de Riet to the ANIMAL CONTROL ADVISORY COMMITTEE
- C-2 Appointments of Michael Amen, Karen Burger-Kimber, Kevin Cronin, Susan Gonzales, Chuck Hawkins, Gil Johnson, Al Kimbley, Gary Kish, Nevenka Pearson and David Schmidt to the BICYCLE AND PEDESTRIAN CITIZEN ADVISORY COMMITTEE
- C-3 Appointment of Leland Block to the DUII COMMUNITY ADVISORY BOARD

DEPARTMENT OF SUPPORT SERVICES

- C-4 Appointments of Myrna Blanchard, Chris Cameron, Jon Chess, Bobbi Damiani, Mike Delman, Karen Mayfield, Diane Morris, Helen O'Brien, Vera Pool, Karen Rhein, Jim Stegmiller and Theresa Sullivan as Voting Members to the CAMPAIGN MANAGEMENT COUNCIL

DEPARTMENT OF AGING SERVICES

- C-5 Intergovernmental Revenue Agreement 400177 with Family Caring Network, Inc., Providing Case Management and Assessment Services for Insurance Clients

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-6 Intergovernmental Agreement 100058 with Oregon Health Sciences University, Providing Alcohol and Drug DUII Information and DUII Rehabilitation Programs and Gambling Addiction Treatment

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-7 ORDER Authorizing Execution of Deed D971485 for Repurchase of Tax Foreclosed Property to Bonnie Shulson
- C-8 ORDER Authorizing Execution of Correction to Deed D971488 for Completion of a Contract to Richard B. Hagerty
- C-9 ORDER Designating the Daily Journal of Commerce as the Newspaper for Publication of Notice of Foreclosure of Tax Liens as Shown on the Multnomah County 1997 Foreclosure List
- C-10 Amendment 2 to Intergovernmental Agreement 300826 with the State of Oregon, Administrative Services, Providing County Access to State Motor Pool Services

DEPARTMENT OF HEALTH

- C-11 Intergovernmental Revenue Agreement 200058 with the City of Portland, Providing Rodent and Mosquito Control Services

DEPARTMENT OF LIBRARY SERVICES

- C-12 Budget Modification DLS 1 Authorizing Reclassification of Library Clerk 2 to Senior Office Assistant within the Central Library Division

REGULAR AGENDA

PUBLIC COMMENT

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

DEPARTMENT OF SUPPORT SERVICES

- R-2 Second Reading and Adoption of an ORDINANCE Relating to the Pay Ranges and COLA Increases for Exempt Employees and to Make Special Adjustments
- R-3 Ratification of Amendment to the 1992-95 Multnomah County Employees Union Local 88, AFSCME, AFL-CIO Collective Bargaining Agreement, as Amended and Extended through June 30, 1998, Concerning Layoff in the School Based Health Program
- R-4 Ratification of Amendment to the 1994-98 Oregon Nurses Association Collective Bargaining Agreement, Concerning General Layoff Language
- R-5 Ratification of Amendment to the 1994-98 Oregon Nurses Association Collective Bargaining Agreement, Concerning Layoff in the School Based Health Program

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-6 RESOLUTION Adopting Proposed Request for Proposal Materials for One-time Only Housing Funds Generated by the Strategic Investment Program

Thursday, June 5, 1997 - 11:00 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

BOARD BRIEFING

- B-1 A Report from the Frontlines on Diversity RESULTS and Training. Presented by Departmental Coordinators Shery Stump, Melinda Petersen, Carla Gonzales, Sue Longaker and Trink Morimitsu. 1 HOUR REQUESTED.

SHARRON KELLEY
Multnomah County Commissioner
District 4



Portland Building
1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5213
E-Mail: sharron.e.KELLEY@co.multnomah.or.us

6 June, 1997

TO: Board of County Commissioners
Board Clerk

FROM: Andrew Mooney
Staff Assistant

SUBJECT: Sharron's early departure from the June 3rd board meeting.

The reason for Commissioner Kelley's early departure from the June 3rd afternoon Budget briefing was to keep an urgent appointment.

Sek/atm

BOARD OF
COUNTY COMMISSIONERS
97 JUN - 6 PM 12:25
MULTNOMAH COUNTY
OREGON

MEETING DATE: June 3, 1997
AGENDA #: WS-4
ESTIMATED START TIME: 3:30 PM

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Budget Work Session on SB 1145 Programs

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Tuesday, June 3, 1997
AMOUNT OF TIME NEEDED: 1.5 Hours

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Dan Noelle, Elyse Clawson TELEPHONE #: 251-2404 & 248-3578
BLDG/ROOM #: 313 & 311

PERSONS MAKING PRESENTATION: Dan Noelle, Bill Wood, Elyse Clawson, Bob Grindstaff

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

SB 1145 1997-98 Budget Overview
and Highlights. Board Questions and Answers.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Beverly Stein

(OR)

DEPARTMENT MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
97 MAY 28 PM 3:40
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

BUDGET AND QUALITY
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

TO: Board of County Commissioners

FROM: Dave Warren

TODAY'S DATE: May 28, 1997

REQUESTED PLACEMENT DATE: June 3, 1997

SUBJECT: Budget Work Session Briefing on SB 1145

I. Recommendation / Action Requested:

Review the SB 1145 program and the outstanding issues.

II. Background / Analysis:

The attached memorandum provides background relevant to the briefing.

At this point, no one that I know of has suggested alterations to the 1997-98 Budget. The 1997-98 proposed budget would implement the often reviewed plan for handling SB 1145 felons. Two issues arise from implementing this plan:

1. The cost of implementation will, possibly, exceed State funding for Multnomah County unless the State's \$7.5 million contingency account is allocated to counties by the Emergency Board,
2. The actual patterns developing for sentencing and handling SB 1145 inmates are quite different from what we anticipated.

The briefing will focus mostly on the issues on pages 5 and 6 of my memo. The Sheriff's Office and Community Justice both plan to discuss the ramifications and implications of the issues referred to there. At this point, given that we are still uncertain as to what is going on and how much we can actually change the pattern of intake and handling, neither the Sheriff nor Community Justice proposes to request changes to the 1997-98 budget.

III. Financial Impact:

It is not clear what the total costs and revenues associated with SB 1145 felons will be in 1997-98. The number of felons in custody is falling below estimates. The way in which we are currently handling this lower number results in costs that may not exceed total dollars available, but that is also uncertain. I expect that the Board will find this issue before them repeatedly through the spring of 1998 as more information is known and as practices change. If expenditures begin to approach the budget proposed for 1997-98, they may eat into the allocation for the second year of the biennium. On the other hand, they may trigger further allocation by the Emergency Board from the statewide contingency account.

IV. Legal Issues:

None that I am aware of.

V. Controversial Issues:

How best to handle the SB 1145 inmates consistent with funding and with public safety. The Board has reviewed and supported a plan for allocating these inmates into jail and non-jail programs. That plan may need to be reviewed and discussed in reaction to additional information and actions.

VI. Link to Current County Policies:

SB 1145 inmates and how we handle them have a clear tie to the County's long range benchmark of reducing crime.

VII. Citizen Participation:

N/A for this briefing.

VIII. Other Government Participation:

As additional information becomes available, LPSCC will be involved in suggesting actions to the Board.



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DAN SALTZMAN
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BUDGET & QUALITY
PORTLAND BUILDING
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PORTLAND, OR 97293
PHONE (503)248-3883

TO: Board of County Commissioners
Elyse Clawson, Community Justice Director
Dan Noelle, Sheriff
Peter Ozanne, LPSCC

FROM: Dave Warren, Principal Budget Analyst **DCW**

DATE: May 28, 1997

SUBJECT: Senate Bill 1145 Funded Programs in 1997-98

Summary

The 1997-98 SB 1145 budget for Multnomah County exceeds the Governor's recommended appropriation but may be covered by a contingency account accessible through the Emergency Board. The number of SB 1145 felons being sentenced in 1996-97 is in line with projections. The length of sentence being served prior to release is much shorter than anticipated. This means that a much higher than expected proportion of sentenced time is served in jail, driving the average cost per inmate above estimates and reducing the opportunities to reduce recidivism rates.

Next Year's Budget - 1997-98

General State Budget Numbers

The Governor's Budget included a biennial allocation of \$25.4 million for Multnomah County for "Local Custody" or SB 1145 felons. Assuming we split the allocation between years equally, we would receive \$12.7 million in 1997-98 and in 1998-99.

In April, the Governor revised his allocation and sent the amounts to the Legislature. The revised biennial allocation for Multnomah County is \$23.6 million, \$1.8 million less than the original proposal. This would equate to annual funding of \$11.8 million if we split it between years equally.

In addition, the Governor has proposed that the Legislature leave \$7.5 million in a contingency account. The Emergency Board can access the contingency account if county spending on SB 1145 felons exceeds the statewide allocation either because costs are too high or because the number of inmates is greater than the estimate.

Proposed Multnomah County Program Allocation for 1997-98

Here is a list of programs County organizations expect to fund from SB 1145 revenue next year:

Department	Program Cost	Total Cost
Sheriff		
Inverness 330 beds March - June	\$5,444,410	\$5,441,410
Health Department		
Inverness 330 beds March - June	715,800	715,800
Community Justice		4,279,749
Offender Management Team	256,856	
Alternative Community Svc	53,513	
Day Reporting Center	362,461	
Learning Center	266,737	
Forest Project	95,036	
Home Detention / Electronic Monitoring	178,538	
Community Placement Spec	67,862	
Intensive Outpatient Treat- ment	249,189	
Mental Health	34,658	
Transitional Housing	300,641	
A & D Residential	1,238,889	
Work Release	560,960	
Field Supervision Team	614,409	
LPSCC	169,821*	169,821
State Corrections		
330 Beds rented at State prison through February	4,361,801	<u>4,361,801</u>
		\$14,968,581

This program configuration would exceed the State appropriation for Multnomah County by between \$2.3 million and \$3.2 million in 1997-98. The budget assumes, therefore, that SB 1145 spending statewide will trigger distribution of the contingency account.

Current Year (1996-97)**The "Basic Plan" for SB 1145 Felons**

The Board has reviewed and approved a basic plan for handling SB 1145 felons at least twice: once on November 21, 1995 when the County applied for construction dollars for 330 jail beds at Inverness and 150 Alcohol and Drug beds and again on February 11, 1997 when it seemed possible that the operational costs of the anticipated programs might exceed 1996-7 funding from the State and the Board faced the question of whether to proceed with the plan or alter it to fit the revenue available. The "Basic Plan" for handling SB 1145 felons was based on a number of assumptions: offenders in custody at any given time,

* General Fund and City of Portland also support LPSCC with \$25,000 contributions from each source.

average length of stay of 4.4 months, a minimum period in jail (30, 60, or 90 days) as part of each sentence, 52% of inmates would be in jail at any given time with an average daily cost of \$80, the remainder of each sentence served in one or more non-jail program so that 48% would be supervised at an average daily cost of \$30-\$40. What is actually happening through April 1997 differs significantly from these assumptions.

Current 1996-7 Experience

The number of SB 1145 inmates and their length of stay in SB 1145 funded custody has long been a puzzle. All preliminary estimates assumed monthly sentencing of between 150 and 175 felons. The actual pattern of sentencing for the period from January 1 through April 30 (assuming it is a pattern) has been:

Actual Sentencing Pattern

January	175
February	174
March	140
April	148

The preliminary estimates of length of stay were an average of about 4.4 months - 132 days per average felon - before their sentences are completed and they leave the system. My models predicted release of felons to be as follows, month by month.

Predicted Releases

January	0
February	3
March	25
April	51

The actual pattern of release at the end of sentence has been:

Actual Releases

January	21
February	87
March	83
April	133

The higher rate of release means that the average length of stay is *less than the estimated 4.4 months*. Therefore, a lower number of felons are in custody at any one time. The consequence is that, while the numbers *coming into* the system are in the same ballpark as the projected numbers, the numbers *staying in* the system at any given time are lower. One more table.

Total Population In Custody

	<u>Predicted number at month end</u>	<u>Actual number at month end</u>
January	138	157
February	265	241
March	385	299
April	489	314

The judicial system *appears* to be behaving differently than it behaved historically. It is still too early to know whether this is a real difference. It could easily be that we did not understand the historical pattern and that our predictions were miscalculations. It could be that we are experiencing a temporary anomaly as the actors in the system react to the legal change, that in time the predicted pattern will show up. Or it

could be that we are seeing a relatively permanent new pattern in the making. A year from now the situation should be much clearer.

Handling the Inmates

On the one hand, the way the system is behaving implies that the level of State funding might be adequate. Lower numbers of felons in custody should result in lower overall expense. That is the potential good news.

On the other hand, shorter lengths of stay in the system make our planning assumptions about using non-jail programs unrealistic. This is not as positive.

The "Basic Plan" we put in place to handle SB 1145 felons relies on a mix of jail time and non-jail programs to break criminal behavior patterns. The "Basic Plan" requires that each felon serve a minimum number of days in jail, then transition into non-jail supervision. Short sentences mean that less of the sentence is left to serve after the minimum jail time is served. This tends to keep the felons in the most expensive end of the corrections continuum.

Non-jail programs were expected to both address recidivism and keep the average daily cost down. For non-jail programs to do either of these things, felons must be in the system long enough to be assigned to them. The shorter time in custody is keeping the numbers of SB 1145 felons low. But inmates are not reaching the programs anticipated to alter their behavior. Their sentences are completed in jail.

At the end of April, for example, the number of felons in custody (314) is only about 64% of the number predicted in my model (489). Nonetheless, the number of days these felons have occupied rented prison beds is higher than predicted *even though the population of inmates is not as great as estimated*.

	Estimate	Actual	Difference
Days in Prison Beds Jan-April	14,141	14,783	642
Cost of Rented Prison Beds	\$ 760,220	\$ 794,734	\$ 34,514

To make matters even more troubling, we are housing a significant portion of the SB 1145 felons in County jails. This was not anticipated when the program began. This practice appears to result from the number of felons whose sentences are short. Once they have been given credit for time served prior to sentencing (and for good time/work time) only a small proportion of their sentence is left to be served. They cannot effectively be housed in rented prison beds; the State wants 15 days notice to release a prisoner. While we did not begin to count the number of days spent by inmates in County jails until March, the numbers in March and April were substantial.

	Estimate	Actual	Difference
Days in County Jail Mar-April	0	4,033	4,033

In some sense there is no cost to this practice. The jail beds being occupied are already paid for and the only question is which inmates are in them. However, the presence of SB 1145 offenders in the jail forces the Sheriff to release more prisoners on matrix release. To minimize this, the Sheriff has contracted for rental beds elsewhere, particularly Grant County. These rented beds are cheaper than State prison beds, but they represent an *additional, unbudgeted* cost. At this time that cost is not certain for 1996-97, and it is the one item I know about that has not been contemplated in any budget requests for 1997-98.

The final table shows the problem more fully. It displays the number of inmates in prison beds and in non-jail programs. The "Estimate" column is the "Basic Plan" applied to the actual numbers of inmates we are handling. Something like it is the pattern we should be seeing if our original plan were being followed. The "Actual" column shows how we have, in fact, dealt with inmates to date. Note that the numbers are not directly comparable for January and February because the Community Programs were not yet

authorized. March and April, however, clearly demonstrate the serious discrepancies between the plan we intended to implement and the actual allocation of inmates. One further point. The "Basic Plan" assumed that 52% of inmate time would be in jail beds and 48% of time in non-jail programs. However, the minimum jail time imposed by the Board of Commissioners means that during the phase in period, far fewer inmates would be expected to be in non-jail programs. Still, by April the numbers should be much higher than have resulted from actual practice.

As of	Plan Component	Estimate	%	Actual*	%
January 31	Prison	157	100%	72	46%
	Community Programs	0	0%	0	0%
	Multnomah County Jail	0		85	54%
	Other rented beds	0		0	0%
	Total	157		157	
February 28	Prison	231	96%	194	80%
	Community Programs	10	4%	9	4%
	Multnomah County Jail	0		37	15%
	Other rented beds	0		1	0%
	Total	241		241	
March 31	Prison	229	77%	206	69%
	Community Programs	70	23%	25	8%
	Multnomah County Jail	0		66	22%
	Other rented beds	0		2	1%
	Total	299		299	
April 30	Prison	189	60%	195	62%
	Community Programs	125	40%	35	11%
	Multnomah County Jail	0		68	22%
	Other rented beds	0		16	5%
	Total	314		314	

Implications and Further Work

The planned mix of jail time and programs bears little relation to actual practice. This risks exceeding available revenue and also failing to accomplish the public safety goals of the program *even though the number of inmates is lower than anticipated*. If this pattern continues, we will need to reevaluate the array of SB 1145 programs we are funding with State revenue and budgeting for in 1997-98.

A step in this reevaluation will probably be to attempt to determine why so few SB 1145 felons are reaching the non-jail programs intended. While I personally believe the root issue is the length of time left to serve after sentencing, this may very well not be the only factor (and perhaps not even the fundamental factor) behind the problem. Theories I have heard to explain what is happening include:

- a high number of INS and out-of-county holds prevent transfer into programs. A head count on March 3 showed that 22 of the 276 inmates on that date (8%) could not be transferred into programs solely because they had INS holds on them. This may skew the assumed pattern.
- Holds other than INS holds may prevent transfer into programs. The March 3 count showed that 171 of the 276 inmates (62%) had some kind of hold that inhibited, at least, the flexibility to handle the prisoners as the "Basic Plan" assumed.

* Numbers based on CPMS data and not yet reconciled with JACJ system information.

- a high number of parole revocations may have interfered with transfer into programs.
- local "companion sentences," non SB 1145 sentences for up to six months in jail, may prevent release of SB 1145 offenders into programs.
- a greater than anticipated proportion of the SB 1145 felons may exhibit high likelihood of failure in non-jail programs, leading to continued incarceration rather than transfer.
- credit for time served prior to sentence, for good time, and for work time may make the remaining length of stay too short to make assignment to programs functional.
- the minimum length of stay in jail required by the Board of Commissioners may be too long relative to the total length of sentence. By the time the jail stay is completed, non-jail programs may not be as appropriate as anticipated.
- some unidentified statutory or administrative block may prevent transfer to non-jail programs.

Whether any of these hypotheses are valid, and how much of the problem can be traced back to them, needs to be understood.

A possible offset to the current pattern is the potential effect of Measure 40 on length of stay. Measure 40 limits the effect of good time and work time on sentences. This will tend to increase the length of sentences and may produce an overall pattern closer to the "Basic Plan" although it may also result in a different distribution of population than expected. That is, there may be a gap between Measure 40 felons and non-Measure 40 felons and the plan for handling the SB 1145 population may have to be altered to deal with this split.

Finally, it is important to the long term funding picture to secure a clear definition of what constitutes a SB 1145 felon. The change in practices in Adult Community Justice which will result in fewer probation revocations will also reduce the number of SB 1145 felons if the State holds to the historical pattern as its definition. This would result in lower numbers here and across the state and would give the State a reason to cut back on the total funding for local custody of State felons.

In any case, the 1997-98 budget proposal, which funds the "Basic Plan," appears not to be responsive to the patterns of activity that have emerged. No one has suggested amending the budget yet, but the "Basic Plan" is so different from the actual allocation of inmates that the budget is likely to require changes. Until we are more certain about those changes, it is hard to predict whether the State funding will be enough to cover the costs or whether it will continue to fall below what we expect to spend. It is possible that, once we understand what the impediments are, we can find ways to replicate in fact the "Basic Plan" approved by the Board last year. If not, we can derive a different plan that is more in line with reality and revise the budget to implement it.

The budget request includes appropriations of varying levels of flexibility. Some of the proposed appropriations included in next year's budget, such as the cost of operating 330 beds at Inverness Jail, will not change based on either the total SB 1145 population or the way that population is handled. Some contractual services will be adjusted automatically based on the actual utilization.

A number of services, however, will be paid for whether they are used or not. Assuring that the capacity is available will incur expense. Knowing how we are actually going to handle the SB 1145 population will directly affect how much of these expenses we pay for.

c. Bob Grindstaff
Cary Harkaway
Patrick Brun
John Turner

Larry Aab
Bill Wood
Barbara Simon
Karyne Dargan

SHARRON KELLEY
Multnomah County Commissioner
District 4



Portland Building
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Portland, Oregon 97204
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E-Mail: sharron.e.KELLEY@co.multnomah.or.us

MEMORANDUM

TO: Dave Warren, Office of Budget and Quality

FROM: Commissioner Sharron Kelley

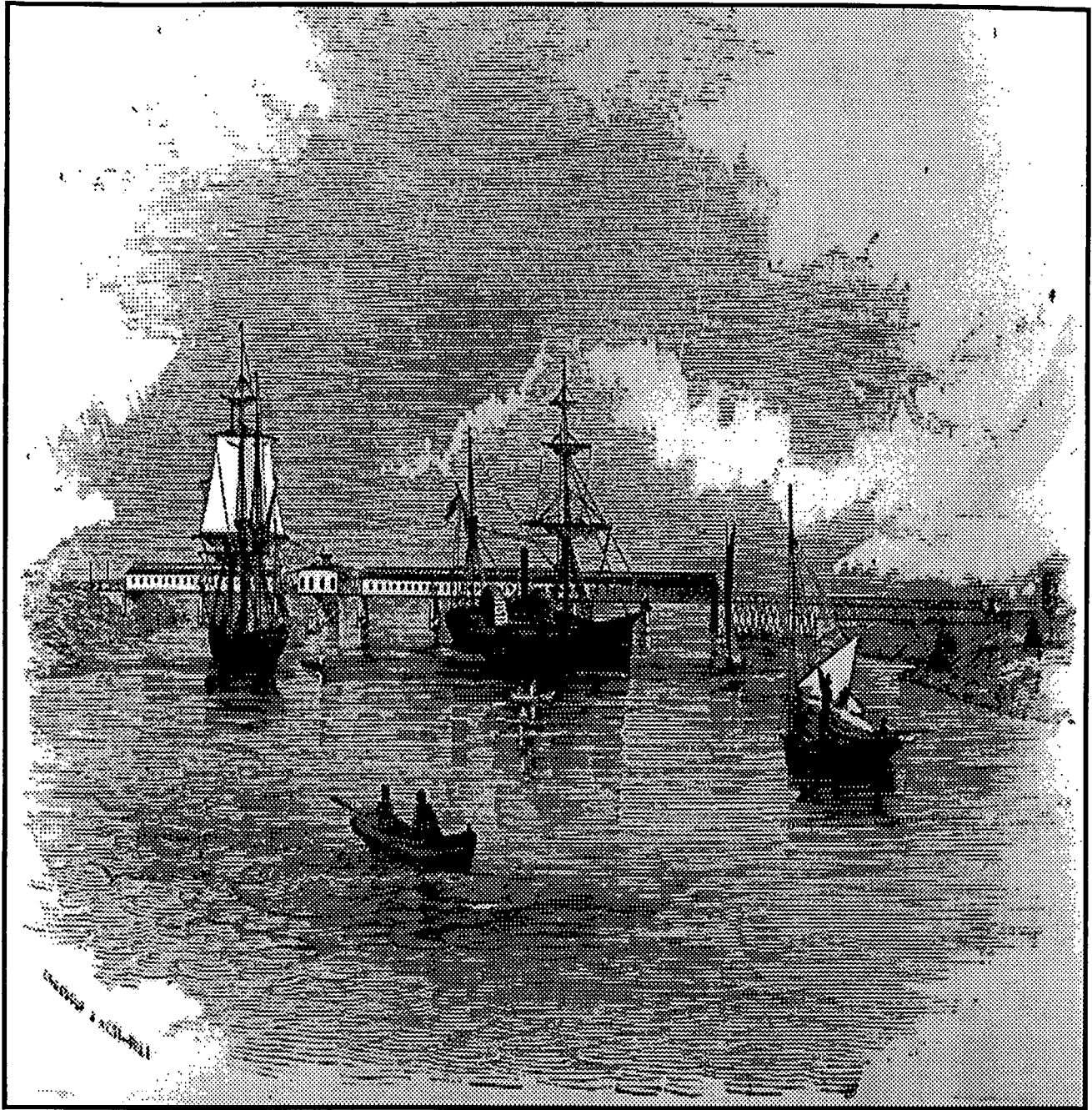
RE: Follow-Up Questions on SB 1145 Budget

DATE: June 3, 1997

CC: Board of Commissioners, Dan Noelle, Elyse Clawon

Please respond in writing to the following:

1. Identify the savings in each of FY 1997-1998 and FY 1998-1999 if Multnomah County were to delay the start of operations at Inverness 3 and instead continue to contract with the state (at \$53 per day per offender) to house 1145 prisoners.
2. On page 2, you identify the costs for 330 beds at Inverness 3 from March 1 through June 30 as \$5,441,410 (MCSO) + \$715,800 (Health) = \$6,157,210 (County). Dividing by 330 beds and 122 days, the cost per bed day is \$152.94. Please explain.
3. What is the current status of the \$7.5 million contingency account for SB 1145 in terms of legislative action on the Governor's budget?
4. What is the current anticipated general fund shortfall in FY 1996-1997 from SB 1145? Will there be any effort to recover this sum from the state?
5. What is your anticipated date to come to the Board with budget changes to reflect the actual usage of jail and community programs under SB 1145?



Bridge Across the Willamette, Between Columbia Street, Portland, and Asylum Street, East Portland, Now in Course of Construction

Multnomah County

DSS/Budget Office

June 16, 1997

**Budget
1997-98**

Packet #18 - Follow up information
SB 1145



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN
DAN SALTZMAN
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TANYA COLLIER
SHARRON KELLEY

BUDGET & QUALITY

PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97293
PHONE (503)248-3883

TO: Board of County Commissioners
FROM: Dave Warren, Principal Budget Analyst *DCW*
DATE: June 16, 1997
SUBJECT: Follow-Up Questions on SB 1145 Budget

On June 3, Commissioner Kelley circulated five questions about SB 1145. Here are responses to them. Questions 4 and 5 will require more time to answer, but I believe a response needs to be made before the budget is adopted.

- 1. Identify the savings in each of FY 1997-1998 and FY 1998-1999 if Multnomah County were to delay the start of operations at Inverness 3 and instead continue to contract with the state (at \$53 per day per offender) to house 1145 prisoners**

This is a trickier question to answer than it is to ask.

Assuming that we would not operate Inverness 3 at any time during 97-8 and 98-9, the savings would look roughly like this:

	Inverness 3 Cost	State bed cost	"Savings"
97-8, startup, March-June operation	6,157,000	2,165,000	(3,992,000)
98-9	11,000,000	6,700,000	(4,300,000)
			(8,292,000)

It's important to stress that this assumes that none of the startup costs for Inverness 3 are ever incurred. About \$2.6 million of the 97-8 cost is startup or OTO expenditure. If we decide to operate Inverness 3 at any time during the next two years, those costs will be incurred. In that case, the savings would look more like this.

	Inverness 3 Cost	State bed cost	"Savings"
97-8 March-June operation, NO STARTUP	3,567,000	2,165,000	(1,402,000)
98-9	11,000,000	6,700,000	(4,300,000)
			(5,702,000)

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Above all, remember that these "estimates" are entirely theoretical. I have been in two meetings with Scott Taylor where he explained with no ambiguity that renting beds from the State was not an ongoing option. The State is forced to rent beds in Texas in order to leave room for us to house SB 1145 prisoners in prison beds. Scott Taylor showed no willingness to continue renting space to us past January 1998 until we pointed out that the earliest date for operating Inverness 3 would not be before February. Once construction is completed, I believe the option of renting beds from the State will cease. We cannot count on any savings from that source.

Larry Aab seconds my expectation about how likely we are to have this option. His response to this question is "Inverness 3 is not an issue of cost savings. Rather it is an issue of bed availability. Although SB 1145 was scheduled to begin January 1, 1997, the state made beds available as a transition process to sustain us through the construction of the Inverness facility. This was on the condition that a "good faith" effort was made to construct new facilities in a timely manner. One of the purposes of SB 1145 is to create additional room in the state penitentiary system for an increasing load of more serious offenders sentenced under Measure 11. This was accomplished by defining the SB 1145 prisoner and making that prisoner a part of the local criminal justice system. The probability of the state agreeing to extend the use of beds is unlikely."

Moreover, the estimates we used in building the basic plan for handling SB 1145 felons assumed we would use 330 beds at a cost of \$80 per day. The actual cost of Inverness 3 is shown below. It is slightly higher than the original estimate, but not enough to drive us to abandon its operation.

2. **On page 2, you identify the costs for 330 beds at Inverness 3 from March 1 through June 30 as \$5,441,410 (MCSO) = \$715,800 (Health) = \$6,157,210 (County). Dividing by 330 beds and 122 days, the cost per bed day is \$152.94. Please explain**

Larry Aab responded with this information.

"The cost for the MCSO part of Inverness as reflected above is a compilation of 3 components necessary to complete the opening of the Inverness expansion. A break down of those costs should illustrate the costs:

Hiring & Training Costs: In order to open the facility, approximately 169 employees will need to be hired and trained. This requires the hiring process to begin as early as October, 1997. This cost is estimated to be \$736,111.

One Time Only Costs: In order to open the facility, supplies such as office equipment, uniforms, kitchen utensils, inmate clothing, etc. need to be purchased on a one time only basis. The expected cost of one time only expenditures is \$1,604,253.

Operating Costs: Upon opening of the facility in March, it is estimated that the cost will be \$3,104,046.

In order to calculate the cost per bed day of operating the facility, the operating costs are the only costs which should be considered. Using operating cost described above for 330 beds for 122 days, the per diem costs are \$77.10 per day. This amount is consistent with operating costs of the existing Inverness Facility."

In addition to Larry Aab's information, the Corrections Health portion of the budget also has start up components. The annual cost for the 330 beds at Inverness 3 will be \$1,346,000. This adds about \$11 per day to the cost of a slot. This is also consistent with the cost of the remainder of the facility. At this rate

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the four month cost, not counting start up, would be \$450,000. The difference is startup cost.

3. What is the current status of the \$7.5 million contingency account for SB 1145 in terms of legislative action on the Governor's budget?

While nothing is certain in dealing with the Legislature at this point of the year, Gina Mattioda says the budgets being proposed by both houses both have this appropriation in them. The Emergency Board will have the authority to allocate additional funding to counties to deal with SB 1145 felons from this pot – unless, of course, the last minute balancing that is going on now causes this to be reconsidered.

4. What is the current anticipated general fund shortfall in FY 1996-1997 from SB 1145? Will there be any effort to recover this sum from the state?

Community Justice and the Sheriff's Office are working right now to pin this number down. I believe there is a reasonable chance that the total State dollars will cover the 1996-97 costs, given the lower number of inmates being supervised. However, because so few have been placed in non-jail programs, the budgeted appropriations are in the wrong place.

The Board will receive a budget modification to be voted on at the June 26 Board meeting. That modification will move appropriations from Community Justice back to Nondepartmental to reflect underspending in the non-jail program authorization and overspending in the jail bed rental.

If the expenditures appear to be close to the total State funding, I anticipate a transfer from General Fund contingency being part of that modification to make sure the spending does not exceed appropriations in either Community Justice or Nondepartmental. However, that transfer, even if the Board authorizes it, may not be necessary. The main difficulty, as I write this, appears to be that the exact split between departments will be hard to predict. A transfer from General Fund will make it less likely that one of the departments would be underspent and the other overspent. Its primary purpose would be to avoid an unnecessary but unavoidable violation of budget law that would result.

5. What is your anticipated date to come to the Board with budget changes to reflect the actual usage of jail and community programs under SB 1145?

As you are well aware, this set of programs has proved difficult to corral. I do not see how we will be in a position to reliably adjust the budget before the end of September. My models, inaccurate though they have turned out to be, indicated that we would not reach our peak population until November– that only then would we know the total number we will be supervising at any given time. If the length of sentence continues to be shorter than my model assumes, we will reach the peak population sooner. By October we should have more confidence about what we are facing in terms of volume.

I also think it will take time for LPSCC and others to figure out what we are going to be able to do with the population. This is the real crux of the matter.

- If we are going to be able to implement the original basic plan and the numbers end up being close to what we originally thought, then the proposed budget should be adequate. The issues we will have to face are how much funding we can get from the State and what we will have to do to trigger transfers from the contingency account.
- If we are going to be able to implement the original basic plan and the numbers end up being smaller than we estimated, then the proposed budget is too high and we will not have to trigger transfers from the State's contingency account. On the other hand, we will need to begin planning

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for the next biennium because the 1997-1999 level of funding will probably be in jeopardy in the 1999 Legislature if actual numbers are so much lower.

- If we are not going to be able to implement the original basic plan, we will need to have a revised plan for handling the inmates. This revised plan will have to be accompanied by a different budget. I think October is the earliest date that discussions on a revised plan could productively begin.