

AGENDA COVER MEMO

AGENDA DATE: September 24, 2003
TO: Board of County Commissioners
DEPARTMENT: Health & Human Services
PRESENTED BY: Rob Rockstroh



AGENDA TITLE: IN THE MATTER OF RESCINDING NOTICE OF TERMINATION OF PARTICIPATION IN SB1145 PROGRAMS

I. MOTION

TO ACCEPT THE MOTION TO RESCIND NOTICE OF TERMINATION OF PARTICIPATION IN SB1145 PROGRAMS

II. ISSUE OR PROBLEM

The Legislature for the state of Oregon adopted a 2003-05 biennium budget that minimally funds the community corrections system in compliance with the baseline established as of June 30, 1999 as governed under Senate Bill 1145. Therefore, the County Administrator, Sheriff and Director of Health & Human Services recommend the notice of termination of participation in SB1145 programs sent to the state by the county be rescinded.

III. DISCUSSION

A. Background / Analysis

Per Oregon Revised Statutes 423.475 to 423.565, Lane County entered into IGA No. 2037 to share with the Oregon State Department of Corrections responsibility for community-based supervision, sanctions, and services for offenders.

In January 2003, the County began to experience unrelenting, ongoing cuts to the Community Corrections Grant. Lane County's FY 2002-03 allocation was reduced by \$991,772, resulting from the Legislature's Special Sessions 1-4, the failure of Measure 28, and legislative action in response to the December 2003 State revenue forecast.

Funding forwarded for the 2003-05 biennium was \$15,756,419, compared to \$18,734,252 for the 2001-03 biennium. This funding loss made it impossible for

the county to achieve the requirements of the 2003-05 biennium agreement with the Oregon Department of Corrections. Statewide, the amount of funding for community corrections was an amount less than the funding baseline established as of June 30, 1999. Therefore, in accordance with ORS Chapter 423.475(4) and 423.483, the required 180 day notice to terminate was given on May 1, 2003.

Since then, the state adopted a budget that returned the needed revenue to fund the Lane County community corrections system to a minimal level (at the July 2001 level). This was a three million dollar increase from the proposed 2003-05 biennium amount. The new amount is \$18,848,526. Consequently, at this time the county no longer has the hindrance that prompted the opt-out notice. Therefore, a letter to inform the state that Lane County intends to continue our partnership under SB1145, thus rescinding the notice of termination of participation, should be forwarded to the state.

Also at this time, there is a movement in place to put a measure before the voters that could substantially impair the state's ability to collect the needed revenue to support the adopted budget. If this movement is successful, the outcome of the attempt will be known in February 2004. At that time, funding to adequately support the county's community corrections services may again be reduced. If so, the county will again have the option to opt-out of the agreement with the Department of Corrections.

B. Alternatives / Options

1. To accept the motion rescinding the notice of termination of participation in SB1145.
2. Not to accept the motion.

C. Recommendation

To approve number one above.

D. Timing

The county is currently operating community corrections services under an amendment to the 1999-2003 intergovernmental agreement with the Oregon Department of Corrections. The amendment extends the term of agreement through October 30, 2003. However, the state Department of Corrections needs to be notified of our intent to enter into a new agreement as soon as possible. This will allow the department to process the new IGA and forward it to the county for execution prior to the November 1, 2003 start date.

IV. IMPLEMENTATION

Upon action by the Board, the letter rescinding the notice of termination of participation will be forwarded for signature by the County Administrator.

V. ATTACHMENTS

Board Order
Letter Rescinding Notice of Termination

I: \Admin \ CCA PSC \ Board Orders \ 2003 05 BO for CCA rescinding termination.doc

THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDER:) IN THE MATTER OF RESCINDING NOTICE OF TERMINATION
) OF PARTICIPATION IN SB1145 PROGRAMS

WHEREAS, on May 1, 2003, Lane County informed the state Department of Corrections of our intent to discontinue participation in the Community Corrections partnership created by Senate Bill 1145 due to the state's appropriation of funding at less than a baseline funding as defined in ORS 423.483; and

WHEREAS, the state has since adopted a budget that adequately funds community corrections; and

WHEREAS, pursuant to ORS 423.520 and ORS 423.478 Lane County will, for the 2003-05 biennium, be allocated \$18,848,526 in grant funds to provide supervision, sanctions and services for adult offenders; and

WHEREAS, with this level of funding, it is better for the citizens of our community for the County to continue to provide these services locally.

NOW THEREFORE, IT IS HEREBY ORDERED, that the Board of County Commissioners rescind the notice of termination of participation in SB1145 programs and authorize the County Administrator to sign the letter.

DATED this _____ day of September 2003.

Peter Sorenson, Chair
Lane County Board of Commissioners



LANE COUNTY

PUBLIC SERVICE BUILDING, 125 EAST 8TH AVENUE, EUGENE, OR 97401/(541) 682-4203/FAX (541) 682-4616

September 24, 2003

WP ca/vv/03019/T

Benjamin de Haan, Director
Oregon Department of Corrections
2575 Center Street NE
Salem, OR 97301-4667

Re: Lane County's Withdrawal of Notice Discontinuing Participation in Senate Bill 1145

Dear Mr. de Haan:

On May 1, 2003, Lane County sent notice of its intent to discontinue participation in Senate Bill 1145 as well as terminate the facility's sublease, due to the fact that the State of Oregon had reduced funding below the base level as described in ORS Chapter 423. At the time of the notice, we indicated that we were sending the notice with great reluctance as we believed that Senate Bill 1145 had worked to the benefit of all, both state and county, and of course the participants.

We are pleased to see that the 2003 legislative session has restored funding to the minimum level necessary to make the program functional, and we are therefore withdrawing our notice. We wish to continue our partnership with the State of Oregon under 1145.

We are very pleased that this chapter of Oregon history is behind us and we can get back to serving our citizens.

Sincerely,

David Garnick
Acting County Administrator

c: Gary Weeks, Director, Department of Administrative Services

