



Memorandum Date: January 25, 2023

Order Date: February 7, 2023

TO: Board of County Commissioners

DEPARTMENT: Lane County Sheriff's Office

PRESENTED BY: Sheriff Cliff Harrold

AGENDA ITEM TITLE: ORDER AND PUBLIC HEARING: IN THE MATTER OF
REFERRING TO THE VOTERS OF LANE COUNTY A
RENEWAL OF THE FIVE-YEAR PUBLIC SAFETY LOCAL
OPTION LEVY

I. MOTION

To approve the attached order directing staff to continue preparing a ballot title referring renewal of the five-year public safety local option levy to the voters of Lane County to fund continued investments in the Lane County Jail and Youth Services.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the order establishing the ballot title, question and summary for the renewal of the five-year public safety local option levy to be placed before voters for consideration during the May 16, 2023 election.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On February 12, 2013, the Board of County Commissioners approved Board Order 13-02-12-06 referring a five-year local option tax levy to the voters of Lane County to fund jail operations and Youth Services from fiscal year (FY) 2013-14 through FY 2017-18.

On May 21, 2013, 56.95 percent of voters approved the local option tax levy (Ballot Measure 20-213) at a rate of \$0.55 per \$1,000 assessed value to fund jail operations and critical youth services.

The Lane County Budget Committee – at the request of the Sheriff – approved a

reduction in the levy amount for FY 2016-17 from \$0.55 per \$1,000 assessed value to \$0.38 per \$1,000 assessed value for the duration of FY 2016-17 due to higher than anticipated revenues and temporarily lower than anticipated expenditures. In FY 2017-18, the Lane County Budget Committee approved continuing to levy the reduced rate, and in FY 2018-19 the rate was increased to \$0.515 per \$1,000 assessed value, but still below the amount approved by voters. In FY 2019-20, the revenues were no longer outpacing the anticipated expenditures and the Lane County Budget Committee approved a return to levying the full amount approved by voters.

On February 14, 2017, the Board of County Commissioners approved Board Order 17-02-14-14 referring a renewal of the five-year public safety levy to voters to continue to fund jail operations and Youth Services from FY 2018-19 through FY 2022-23.

On May 16, 2017, 72.95 percent of voters approved the renewal of the local option tax levy (Ballot Measure 20-271) at a rate of \$0.55 per \$1,000 assessed value to fund jail operations and critical youth services.

On January 10, 2023, the Board of County Commissioners received an update on the significance and use of public safety levy funding in supporting the current number of local jail beds for adults and doubling the capacity in certain youth programs.

On January 24, 2023, the Board of County Commissioners discussed the referral of a public safety levy renewal to the May 16, 2023 ballot and reviewed a draft ballot title.

B. Policy Issues

Per Lane Code 2.045.045: “The Board may place on the ballot any County measure or refer a measure of County legislation to be voted on according to the procedures and deadlines specified by state law.”

C. Board Goals

Maintaining the stability of the public safety system in Lane County is directly in line with the strategic priority of “A Safe, Healthy County” as discussed in the 2022–2024 Lane County Strategic Plan. Objective B2 under the strategic priority expressly directs Lane County to “actively pursue a renewal of the 5-Year Public Safety Levy which ends June 2023.”

D. Financial and/or Resource Considerations

The public safety levy provides critical funding for jail operations, as well as Youth Services programs. Without levy revenue, the service levels at both the Lane County Jail and within Youth Services would be drastically reduced.

Currently, the public safety levy provides 52 percent of the operational funding for the Lane County Jail. In comparison, the General Fund provides 40 percent.

In Youth Services, the public safety levy funds 8 of 16 youth detention beds and 8 of 15 Phoenix Treatment Program beds. Without levy revenue, those programs would only be able to serve half the number of at-risk youth in our community.

E. Health Implications

Health implications related to the public safety levy can be identified most readily as the improvement in safety and wellbeing for residents and families across Lane County when our public safety system is able to support critical services.

The public safety levy allows the Lane County Jail to hold more adults in custody who are accused of violent crimes. While in custody those people are not at large to cause additional harm to others and, just as importantly, they are able to access medical and behavioral health services so they can become healthier and better able to care for themselves and others. Similarly, the levy also expands the ability of Lane County Youth Services to intervene in a greater number of youths' lives by increasing bed capacity in both detention and the Phoenix Residential program, allowing for broader community, victim, and youth protection and additional opportunities for rehabilitation. The public safety levy allows vital services to continue; without it, Lane County would be a less safe place and people in need of medical or behavioral health interventions would go without.

F. Analysis

Steep decline in federal forest revenue (more than \$40 million annually in inflation-adjusted dollars) during the past 20 years has affected public safety funding particularly hard, resulting in an inability to maintain critical services at an appropriate level without additional investment from taxpayers.

Prior to the public safety levy in May 2013, the Jail had only 125 beds for local offenders – a fraction of the recommended number for a jurisdiction the size of Lane County. A study conducted by Robertson|Sherwood|Architects and DLR Group in 2021 determined that Lane County will need 526 beds by 2040 in order to account for population growth. The study noted that the 526-bed number was dependent upon the Sheriff's Office maintaining its current alternative programs for pre-trial and sentenced offenders that help prioritize the use of jail beds by providing alternative means of serving local sentences through community service or the Sheriff's work crew. If the current alternative programs are not available, the needed number of jail beds increases dramatically.

The Sheriff's Office, which operates the Lane County Jail, was also forced to release more than 5,000 defendants and offenders from the Jail in FY 2012-13 due to lack of capacity. The public safety levy was created to decrease the number of capacity-based releases for adult offenders and to increase youth

treatment services for youth in detention or in residential treatment at Lane County Youth Services.

To date, the levy has been a tremendous success. The promises made to Lane County voters have been kept; the Sheriff's Office has provided more local jail beds and related services than promised, and Youth Services has doubled the number of detention and residential treatment beds.

The levy promised 255 local jail beds. The jail now has 367 beds available for local offenders, 112 more beds than promised, representing a capacity increase of nearly 300 percent. This is the highest capacity for local offenders in the Lane County Jail since January 2003.

No pre-trial adults in custody being held on Measure 11 charges have been released due to capacity in nearly 10 years (since July 1, 2013). Similarly, no pre-trial adults in custody being held on violent felony charges have been released due to capacity during this period. Prior to the implementation of the public safety levy, limited jail space commonly resulted in the release of these violent Measure 11 offenders due to capacity.

Measure 11 crimes include, but are not limited to, Assault I & II, manslaughter, murder, robbery, rape, sex abuse and kidnapping.

Lane County's Youth Services Division provides a variety of services to some of the most vulnerable youth in our community. The public safety levy supports detention and the Phoenix Treatment program.

Funding from the public safety levy has doubled the capacity of the Youth Services detention program, from 8 beds to 16. Youth in detention are provided a wide range of helpful services to support their physical, emotional, and social development. Services provided include education, visitation, continuous supervision, nutrition services, recreation, and mental health, medical and dental services.

The Phoenix Treatment Program is a residential program for justice-involved youth. It has an additional 8 beds available thanks to funding provided by the public safety levy, making a total of 15 beds. The program is focused on assisting youth to develop the skills necessary to be successful in both the treatment environment and when they return to their home and community of origin. The stay in the program is approximately six months. Treatment consists of individual therapy for all youth, family therapy when return to the family is the goal of treatment, competency groups, group therapy, recreation therapy, school and individual tutoring and assistance, individualized goals and support for daily living and other services. Phoenix is designed around cognitive behavioral restructuring, holding youth accountable for their choices and actions with a focus on assisting youth in identifying the relationship between their thoughts, choices and actions, and the identification of thinking errors.

Without funding from the public safety levy, less than half the number of youth served in the detention and the Phoenix program would have access to the life-changing services designed to help them become more engaged and safe members of the community.

With the public safety levy preparing to sunset this year, it is critical for Lane County to work with voters to renew the levy and continue investing in our public safety system. If the levy is not renewed, neither the Sheriff's Office nor Youth Services will be able to continue providing services at the current levels.

G. Alternatives/Options

1. Direct staff to continue preparing the ballot title, question and summary according to the statutory deadlines for the May 16, 2023 election.
2. Direct staff to prepare the ballot title, question and summary according to the statutory deadlines for a different election.
3. Direct staff to cease preparing the ballot title, question and summary.

If the Board wishes to see the question of a five-year local option levy on the May 16, 2023 ballot it must take action before February 24, which is the SEL 805 filing deadline. While no Board of County Commissioners meeting is currently scheduled for February 14 or February 21, commissioners could convene a meeting if further discussion is required.

IV. RECOMMENDATION

Staff recommends the Board adopt the Order as written.

V. TIMING/IMPLEMENTATION

If the Board votes in favor of placing a five-year local option levy on the May 16, 2023 ballot, staff must file an SEL 805 by February 24, 2023 with the County Clerk.

FOLLOW-UP

If the Board votes in favor of placing a five-year local option levy on the May 16, 2023 ballot, staff will file the necessary paperwork to ensure the item appears on the ballot.

VI. ATTACHMENTS

Attachment A: Ballot title, question and summary

Attachment B: Order

EXHIBIT A

Caption: 10 words *(currently 10)*

Jail and Youth Services Levy Renewal Requires No New Taxes

Question: 20 words *(currently 20)*

Without increasing tax rate, shall County maintain jail beds, youth treatment, levying \$0.55/\$1,000 assessed value for five years beginning FY2023/24?

This measure renews current local option taxes.

Summary: 175 words *(currently 174)*

Passage of this measure would not increase the tax rate.

Measure renewal would maintain a minimum of 255 local jail beds, allowing the Sheriff to hold those accused or convicted of violent crimes until their cases are resolved instead of releasing them due to lack of space.

Since the original levy took effect in 2013, no violent Measure 11 offenders have been released pre-trial due to lack space.

Levy renewal would also:

- * maintain investment in medical mental health services within the Jail to help those in custody make positive improvements and build life skills in an effort to reduce recidivism
- * continue to provide counseling, secure treatment and detention services for youth offenders

Levy funds are placed in a restricted fund earmarked for the Jail and Youth Services. An annual independent financial audit of levy spending is required and presented publicly.

The estimated tax rate for this levy is \$0.55 per \$1,000 of assessed value. The median Lane County homeowner is estimated to pay an average of \$118 per year for five years. It is estimated to raise \$118,930,036 over five years. 2023: \$22,141,967; 2024: \$22,916,935; 2025: \$23,719,028; 2026: \$24,608,492; 2027: \$25,543,614. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of estimate and may reflect the impact of early payment discounts, compression and the collection rate.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO:

IN THE MATTER OF REFERRING TO THE
VOTERS OF LANE COUNTY A RENEWAL
OF THE FIVE-YEAR PUBLIC SAFETY
LOCAL OPTION LEVY

WHEREAS, the Public Safety Levy passed in May 2013 and was renewed in May 2017 to fund a minimum of 255 local beds at the Lane County Jail and additional detention and treatment beds at the Division of Youth Services;

WHEREAS, the Lane County Jail currently has 367 jail beds for local offenders, representing a capacity increase from May 2013 of nearly 300 percent;

WHEREAS, pre-trial capacity-based releases of violent felony and Measure 11 offenders from the Lane County Jail have ceased since the addition of levy funded local jail beds;

WHEREAS, the need for mental health services to in the Jail continues to increase, and approximately 78 percent of mental health services aimed at helping those in custody make positive improvements and build life skills in an effort to reduce recidivism in the Jail are funded by the levy;

WHEREAS, Youth Services has doubled the capacity of detention and residential treatment beds, and the expansion has allowed Youth Services to hold those who are the highest public safety risk and provide critical interventions including counseling and secure treatment through its residential Phoenix Treatment Program;

WHEREAS, annual external audits have shown that the levy revenues are being spent as specified by the ballot measure language;

WHEREAS, Lane County has seen a 81 percent reduction in federal revenue from public lands since 2001;

WHEREAS, there is no indication that Lane County's federal revenue from public lands will increase in the foreseeable future;

WHEREAS, Lane County Sheriff Cliff Harrold has requested the Board of County Commissioners place the question of levy renewal before voters in the May 16, 2023 election;

WHEREAS, Oregon tax policies limit temporary property tax increases from occurring without a vote of the local electorate; and

WHEREAS, per Lane Code 2.657, the "Board may place on the ballot any County measure or refer a measure of County legislation to be voted on according to procedures and deadlines specified by state law."

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. The Administrator shall draft proposed ballot language for renewal of a five year local option public safety levy, consistent with the goals and objectives as outlined in the proposed language attached hereto as Exhibit A. The Administrator and County

Clerk may make any necessary changes to the proposed language for the purposes of placing the levy on the May 16, 2023 election ballot.

2. If this levy renewal passes, the Board of County Commissioners shall continue to appropriate Discretionary General Funds to fund jail services that, together with the continued levy revenue, will provide for the consistent operation of at least 255 local adult jail beds, 8 youth detention beds and 8 Youth Services treatment beds for critical youth services for the duration of the levy renewal period.
3. If this levy renewal passes, the Board of County Commissioners shall strive to act consistently with the Board's approved motion suggesting jail operations shall receive approximately 91 percent of levy revenue, and critical youth services shall receive approximately 9 percent. If there is a reduction in the rate levied in any year of the levy, every effort will be made to maintain the approximate ratio to ensure the delivery of the same level of jail and critical youth services.
4. All funds raised by the levy will be placed in a separate, restricted special revenue fund.
5. The Board shall receive annual independent financial audit reports of levy funds, which will include analysis of annual revenues collected and expenses incurred for the provision of the minimum 255 local jail beds and critical youth services for the duration of the levy.
6. The County Clerk is hereby authorized to publish notice and take all other action to call the measure election.

ADOPTED this 7th day of February, 2023.

Pat Farr, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date _____

LANE COUNTY OFFICE OF LEGAL COUNSEL