

# **CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS**

## **Policy Session Worksheet**

**Presentation Date:** August 3, 2020    **Approx. Start Time:** 2pm    **Approx. Length:** 60 min

**Presentation Title:** Proposed Children’s Safety Levy – Staff Review and Feedback

**Department:** County Administration

**Presenters:** Gary Schmidt, County Administrator

**Other Invitees:** County Counsel  
Finance  
Health, Housing and Human Services  
Juvenile  
Public and Government Affairs

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

Should the Board of County Commissioners direct staff to prepare the necessary documents and schedule the necessary hearings for the referral of a Children’s Safety Levy to the November 2020 ballot?

### **EXECUTIVE SUMMARY:**

The Board of County Commissioners (the Board) has engaged in discussions with various stakeholders regarding a Children’s Safety Levy (CSL) over the past 10 years. Late last year, the Safe Kids Coalition (SKC) requested that the Board approve and partner in the commission of a public poll to test whether voters would support a Children’s Levy on the November 2020 ballot. Last Tuesday, July 28 the Board received a presentation summarizing the polling results.

The Safe Kids Coalition (SKC) is a group of non-profit community organizations. The purpose of this coalition is to “pursue a dedicated source of funding for critical safety services for children and youth.” Documents have been provided to the Board detailing the Members of the Safe Kids Coalition (Attachment A), the History of the Safe Kids Coalition in Clackamas County (Attachment B), The Clackamas Children’s Safety Levy Implementation Plan (Attachment C) and The Clackamas Children’s Safety Levy Draft Ballot Language (Attachment D).

Subsequent to the discussion on Tuesday, July 28, the Board asked staff to review the materials provided and provide feedback about the following elements of the levy framework: 1) timeline to refer, emergency board meetings, draft ballot language; 2) accountability; 3) outcomes; 4) community outreach/public process and 5) transparency and oversight.

### **TIMELINE**

- August 5: Deadline to submit ballot title for 8/13 Board Meeting

- August 13: Board votes to approve ballot title
- August 14: Ballot title filing deadline (81 days before election). Measure filed with County Clerk for publication
- August 25: Deadline for electors to file ballot title challenge (7 days after ballot title is filed)
- September 3: Final ballot title filing deadline and file form SEL 801 with County Clerk (after resolution of any ballot title challenge) (61 days before election)
- September 8: Final date for arguments for or against for inclusion in voters' pamphlet

To accomplish these tasks by these dates, the Board would need to meet on Tuesday, August 4 and depending on the outcome of this session, perhaps again on Wednesday, August 5.

Materials would then be submitted for the business meeting agenda. Board discussion and final approval would occur Thursday, August 13. The materials would include the ballot title, question presented, summary, and explanatory statement. The explanatory statement is the 500 word section that describes the measure and its effects. This work still needs to be completed with comprehensive feedback from the Board.

The proposed measure would need to be filed with the Clerk by 5 pm, Friday, August 14. If the measure is challenged in court then we would need to defend the ballot title and get resolution from the court before the 5 pm September 3 deadline. Although election matters take priority on the court's docket, there is no guarantee that Covid-19 won't cause a delay.

The County can impose taxes for declared uses and services, but cannot impose taxes to be directed to the benefit of enumerated entities. Consequently, the ballot measure that was submitted by the SKC (Attachment D) cannot be referred to the voters by the Board. Instead, county counsel has revised the summary from the ballot title that the proponents provided. (see Attachment E) It exceeds the 175 word count but it lays out a program that could address this issue and other potential gaps.

The proposed CSL recommends \$0.15 per \$1,000 of assessed property value. The total approximate collection is \$7.97 million annually with a maximum 3% increase, this is subject to compression. If approved, the funds would be collected in November 2021.

## **ACCOUNTABILITY**

The proposed CSL framework mentions an annual published progress report and performance based contracting. Staff agrees that these elements are critical.

The County, as the responsible fiscal agent of these public dollars, would need to ensure that financial best practices are followed. This could include but is not limited to contracting processes, regular budget reporting, and performance reporting of programs, providers, services, with appropriate oversight.

Accountability measures should be put in place to ensure that the target populations are receiving the specified services, the quality and quantity of services are delivered, culturally responsive services are provided, and evidence-based and trauma-informed models are utilized.

*Oversight is discussed in another section*

## **OUTCOMES**

The CSL framework provided by the SKC includes a number of specific services and desired outcomes, such as:

- Expand and stabilize the capacity of local Clackamas County community based non-profits to provide intervention, support services, and healing for all children and youth experiencing trauma and abuse in our county.
- Grow and strengthen the availability of services that promote well-being and mitigate the impacts of trauma through our collective impact.
- Leverage the trust and experience that Clackamas County community based non-profits have established in our community.
- Fortify a robust network of services that work collaboratively to keep children safe.
- Produce measurable outcomes demonstrating the on-going impact of funding.

After review of these outcomes staff would, first, suggest a focused approach to equity, diversity and inclusion outcomes. What equity lens has been applied to the process thus far to develop the CSL Implementation Plan? Did an equity lens inform the Strategies and Provider Requirements? Are there any culturally specific organizations that are part of the coalition? Has the coalition and/or coalition member organizations undergone an organizational equity assessment?

Secondly, we do not recommend limiting the recipients of these dollars to only those non-profits located in Clackamas County. Gentrification in other parts of the Metro Region is pushing people of color to change residence and will likely continue to shift demographics in Clackamas County. If culturally specific/culturally responsive providers headquartered outside of the county have a proven track record of serving marginalized communities we suggest encouraging their participation in the levy-supported services. This continues to advance and build a robust network of needed providers.

Lastly, the desired outcomes listed focus on funding and capacity building, but there are no specific outcomes listed that are customer-centered. We suggest setting outcomes like:

- Reduce the incidents of violence in the community
- Increase in % of children in safe environments
- Increase in % of participants receiving culturally responsive interventions
- Increase in % of abused children in safe environments

We strongly recommend that while providers can be located outside of the county services are received by Clackamas County residents.

## **COMMUNITY OUTREACH/PUBLIC PROCESS**

Safe Kids Coalition has indicated that it has engaged in a decade long process of community engagement and coalition building (see Attachment B).

### **Outreach considerations**

With any communications involving a ballot measure, a public outreach campaign is challenging. This is because of Oregon State Law limitations imposed on public employees set by *Political Campaigning by Public Employees* (ORS 260.432). Effectively, any communication by county workers put out after the time *the ballot receives a measure number* cannot “lead voters to support or oppose a particular position.” The date when this is triggered is Sept. 3 *at the latest*, and after that point all communications from #ClackCo must be approved by the Oregon Secretary of State’s office.

Normally, these types of campaigns are coordinated several months in advance with experienced campaign contractors, in order to build a groundswell of community support. PGA would be unable to secure a communications firm and develop the necessary messaging in the remaining 35 days.

What PGA can offer, however, is a two-pronged approach:

- If the Board acts to refer the issue to the ballot, we have ~14 days to raise awareness in the community via our social media channels, email lists, and website. Any language would not need safe harbor approval, but would need to be scrubbed and removed from the website (and possibly social media) by late August.
- After that time, PGA could utilize its public platforms merely to generate an informational campaign about the measure – not advocating either way, and providing a balanced look. All communications and imagery would first have to be run through the Secretary of State’s office.

These activities would need to be accomplished **before** the safe harbor rules go into effect. From this point the county can only provide factual information about the measure.

### **Political considerations**

In addition to outcomes and outreach, the county will need to develop measures on accountability, transparency, and oversight that should be vetted with key stakeholders in the community who could serve as advocates for the measure. The county and stakeholders also will need to clarify roles and responsibilities, particularly because the safe harbor period will preclude county staff and contractors from working on the measure in a supportive capacity no later than the beginning of September. Lastly, consideration should be given to how this tax measure could impact other taxing districts within the county and whether further stakeholder consultation is needed on this issue.

In addition, the following measures are anticipated on the November 3 ballot. Consideration should be given to whether any of these measures would 'compete' with a new measure placed on the ballot.

- WES outfall in Jon Storm Park (Oregon City)
- Clackamas County Fire District #1/Estacada Fire District Consolidation
- Canby Fire local option levy renewal (currently 45 cents per \$1,000)
- Portland Public Schools bond renewal (\$500M-\$1B)
- Metro Get Moving regional transportation investment measure (up to .75% payroll tax on employers)
- TENTATIVE: Riverdale School District local option levy renewal (currently \$1.37 per \$1,000)
- HB 2270 tobacco and e-cigarette tax increase legislative referral (statewide)
- SJR 18 campaign finance amendment legislative referral (statewide)
- IP 34 Oregon Psilocybin Services
- IP 44 Drug Addiction Treatment and Recovery Act

#### **OVERSIGHT AND TRANSPARENCY**

Levy revenue would be collected by the County. The Board may want to consider adjusting the framework to a grant program structure. This would ensure appropriate transparency in contracting, financial reporting, performance reports and overall decision making.

The goal of this CSL should be to maximize the impact of the public's investment. **This will require a methodical approach to ensure that the investments made will have the greatest potential for achieving the goal of child safety.** While those involved undeniably have extensive experience and knowledge of the issue, it is not clear whether all of the options have been considered.

The CSL implementation plan suggests that the county could retain 5% of the funds collected for administrative costs necessary to oversee the levy. However the plan does not clearly outline an oversight or administrative structure. This is imperative to have in place, not just to achieve successful community outcomes but, to secure the public's trust in government.

Is this item in your current budget?  YES  NO

What is the cost? \$

What is the funding source?

#### **STRATEGIC PLAN ALIGNMENT:**

- How does this item align with your Department's Strategic Business Plan goals?

N/A – this is not part of County Administration's Strategic Business Plan

- How does this item align with the County's Performance Clackamas goals?

If a levy were placed on the ballot and approved by the residents of Clackamas County, it could affect the County's strategic priority of Ensure Safe, Health and Secure Communities.

**LEGAL/POLICY REQUIREMENTS:**

Information provided earlier in the document.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

Public polling completed and results presented to the Board July 28, 2020.

No further public and government participation has been completed at this time. Recommendations for PGA activities are listed above following a decision by the Board to refer a Children's Safety Levy to the November ballot.

**OPTIONS:**

Option 1: Direct staff to prepare the necessary documents for the Board so they can refer a Children's Safety Levy to the November 2020 ballot.

Option 2: Direct staff to provide additional feedback to the Board and return at a subsequent date for further discussion.

Option 3: Take no board action at this time.

**RECOMMENDATION:**

N/A.

**ATTACHMENTS:**

The Safe Kids Coalition provided the following documents for consideration and are attached to this document:

- Attachment A: Safe Kids Coalition membership
- Attachment B: History of the Safe Kids Coalition in Clackamas County 2011-2020
- Attachment C: Safe Kids Coalition of Clackamas County - CSL Policy Implementation Plan
- Attachment D: Clackamas Children's Safety Levy Ballot Language draft from SKC

Attachment E: Children's Safety Levy Ballot Title draft from County Counsel 7.30.2020

Attachment F: Children's Safety Levy memo from County Counsel  
6.16.2010

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact \_\_\_\_\_ @ 503-\_\_\_\_\_

### **Coalition participants\***

- Clackamas Volunteers in Medicine
- The Inn Home/True Housing
- Todos Juntos
- Children's Center
- Parrott Creek
- Northwest Family Services
- Oregon Abuse Advocates and Survivors in Service
- Safety Compass
- A Village for One
- Clackamas Workforce Partnership
- Morrison Child & Family Services
- Northwest Housing Alternatives
- Clackamas Women's Services
- Ant Farm
- Court Appointed Special Advocates Clackamas County
- El Programa Hispano UNICA
- Oregon Impact
- Immigrant and Refugee Community Organization
- Exceed
- Oregon Alliance of Children's Programs
- Clackamas Service Center
- Victim Rights Law Center
- Vibrant Futures
- Bloomin' Boutique

### **Supporters\***

- DevNW
- Trillium Family Services
- New Avenues for Youth
- Latino Network
- Pathways/Maple Star
- Cascadia Behavioral Health
- Oregon Latino Health Coalition
- Jackson Street Youth Services (not local)

### **Outreach**

- Oregon City Together Coalition
- Oregon Recovery
- Youth Progress

\* Non-profit coalition partners and supporters continue to work through their internal processes for formal ballot endorsements. **Please see the endorsement list as it is updated daily.**



- Living Room
- The Next Door
- Self Enhancement Inc.
- Janus Youth
- Bridgeway Recovery Services
- Angels in the Outfield
- Building Blocks for Kids
- Boys & Girls Aid
- Youth Villages
- St. Mary's Home for Boys

\* Non-profit coalition partners and supporters continue to work through their internal processes for formal ballot endorsements. **Please see the endorsement list as it is updated daily.**

## Safe Kids Coalition for Clackamas County – Our History

### 2011-

- The Children’s Safety Initiative (*now called -Safe Kids Coalition for Clackamas County*) forms as a coalition seeking to address the safety needs of Clackamas County children and youth that have been impacted by abuse, neglect and violence. The group conducts a needs assessment and prepares a case statement outlining the need (*We Can do Better-a Strategy to Protect Our Children*).
- The Safe Kids Coalition for Clackamas County makes a formal request that the Clackamas County Public Safety Levy renewal be increased to include funding for critical child abuse and domestic violence safety services.
- Safe Kids Coalition requests –“These needs can be addressed through the separate mechanisms of immediate bridge funding and a referral for a Children’s Safety Levy in May 2012 that compliments the public safety system while preserving the Public Safety Levy renewal.”
- In August 2011, The Board of County Commissioners passes Resolution No. 2011-65 –“In the Matter of Supporting, Investing, and Prevention Strategies to Protect and Shelter Vulnerable People from Abuse and Family Violence” creating bridge funding and directs staff “to work with key community groups that protect vulnerable people from domestic violence and child abuse to identify the most urgent unmet funding needs and to develop a funding package.”

### 2012-

- Safe Kids Coalition secures private funding for two professionally conducted surveys (polling) for a Children’s Safety Levy.
- Safe Kids Coalition submits a draft ballot concept for a Children’s Safety Levy.
- Safe Kids Coalition comprised of businesses, non-profit providers, civic leaders and elected officials attend over 20 BCC meetings to provide testimony in support of a Children’s Safety Levy.
- Safe Kids Coalition conducts over 25 community conversations and presentations throughout the community regarding a Children’s Safety Levy.
- Safe Kids Coalition launches a ‘Red Ribbon’ awareness campaign in support of a Children’s Safety Levy.
- Safe Kids Coalition hosts first Candidate Forum on Children’s Safety.

- After learning that the Board of County Commissioners would not be referring a Children's Safety Levy to the upcoming ballot the Safe Kids Coalition successfully advocated for continued bridge funding until a measure was placed on the ballot (new goal is set for a 2014 measure).

#### **2014-**

- Bridge funding is expended and not renewed. A portion of the bridge funding is put into grants (approximately 40%).
- Safe Kids Coalition continues to meet regularly as well as attend Board of County Commissioner meetings to encourage referral of a Children's Safety Levy measure to the ballot.

#### **2016-2017**

- Safe Kids Coalition hosts second Candidate Forum on Children's Safety.
- Safe Kids Coalition continues to meet regularly as well as attend Board of County Commissioner meetings to encourage referral of a Children's Safety Levy measure to the ballot.

#### **2018-2020**

- Safe Kids Coalition continues to meet regularly as well as attend Board of County Commissioner meetings to encourage referral of a Children's Safety Levy measure to the ballot.
- Safe Kids Coalition continues to build collaborations throughout the county to provide support services through strong partnerships.
- Safe Kids Coalition updates the Children's Safety Levy measure framework, case statement, etc.
- Safe Kids Coalition seeks resources to sustain a campaign effort.
- Safe Kids Coalition meets with County staff and County Commissioners for continued planning for a Children's Safety Levy measure.
- The Board of County Commissioners approves funding for a survey/poll on a Children's Safety Levy measure (December 2019).
- In June 2020 the survey/poll is conducted after a brief delay related to COVID-19.

# Safe Kids Coalition of Clackamas County: Children's Safety Levy

## Introduction

The Safe Kids Coalition of Clackamas County is pursuing a dedicated source of funding for critical safety services for children and youth. The purpose of this document is to guide the creation, distribution, accountability, and oversight of safety services funds that we intend to be approved by voters at a future election.

While no community has yet been able to fully prevent the Adverse Childhood Experiences (ACEs) that our children are exposed to, there are proven programs and services that *do* protect children from trauma, abuse, and neglect. Right here in Clackamas County, we have many organizations working hard to create a safe and resilient community for our children and youth. However, much more can and should be done to prioritize the well-being of some of our most vulnerable families.

To assure that all children reach their full potential; safe, stable, nurturing relationships and environments are necessary to prevent violence, abuse, neglect, and home life destabilization. The Safe Kids Coalition seeks to build investment in organizations centered in and delivering services specifically to Clackamas County children and families. We believe that locally based community programs are uniquely qualified and appropriately positioned to perform this work and maximize the greatest return on investment.

To develop this initiative, we have come together as a coalition of service providers, business leaders, elected officials, advocates, faith communities, and culturally-specific providers, as well as people with lived experience of child abuse and neglect, domestic violence, and trauma experienced as children and youth. With our collective knowledge and experiences, we understand that it will take all of us to meaningfully address the critical need for intervention and support services that exist in Clackamas County.

## Our Approach

Using a collective impact model, our aim is to ensure that the critical services that provide safety, promote healing, and improve the well-being of children in our community, along with their caretakers, are available and accessible when they need support in Clackamas County. These efforts must include culturally responsive, community based, and population specific services that:

- Provide trauma informed intervention in cases of child abuse, family and intimate partner violence, trafficking and exploitation, and sexual violence.

- Offer treatment and support services designed to mitigate the emotional, physical, and mental health impacts of trauma, polyvictimization, toxic stress, and Adverse Childhood Experiences.
- Interrupt the cycle and prevent future incidents of child abuse and neglect, family and intimate partner violence, sexual violence and exploitation, and justice involvement.
- Deliver individualized crisis intervention and long-term support and resources that address the multiple and complex challenges experience by vulnerable children, youth, and families.
- Provide services that promote stabilization, address the social determinants of health, and enhance opportunities for well-being.
- Change the social norms that allow violence and harm to occur.

### Our Desired Outcomes

- Expand and stabilize the capacity of local Clackamas County community based non-profits to provide intervention, support services, and healing for all children and youth experiencing trauma and abuse in our county.
- Grow and strengthen the availability of services that promote well-being and mitigate the impacts of trauma through our collective impact.
- Leverage the trust and experience that Clackamas County community based non-profits have established in our community.
- Fortify a robust network of services that work collaboratively to keep children safe.
- Produce measurable outcomes demonstrating the on-going impact of funding.

### Our Guiding Principles

- **Safety.** All children deserve to be safe and secure and have meaningful opportunities to contribute to a thriving community.
- **Action.** We are goal-oriented, forward focused, and dedicated to ensuring successful outcomes for children and youth.
- **Diversity.** Violence and abuse affects all aspects of our community and our response must be inclusive and engage all voices and cultures throughout the entire community.
- **Hope.** We believe in the healing power of hope and are committed to providing hope-centered, strength-based, and resiliency-focused interventions and services.
- **Unity.** Abuse and violence impacting children and youth is a complex and multi-dimensional problem that requires proactive, committed, and sustained multi-sector collaboration among counties, cities, public agencies, nonprofits, businesses, and community partners.
- **Equity** In order to prioritize equitable outcomes, we expect a robust equity lens will be employed that outlines expected results, data collection and analysis, community engagement, targeted strategies and approaches, implementation, and accountability.
- **Transparent.** Our coalition will continue to be founded on transparency and we are committed to communication that is centered on humility, integrity, and authenticity.

- **Knowledge.** We will be provider-informed in developing and adopting strategies for reducing abuse and promoting safety for children and youth using client-centered approaches and culturally responsive support.
- **Accountability.** We will require defined, efficient, and measurable outcomes based on broadly recognized public metrics. This transparency and accountability is vital to maintain the long term support of voters and the community.

## Strategy & Implementation Plan

The measure includes a provision for Clackamas County to retain up to five percent of the funds to cover administrative costs, including soliciting proposals, selecting qualified local providers, entering into grant contracts with performance measures and monitoring requirements, and publishing an annual progress report on use of the funds and outcomes. The County will also designate oversight to an existing advisory committee suited for this purpose or develop a new advisory committee for the purpose of ensuring stakeholder input and public oversight.

### Population:

The Children's Safety Levy is designed to specifically serve children and youth impacted by violence, neglect, and abuse. The following are considered eligible populations for the purpose of this funding source.

Children and youth impacted by:

- Child abuse and neglect
- Domestic/dating/family violence
- Human trafficking and sexual exploitation
- Sexual violence
- Homelessness (youth focused homelessness, runaway youth)
- Children and youth in the foster care system
- Children of incarcerated parents

### Services & Strategies:

Eligible projects will include some or all of the following services and strategies. Levy funds will be allocated among the categories of need based on a minimum percentage (representing a total of 85% of available funds). The remaining 15% may be allocated to any of the following services based on the current needs of the community. Funds are distributed through the County's managing department's grant contract process.

To maximize impact, mitigate duplicative services and ensure high quality services the Levy will seek to support an anchor service provider (preferred maximum of two) when possible, to which it will provide grant funds through a performance based renewable contract for each of the service areas. In addition, a portion of funds may be available annually for smaller grants to address emerging needs, build capacity, and/or provide support for program implementation.

An anchor provider must provide culturally responsive services may subcontract with a similar entity to collaborate in providing services, enhance equity, provide culturally specific services, respond to a specific need, and/or provide an additional access point. This recommended structure is designed to ensure that all providers serving the eligible population are able to apply to the County to deliver services through the Children’s Safety Levy.

- Forensic and medical assessments for child abuse and neglect, sexual assault, and intimate partner violence. (minimum 5%)
- Emergency shelter for victims of child abuse, domestic violence, trafficking, sexual assault. (minimum 5%)
- Case management and advocacy, safety planning, trauma recovery services. (minimum 10%)
- Legal representation and advocacy, court-based advocacy and support. (minimum 5%)
- Mental health counseling, behavioral health therapy, addiction treatment, support groups. (minimum 10%)
- Trauma-informed children’s activities provided at the time of services for safe caregivers. (minimum 5%)
- Parenting support, education and skill building. (minimum 10%)
- Strengthen economic supports for families. (minimum 5%)
- Evidence based, data driven and/or promising best practice services that promote health and well-being, address the social determinants of health, and/or promote social emotional skill building. (minimum 10%)
- Truancy prevention, educational achievement. (minimum 5%)
- Peer based or group mentoring. (minimum 5%)
- Intensive residential treatment for highly traumatized youth in the foster care system who cannot be placed in home environments. (minimum 5%)
- Violence prevention programming to reduce the incidents of violence in the community. (minimum 5%)

The County shall convene stakeholders to develop a transparent process for changes made to the percentage based distribution structure.

The intent of the Clackamas County Children’s Safety Levy is to provide revenue for children’s safety services in addition to revenues provided for those services by the local governments within Clackamas County. Barring exceptional circumstances like an economic downturn that prompts broad or across-the-board budget reductions, local governments within Clackamas County should not reduce current funds or service levels related to children’s safety services or expect Clackamas County Children’s Safety Levy funds to replace funds currently provided by local governments.

**Provider Requirements:**

- Service providers must be a 501(c) 3 non-profit.
- Service providers must be headquartered in Clackamas County.
- Service providers will be community based nonprofit entities with a proven track record in Clackamas County.
- Services must be delivered in Clackamas County.
- Service providers must have a demonstrated history of providing community based social services.
- Service providers must be service providers that work with victims and/or children and youth impacted by trauma as identified through the agency's mission, history of services, and/or have a program with specific goals and objectives to serve victims within an agency.
- With permission of the County's managing department, providers may develop an MOU agreement with a provider that will deliver services to Clackamas County residents that may not meet the provider requirements for the purpose of:
  - ensuring equitable access
  - provision of culturally responsive services
  - provision of population specific services

**Accountability**

- a) Contracts will include performance measures and monitoring requirements.
- b) Annual progress report published.



### **CAPTION (9/10)**

Five-Year Local Option Tax for Children's Safety Services

### **QUESTION (20/20)**

Shall Clackamas County support local children's safety services; five-year levy, \$0.15 per \$1,000 assessed value, beginning 2021? This measure may cause property taxes to increase more than three percent.

### **SUMMARY (175/175)**

Measure would finance Clackamas Children's Safety Fund dedicated to providing safety services for children and youth impacted by violence, neglect, and abuse.

Local services supported by this fund include:

- Forensic and medical assessments for child abuse and neglect, sexual assault, and intimate partner violence;
- Emergency shelter for victims of child abuse, domestic violence, trafficking, sexual assault;
- Case management and advocacy, safety planning, trauma recovery services;
- Mental health counseling, behavioral health therapy, addiction treatment, support groups;
- Legal representation and advocacy, court-based advocacy and support;
- Parenting support, education and skill building;
- Strengthening economic supports for families;
- Violence prevention programming to reduce the incidents of violence in the community; and
- Culturally-responsive and population-specific services.

Eligible service providers are non-profit organizations headquartered in Clackamas County with demonstrated history of providing community-based social services; service provider contracts renewable based on performance.

County administrative costs capped at 5%. Performance measures, monitoring requirements, annual progress report.

Levy is \$0.15 per \$1,000 of assessed property value. A home valued at \$300,000 pays \$3.78 per month, \$45.30 per year.

The levy will produce an estimated \$XX million in 2021-22; \$XX million in 2022-23; \$XX million in 2023-24; \$XX million in 2024-25; and \$XX million in 2025-26.

CAPTION (9/10)

Five-Year Local Option Tax for Children's Safety Services

QUESTION (20/20)

Shall Clackamas County support local children's safety services; five-year levy, \$0.15 per \$1,000 assessed value, beginning 2021?

This measure may cause property taxes to increase more than three percent.

SUMMARY (Exceeds 175)

Measure would finance Clackamas Children's Safety Fund dedicated to providing safety services for Clackamas County youth impacted by violence, neglect, and abuse.

Child safety services supported by this fund would include the full array of critical services vulnerable children including, but not be limited to:

- Forensic analysis, medical assessments, and emergency shelters for victims of child abuse and neglect, sexual assault, violence, trafficking, and domestic violence;
- Case management and advocacy, safety planning, trauma recovery services;
- Mental health counseling, behavioral health therapy, addiction treatment, support groups;
- Legal representation and advocacy, court-based advocacy and support;
- Violence prevention programming to reduce the incidents of violence in the community; and
- Culturally-responsive and population-specific services.

The program would be operated and staffed by Clackamas County and the Board of County Commissioners will appoint members to a multi-disciplined committee representing various segments of child services programs who would have oversight of the distributions of levy proceeds. County administrative costs would be capped at 5%.

Grants would be awarded to qualified providers annually in an open and competitive process with the overarching objective to best serve the needs of Clackamas County youths. Providers will be required to furnish performance measures, monitoring requirements, and annual progress reports.

Levy is \$0.15 per \$1,000 of assessed property value. A home valued at \$300,000 pays \$3.78 per month, \$45.30 per year.

The levy will produce an estimated \$7,971,204 million in 2021-22; \$8,210,340 million in 2022-23; \$8,456,650 million in 2023-24; \$8,710,349 million in 2024-25; and \$8,971,659 million in 2025-26



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To: Marc Gonzales, Finance Director  
Steve Wheeler, County Administrator

From: Stephen L. Madkour, County Counsel

Re: Children's Center Levy

Date: June 16, 2010

County Counsel has been asked to research the viability of a special tax levy to support the Children's Center of Clackamas County. I was not provided with detailed information concerning the Children's Center. I found from their website that the Children's Center is a private, non-profit medical assessment center supporting children and families in cases of suspected physical abuse, sexual abuse, neglect, drug endangerment, and witness to violence.

If the levy is approved by the voters, it is expected that the County would act as the fiscal agent for the revenues generated by the levy. From the information provided, it was presented that the Children's Center would partner with other non-profit social service agencies to create a recipient pool for proceeds benefiting related causes. The questions presented and my responses are set forth below:

1. Is the County as a non-chartered general law local government able to replicate the passage of the Children's Levy which was passed originally in the City of Portland in 2002?

Yes, but with qualifications. The Board of County Commissioners may refer a measure to the voters. ORS 254.103. Although Clackamas County is a non-charter county, it remains statutorily empowered to engage in a broad range of legislation. ORS 203.035(1) provides that "the governing body or the electors of a county may by ordinance exercise authority within the county *over matters of county concern*, to the fullest extent allowed by Constitutions and laws of the United States and of this state." Moreover, this statute "*shall not be construed to limit or qualify any such grant and shall be liberally construed*, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state." ORS 203.035(2). The Oregon appellate courts have broadly construed the statute. See *GTE Northwest Inc., v. Oregon Public Utilities Comm'n*, 179 Or.App 46, 62 (2002) ("From the statute comes a clear, express grant of

authority that requires only a demonstration of a concern that is peculiar to the county's residents").

The funding of services for vulnerable children and families would be a matter of state-wide concern. Having the funding generated from county-wide tax assessments, and distributed to only those children and families residing within the county, would make the purposes of the children's levy a matter of county concern. Accordingly, the referral of the levy would be within the purview of the governing body's authority under ORS 203.035(1).

The answer is a qualified yes because the fact that the board is authorized to place a local levy on the ballot does not signify that the basis for the levy is permissible. As I understand the proposal, the Children's Center would be the recipient of the levy revenues, and potentially would partner with other non-profits social service agencies to create a recipient pool for proceeds benefiting related causes. I am not aware of any authority or precedent that would allow the governing body to refer a levy whose revenues are targeted to fund a single non-profit entity. Essentially, this would be tantamount to the County providing preferential treatment in the form of levy revenues to a single private entity, to the exclusion of others. Equally legitimate and valuable nonprofits would not even be in a position to compete for similar source funding. Such disparate treatment would likely result in court challenges alleging numerous statutory and constitutional violation, including due process and equal protection grounds.

In contrast, the Portland Children's levy is operated and staffed by the city, with oversight by the allocation committee. All levy revenues are at the discretion of the allocation committee and distributed to children's programs through an open and competitive grant process.

2. Can the County act as fiscal agent for the Children's Center?

Yes. I am not aware of any authority that would prohibit the county from serving as the fiscal agent. It seems appropriate that given the county's involvement in the process that the county should, at a minimum, administer the funding. The board referred the levy to the ballot, the assessor's office collects the levy, finance will prepare the budget, the Treasurer will serve as cash and investment manager, and other County departments including County Administration will likely be involved in other aspects of the program. However, since the children's levy is a property tax derived funding source, the county should probably assume direct control over the collection and distribution of any funds, and not serve merely in an agency capacity.

3. If the voters approve the levy, would the grant process be operated by County staff or would it be assignable to a board-appointed commission?

If the levy were approved and implemented, the grant process could be assumed by a board-appointed commission, but would likely require at least a minimal amount of county staff for support. The Portland Children's Levy is overseen by a five-member

Allocation Committee that meets publicly to make funding decisions. It is composed of one Portland City Commissioner, one Multnomah County Commissioner and one member appointed by the city, county and Portland Business Alliance respectively. The committee is supported by city employees who serve as board staff. It is recommended that a similar framework be used in Clackamas County.

4. Would the appointment of a commission to oversee the grant process require the passage of an enabling Ordinance?

No. The passage of a county ordinance would not be required in order to appoint a commission to oversee the grant process. The commission members could be appointed by either a board vote, or adoption of board order or resolution. The formation of the commission to oversee the funding would likely be authorized in the language of ballot measure for the levy itself.

I have familiarized myself with the Portland Children's Levy. If you or the Children's Center were interested in further exploring a levy that uses the Portland Children's levy as a model, I would be happy to assist further in that regard. Please contact me with any questions or concerns.