

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 6/11/13 **Approx. Start Time:** 9:00 am **Approx. Length:** 30min

Presentation Title: Enhanced Law Enforcement District (ELED) Budget Follow Up

Department: Clackamas County Sheriff's Office

Presenters: Matt Ellington, Kevin Layng, and Barbara Hass

Other Invitees:

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD? Providing Information

EXECUTIVE SUMMARY: At the May 23rd ELED Budget Meeting the Budget Committee Members had additional questions regarding the North Station, Staffing, and Casualty Insurance. We are providing the information below to answer these questions.

FINANCIAL IMPLICATIONS (current year and ongoing): Information for ELED Budget only.

LEGAL/POLICY REQUIREMENTS: N/A

PUBLIC/GOVERNMENTAL PARTICIPATION: N/A

OPTIONS: Informational Presentation

RECOMMENDATION:

- 1) **Can ELED funds be spent on a building?**
 - a. ELED funds were used originally to build the North Station in December of 1996. The Board of County Commissioners authorized this use of ELED funds with Board Order (94-1320) dated December 21, 1994 stating "the district is authorized to construct, maintain and operate service facilities..." See attachment 1.
- 2) **Is there an estimate of the revenue that will be received from remodeling North Station into a Law Enforcement Training Center?**
 - a. By using North Station for law enforcement training it will allow PSTC class rooms to be available for rental by public groups allowing PSTC to generate the maximum revenue possible.
- 3) Did the ELED Committee approve the \$150,000 to be used to remodel North Station?

- a. On March 1, 2013 the ELED Advisory Committee approved additional funds to be "used for the purpose of capital improvements to the North Station..." The \$150,000 is a portion of the expected \$370,000 in additional revenue coming to the ELED as a result of the expiration of the Clackamas Town Center Urban Renewal District at the end of FY12/13. See attachment 2.

4) What is the staffing level inside the ELED?

- a. The ELED currently pays for 31 of 38-42 positions assigned to patrol the Enhanced Law Enforcement District. Approximately 52% of all Sheriff's Office public calls for service are located in the ELED boundary. See attachment 3.
- b. According to the legal opinion from Senior Counsel James Coleman on June 4, 2001 when the question was asked: "Is the ELED legally required to provide one sworn officer per thousand population as stated in the explanatory statement of the measure? Answer: No. The approval of the measure only formed the district to provide law enforcement services and authorized the levy of a tax." See attachment 4.

5) What is the ELED Casualty Insurance Cost?

- a. According to an email from Dwayne Kroening dated May 23, 2013 sent to Undersheriff Dave Kirby and then forwarded to the BCC, Dwayne explains the formula used to determine the costs associated with the district. According to Dwayne "the cost to the department is their allocation not the actual dollar amount of the claim... For a division with \$3M in payroll and a high risk factor, \$14K in claims cost is excellent."

ATTACHMENTS:

- 1) Board Order 94-1320 re: Declaring the Creation of the Clackamas County ELED
- 2) Letter from ELED Advisory Board dated March 1, 2013
- 3) Public Calls for Service
- 4) Coleman Opinion dated June 4, 2001

SUBMITTED BY:

Division Director/Head Approval _____ Matt Ellington _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Matt Ellington@ 503-785-5003

Attachment # 1

CLACKAMAS COUNTY
BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

DEC 21 1994

JOHN F. KAUFFMAN, County Clerk
By:  Deputy

ORDER NO. 94-1320

In the Matter of Declaring
the Creation of the Clackamas
County Enhanced Law Enforcement
District

This matter coming before the Board of County Commissioners at this time, and it appearing that at the November 8, 1994, general election, the voters approved the formation of the Clackamas County Enhanced Law Enforcement District, with an initial tax base of \$3,364,427:

NOW, THEREFORE IT IS HEREBY

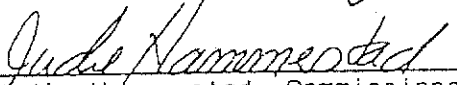
ORDERED:

1. The Clackamas County Enhanced Law Enforcement District is created;
2. The purpose of the District is to provide enhanced law enforcement services by contract with the Clackamas County Sheriff; the District is authorized to construct, maintain and operate appropriate service facilities to fulfill that purpose;
3. The District shall have the boundaries stated in attached Exhibit "A".

DATED this 8th day of December, 1994.

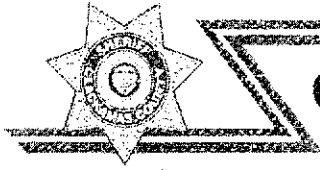
BOARD OF COUNTY COMMISSIONERS


Ed Lindquist, Chair


Judie Hammerstad, Commissioner


Darlene Hooley, Commissioner

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Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

March 1, 2013

To: Clackamas Board of County Commissioners
Acting County Administrator Steve Wheeler

From: The Clackamas County Enhanced Law Enforcement Service District (ELED)
Advisory Board

Re: New Enhanced Law Enforcement District Revenue

During a meeting of the ELED Advisory Board on February 28, 2013, Undersheriff Ellington, on behalf of Sheriff Roberts, informed the board that he anticipates there will be approximately \$370,000 in additional revenue coming to the ELED as a result of the expiration of the Clackamas Town Center Urban Renewal District at the end of FY12/13.

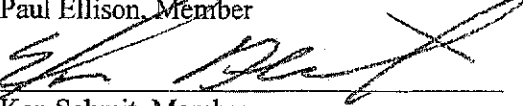
Undersheriff Ellington proposed that a portion of the additional revenue be used for the purpose of capital improvements to North Station so that it can be used as a local training facility. The remaining revenue would be used to hire additional patrol deputies for the district. These proposals would be for FY 13/14. In the following budget years, funds from the district will be dedicated to support additional deputy positions in the ELED.

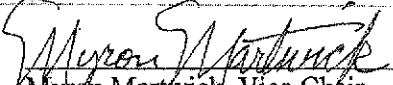
The ELED Advisory Board made a motion to approve Undersheriff Ellington's proposal and the motion was unanimously passed.

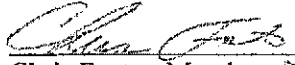
The ELED Advisory Board supports Sheriff Robert's goal of using North Station as a local and regional training facility and his commitment to hire as many deputies for the district as he can with the revenue generated in the district.



Nancy Whitley, Chair


Paul Ellison, Member


Ken Schmit, Member


Myron Martwick, Vice Chair

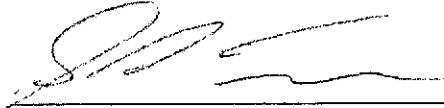

Chris Foster, Member


Michael Wilson, Member

Date: March 1, 2013

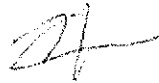
Re: New Enhanced Law Enforcement District Revenue

Signatures, continued



Sky Fulton, Member

Norbert Loske, Member



Nancy Orem, Member

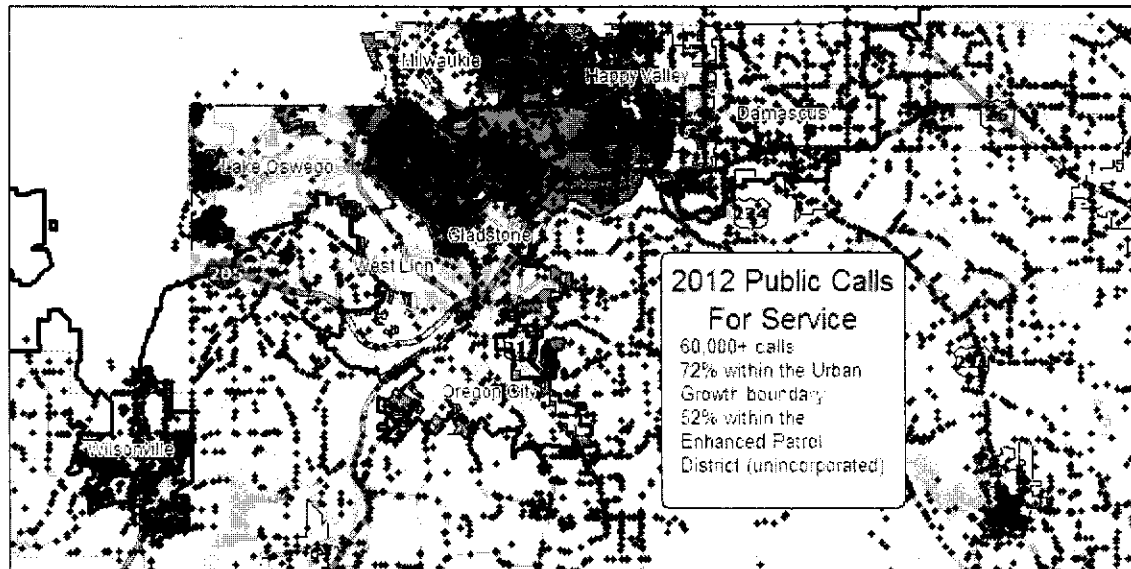
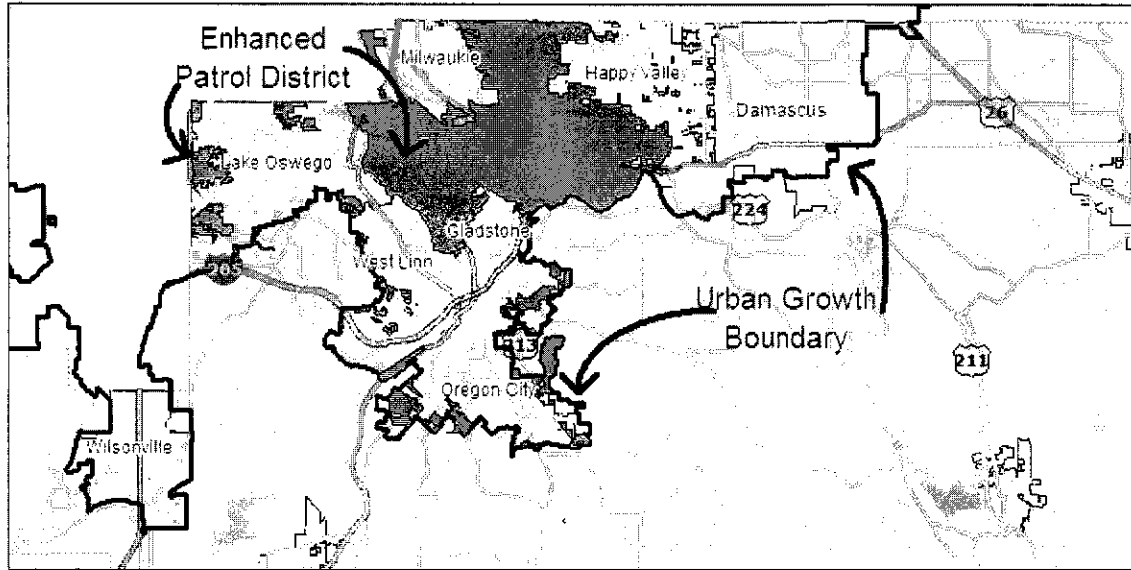
Fred Testa, Member



Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

The 2012 Calls For Service in the Enhanced Law Enforcement District



52% of the Sheriff's Office public call response is found in 2% of the county (by area).

"Working Together to Make a Difference"

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Attachment # 4



CLACKAMAS COUNTY

Office of County Counsel

JAMES M. COLEMAN
COUNTY COUNSEL

David W. Anderson

Susie L. Huva

Michael E. Judd

Edward S. McGlone III

Kimberley A. Ybarra

ASSISTANTS

MEMORANDUM

TO: Steve Rhodes

DATE: June 4, 2001

FROM: James Coleman

RE: Enhanced Law Enforcement District - Ballot Title Language

Background: In 1994, the voters of Clackamas County approved a measure creating the Enhanced Law Enforcement District (ELED). The measure also authorized a tax levy in the amount of \$3,364,417 or .89¢ per \$1,000 assessed value for 1995-1996.

A question has been asked concerning the language found in the explanatory statement and the ballot title referring to the number of officers to be funded by the tax levy. The explanatory statement, which is not part of the ballot title, states that if the measure is passed, "... the County would establish a service district to provide additional law enforcement services ..." and that there would be "... approximately 36 new deputies hired for a total of about 85 officers working in the area ... there would be one sworn officer per thousand population in the district, about double the current ratio."

The ballot title summary states in part that the district "... would increase law enforcement service to about 85 officers ...", not mentioning the hiring of 36 new deputies or the one officer per thousand population ratio.

The ballot title question reads:

"Shall a service district be formed to provide additional law enforcement, with a tax base of \$3,364,427 in 1995-1996?"

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Question: Is the ELED legally required to provide one sworn officer per thousand population as stated in the explanatory statement of the measure?

Answer: No. The approval of the measure only formed the district to provide law enforcement services and authorized the levy of a tax.

Discussion: To determine the scope of voter authorization to spend money, a court will look to the words of the ballot title and explanatory statement to determine the voters intent. In *Friends of Morningside Hill v. City of Salem*, 973 P2d 367, 158 Or App 80 (1999), the court used this framework and found that municipal bond proceeds may be used only for the purposes authorized by the voters at a bond election. In other words, the passing of a measure binds the governing body to perform or provide what was approved by the voters. Nothing more and nothing less.

In this case, the voters were asked the following specific, two-part question:

“Shall a service district be formed to provide additional law enforcement, with a tax base of \$3,364,427 in 1995-1996?”

The voters answered yes to the question. The passage of this measure formed the district and authorized a tax to be levied on properties within the district in an amount not to exceed \$3,364,427. The ballot title does not authorize, nor require anything in addition to this.

Language contained in an explanatory statement or ballot title summary provides context for interpreting the meaning of the question. Once the measure is passed and the district formed, the district board has the authority to spend the funds received from the tax base to carry out the district functions and try to fulfill the goals listed in the explanatory statement and ballot title summary. The critical language in this summary and explanatory statement is not precise language and does not create hard and fast standards of service. The county was saying to the voters, if you answer “yes” to the question, this is the level of service we will try to provide through the district and with the tax levy you authorize. So long as the district does not spend amounts exceeding that authorized by the voters and does not violate ORS 294.100, the district board has the authority to spend the money on law enforcement as it determines is in the best interests of its constituents in the district.

Page 3
Steve Rhodes
June 4, 2001

If the amount levied was not enough to pay for the service level stated in the explanatory statement and ballot title summary, the district has neither the authority nor the funds to spend more. The fact that this measure was passed prior to the passage of Measure 50, which reduced the tax rate significantly for the district, further supports the conclusion that over time the service levels of the district will change with the changing political and social climate. Specifically, Measure 50 caused the tax rate for the district to be decreased from its original .89¢ per \$1,000 assessed value to .72¢. The district therefore may possibly not be able to meet the goals listed in either the explanatory statement or the ballot title summary as passed by the voters.

Acm/districts/eled/ballottitlanguage.mel