

# Council Business Meeting

December 3, 2019

<b>Agenda Item</b>	Resolution 2019-31 and 2019-32 to Join the Jail Service District	
<b>From</b>	Tighe O'Meara	Police Chief
<b>Contact</b>	<a href="mailto:Tighe.omeara@ashland.or.us">Tighe.omeara@ashland.or.us</a> ; (541) 552-2142	

## **SUMMARY**

Sheriff Nate Sickler is asking for the Council to approve two Resolutions to join a service district in support of the new jail and let the voters of Ashland decide whether or not the special district should be funded. There are two Resolutions (Resolutions 2019-31 and 2019-32) because it is unknown at this time if the City Council of the City of Talent will elect to join the service district.

## **POLICIES, PLANS & GOALS SUPPORTED**

N/A

## **PREVIOUS COUNCIL ACTION**

On May 7, 2019 the City Council did not pass a Resolution allowing the City of Ashland to enter into a Jackson County Jail Service District.

## **BACKGROUND AND ADDITIONAL INFORMATION**

Sheriff Sickler has presented information previously that demonstrates the need for a new county jail. The current jail is not adequate to meet the community's needs. Sheriff Sickler has been developing plans to build a new jail that will better serve the needs of the community and the police departments as well as those arrested.

The Jackson County Board of Commissioners intends to form a county service district (the District) for law enforcement services under the authority of Oregon Revised Statute (ORS) 451.010(1)(n). There are two distinct Board Orders: 1) one that proposes to include all county territory within the boundaries of the District, which would include the city of Ashland; and 2) a second which proposes to include all county territory within the boundaries of the District, including the city of Ashland but excluding the City of Talent. The name of the proposed district is the Jackson County Local Correctional Facility Service District. The proposed District would have authority to construct, operate, and maintain a local correctional facility in Jackson County.

Depending on whether the city of Talent is included in the Service District, the property tax implications will be as follows:

- \$0.8547 per \$1,000 of assessed value for the District, including all county territory, as authorized by ORS 451.547. For a residential property, for example, this would yield a property tax rate increase of \$85.47 per \$100,000 of assessed value.
- \$0.8719 per \$1,000 of assessed value for the District, excluding the city of Talent, as authorized by ORS 451.547. For a residential property, for example, this would yield a property tax rate increase of \$87.19 per \$100,000 of assessed value.

In order for the city of Ashland to be included in the District, the City Council must pass a Resolution consenting to the inclusion of the city into the District boundaries. Citizens of Ashland will only have the opportunity to vote on the District and associated tax if the City Council passes such a resolution.

**FISCAL IMPACTS**

To construct a new jail may have a positive impact on the City. For example, with a larger jail the City may not have to buy bed space to ensure that those who violate the law will not be immediately released. The cost of not building a new jail has its financial consequences as well. For example, the Sheriff has presented information suggesting that the cost of crime per capita annually in Jackson County is approximately \$800.

**STAFF RECOMMENDATION**

While this is strictly a policy decision, Police Chief O’Meara recommends that the Council approve the resolutions and allow the Ashland voters to be part of making the decision on whether to fund the proposed new jail.

**ACTIONS, OPTIONS & POTENTIAL MOTIONS**

I move to approve Resolution No. 2019-31 entitled “A Resolution Approving a Jackson County Order to Initiate Formation of a Jackson County Law Enforcement Service District and Consenting to the Inclusion of City Territory Within the Boundaries of the District”. (all county territory)

I move to approve Resolution No. 2019-32 entitled “A Resolution Approving a Jackson County Order to Initiate Formation of a Jackson County Law Enforcement Service District and Consenting to the Inclusion of City Territory Within the Boundaries of the District”. (without Talent)

**REFERENCES & ATTACHMENTS**

Attachment 1: City of Ashland Resolutions  
Resolution No. 2019-31  
Resolution No. 2019-32

Attachment 2: Proposed Jackson County Orders to Initiate Formation of two Service Districts: one including all county territory and one excluding the city of Talent.

Attachment 3: Sherriff’s Letter

1 **RESOLUTION NO. 2019-31**

2 **A RESOLUTION APPROVING A JACKSON COUNTY ORDER TO INITIATE**  
3 **FORMATION OF A JACKSON COUNTY LAW ENFORCEMENT SERVICE**  
4 **DISTRICT AND CONSENTING TO THE INCLUSION OF CITY TERRITORY**  
5 **WITHIN THE BOUNDARIES OF THE DISTRICT**

6 **RECITALS:**

7 a. The Jackson County, Oregon, Board of Commissioners intends to form a county service  
8 district for law enforcement services under the authority of Oregon Revised Statute (ORS)  
9 451.010(1)(n). The name of the proposed district is the Jackson County Local Correctional  
10 Facility Service District (hereinafter “District”). The proposed District would have authority  
11 to construct, operate, and maintain a local correctional facility in Jackson County.

12 b. The Jackson County Board of Commissioners may initiate the formation of the District by  
13 adopting an order under authority of ORS 198.835. The Board proposes to include all county  
14 territory within the boundaries of the proposed District.

15 c. Jackson County voters will be asked to establish a permanent property tax rate limit of  
16 \$0.8547 per \$1,000 of assessed value for the District as authorized by ORS 451.547.

17 d. The territory of the City may only be included within the boundaries of the District if the  
18 City Council adopts a resolution approving the proposed Jackson County Order Initiating  
19 Formation of a Jackson County Law Enforcement Service District. The proposed order is  
20 attached hereto.

21 e. The City Council believes that allowing the citizens of Ashland the ability to vote on a law  
22 enforcement service district for the construction, operation, and maintenance of a local  
23 correctional facility in Jackson County is in the best interests of the citizens of the City.

24 **THE CITY COUNCIL OF THE CITY OF ASHLAND, OREGON, RESOLVES AS**  
25 **FOLLOWS:**

26 SECTION 1. The City Council hereby consents to the inclusion of all the territory of the City  
27 within the boundaries of the proposed Jackson County Local Correctional Facility Service District  
28 and approves the Jackson County Board of Commissioners’ proposed Order Initiating Formation  
29 of a Jackson County Law Enforcement Service District in substantially the form attached hereto.  
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SECTION 2. In preparing this resolution for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may: (a) Change reference numbers to agree with renumbered chapters, sections or other parts of the Ashland Municipal Code; (b) Delete references to repealed sections of the Code; (c) Change capitalization and spelling for the purpose of uniformity; and (d) Correct manifest clerical, grammatical, or typographical errors.

SECTION 3. This resolution is effective upon adoption  
This resolution was duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019, and takes effect upon signing by the Mayor.

\_\_\_\_\_  
Melissa Huhtala, City Recorder

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
John Stromberg, Mayor

Reviewed as to form:

\_\_\_\_\_  
David Lohman, City Attorney

1 **RESOLUTION NO. 2019-32**

2 **A RESOLUTION APPROVING A JACKSON COUNTY ORDER TO INITIATE**  
3 **FORMATION OF A JACKSON COUNTY LAW ENFORCEMENT SERVICE**  
4 **DISTRICT AND CONSENTING TO THE INCLUSION OF CITY TERRITORY**  
5 **WITHIN THE BOUNDARIES OF THE DISTRICT**

6 **RECITALS:**

7 a. The Jackson County, Oregon, Board of Commissioners intends to form a county service  
8 district for law enforcement services under the authority of Oregon Revised Statute (ORS)  
9 451.010(1)(n). The name of the proposed district is the Jackson County Local Correctional  
10 Facility Service District (hereinafter “District”). The proposed District would have authority  
11 to construct, operate, and maintain a local correctional facility in Jackson County.

12 b. The Jackson County Board of Commissioners may initiate the formation of the District by  
13 adopting an order under authority of ORS 198.835. The Board proposes to include all county  
14 territory within the boundaries of the proposed District except for the City of Talent, as  
15 effective July 1, 2020.

16 c. Jackson County voters will be asked to establish a permanent property tax rate limit of  
17 \$0.8719 per \$1,000 of assessed value for the District as authorized by ORS 451.547.

18 d. The territory of the City may only be included within the boundaries of the District if the  
19 City Council adopts a resolution approving the proposed Jackson County Order Initiating  
20 Formation of a Jackson County Law Enforcement Service District. The proposed order is  
21 attached hereto.

22 e. The City Council believes that a law enforcement service district for the construction,  
23 operation, and maintenance of a local correctional facility in Jackson County is in the best  
24 interests of the citizens of the City.

25 **THE CITY COUNCIL OF THE CITY OF ASHLAND, OREGON, RESOLVES AS**

26 **FOLLOWS:**

27 SECTION 1. The City Council hereby consents to the inclusion of all the territory of the City  
28 within the boundaries of the proposed Jackson County Local Correctional Facility Service District  
29 and approves the Jackson County Board of Commissioners’ proposed Order Initiating Formation  
30 of a Jackson County Law Enforcement Service District in substantially the form attached hereto.

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\_\_\_\_\_  
Melissa Huhtala, City Recorder

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
John Stromberg, Mayor

Reviewed as to form:

\_\_\_\_\_  
David Lohman, City Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS

STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF INITIATING THE ) ORDER NO. \_\_\_\_\_  
FORMATION OF A JACKSON COUNTY LAW )  
ENFORCEMENT SERVICE DISTRICT )

WHEREAS, when the current Jackson County Jail opened in 1981, the population of Jackson County was approximately 134,500 residents; and

WHEREAS, due to the increase in the population of Jackson County since the opening of the current Jackson County Jail and other factors, the current Jackson County Jail is insufficient for the needs of the County; and

WHEREAS, in 2017, the Jackson County Jail was required to release approximately 7,000 inmates prior to their first court appearance solely due to a lack of capacity; and

WHEREAS, forced releases of inmates due to lack of capacity in the Jackson County Jail have impacted the entire criminal justice system in Jackson County including, in 2017 alone, over 10,000 warrants being issued for criminal defendants failing to appear for required court appearances and over 7,000 lodgings into the jail for repeat offenders; and

WHEREAS, the current Jackson County Jail, due to its design and limited capacity, is not conducive to providing comprehensive services to inmates suffering from mental health issues or addiction; and

WHEREAS, Chapter 451 of the Oregon Revised Statutes (ORS) provides for the establishment of a county service district for law enforcement services which includes authority for the construction, maintenance, and operation of installations, works, or services provided for the purpose of law enforcement services; and

WHEREAS, the construction, maintenance, and operation of a local correctional facility is a law enforcement service purpose; and

WHEREAS, without the establishment of a county service district for law enforcement services, Jackson County will not be able to construct, operate, and maintain a new local correctional facility which adequately meets the needs of the County; and

WHEREAS, ORS 451.435 provides that all county service districts shall be initiated, conducted, and completed as provided by ORS 198.705 to 198.955; and

WHEREAS, ORS 198.835 authorizes the county board of commissioners to initiate the formation of a district by an order and sets forth the requirements of that order including setting the date, time, and place of a public hearing on the proposal to form the district; and

WHEREAS, ORS 198.840 requires that notice of the public hearing on the proposal be given in the manner set forth in ORS 198.800, except that the notice shall state that the County Board has entered an Order declaring its intention to initiate the formation of a county service district.

Now, therefore,

The Board of County Commissioners of Jackson County ORDERS:

1. The Board intends to initiate formation of a county service district for law enforcement services in Jackson County as authorized pursuant to ORS 451.010(1)(n) and ORS Chapter 451, which is the principal Act governing the formation of such a district, for the purpose of constructing, operating, and maintaining a local correctional facility in Jackson County.
2. The name of the proposed district is the Jackson County Local Correctional Facility Service District (District).
3. The boundaries of the District shall include all territory within Jackson County as described in ORS 201.150 including the territories of the incorporated cities within Jackson County.
4. As required by ORS 198.835(3), certified copies of City Council Resolutions of each city approving this Initiation Order and formation of the District are attached.
5. The Jackson County Board of Commissioners will serve as the governing body of the District as required pursuant to ORS 451.485; and
6. The District will have all of the general powers granted by ORS Chapter 451 (the principal Act) necessary and convenient for providing law enforcement services as permitted by ORS 451.010(1)(n).
7. The District will be authorized to construct, maintain, and operate a law enforcement service facility, specifically a local correctional facility, pursuant to ORS 451.420.
8. Jackson County voters will be asked to establish a permanent property tax rate limit of \$.8547 per \$1,000 of assessed value for the District as authorized by ORS 451.547. The District will have authority to levy and collect general property taxes up to the approved rate limit.
9. Pursuant to ORS 198.800 and 198.835, a public hearing on the formation of the Jackson County Local Correctional Facility Service District shall be held at the Board's regular meeting on February 5, 2020, beginning at 9:30 a.m., in the Auditorium of the Jackson County Courthouse, 10 South Oakdale, Medford, Oregon 97501. All interested persons may appear and be heard. At this hearing, the Board will hear testimony and receive written comment on the proposed formation of this District, including information about the services to be provided by the District, the economic feasibility of the District, and the permanent tax rate limit. At the conclusion of the hearing, the Board shall determine, in accordance with criteria described in ORS 198.805, whether Jackson County could be benefited by the formation of the county service district and whether the County should continue with the formation process.
10. Notice of the hearing shall be provided to interested persons in accordance with ORS 198.800.

DATED this \_\_ day of \_\_\_\_\_, 2020, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

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Bob Strosser, Chair

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Colleen Roberts, Commissioner

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Rick Dyer, Commissioner

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# JACKSON COUNTY

Sheriff

*Serving our Community through values-oriented law enforcement;  
Character, Competence, Courage, Compassion*

Sheriff Nathan Sickler  
Jackson County

5179 Crater Lake Hwy  
Central Point, Oregon 97502  
Phone: 541-770-8923

To all City Officials,

As you are aware, Jackson County is pursuing the possibility of creating a service district to construct and operate a new local correctional facility. Because there is a question as to whether or not all of the governing bodies of the local cities will vote to include their city within the boundaries of the service district, I have enclosed two proposals and the corresponding templates for your city to consider. I am hoping the City Councils will vote to adopt both resolutions so we can get this issue to the voters as soon as possible.

Based on prior actions there is a concern the City Council for the City of Talent may not vote to include the incorporated area of Talent within the proposed service district. In anticipation of this, we have prepared two resolutions we are asking the City Council's to consider passing both so we have an alternate plan in place.

The first resolution will be consenting to enter a district that includes all of Jackson County and is essentially the same information that was presented nearly six months ago but for a small rate increase. Due to time lapse and predictable increases in building costs, the new district rate is **\$0.8547** cents per \$1,000 of assessed value. The previous rate was \$0.8353 per \$1000.

The second resolution will include all of Jackson County except for the incorporated City of Talent. The district rate needed to support a correctional facility construction and operation without the City of Talent is **\$0.8719** cents per \$1000 of assessed value. The difference in tax rates between the two plans is **\$.0172** cents

We are hoping all City Councils will decide this is a matter for the voters to consider and pass both resolutions. After the City Council for the City of Talent determines whether it will move forward with allowing Talent residents to vote on the creation of the service district, a proposal can then move forward for consideration by the Jackson County Board of Commissioners.

Be assured that only proposal can move forward. The Board of Commissioners **cannot vote** to move both proposals forward and create two separate service districts. The law only allows the creation of **one** service district for a particular purpose and therefore there is no concern that both district rates could be assessed.

Sincerely