

Enrolled Senate Bill 77

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CHAPTER

AN ACT

Relating to fiscally distressed counties; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) If the governing body of a county or the Governor believes that the county is in a state of fiscal distress that compromises the county's ability to provide a minimally adequate level of public safety services, the governing body or the Governor may seek a declaration of a public safety services emergency by requesting in writing that the Oregon Criminal Justice Commission review and analyze public safety services provided by the county.

(2) When a request for review of public safety services is made under subsection (1) of this section, the commission shall:

(a) Consult with the governing body of the county, the sheriff, the district attorney, judges and other appropriate county officials, with labor organizations representing county employees and with other public safety stakeholders to gather information regarding the current level of public safety services provided by the county;

(b) Review and analyze public safety services provided in the county to determine, based on the guidelines established pursuant to subsection (9) of this section, whether the county is providing a minimally adequate level of public safety services; and

(c) Report its findings and recommendation to the Governor within 14 days after the request for a review is made.

(3) If the commission finds that the county is providing a less than minimally adequate level of public safety services, the commission shall recommend to the Governor that the Governor declare a public safety services emergency for the county. The commission shall copy its findings and recommendation to the Legislative Assembly and the governing body of the fiscally distressed county.

(4) Upon receipt of the findings and recommendation from the commission's review and analysis the Governor shall:

(a) Review the findings and recommendation;

(b) Within 14 days of receipt of the commission's findings and recommendation, either issue the declaration of a public safety services emergency, if the Governor determines that the county's fiscal distress prevents the county from providing a minimally adequate level of public safety services, or issue a determination that the county's fiscal distress does not

cause the county to provide a less than minimally adequate level of public safety services; and

(c) If the Governor issues the declaration of a public safety services emergency under paragraph (b) of this subsection, establish a fiscal control board, as described in section 2 of this 2009 Act, for the distressed county.

(5) The fiscal control board shall meet with the governing body of the county, the sheriff, the district attorney, judges and other appropriate county officials, with labor organizations representing county employees, with other public safety stakeholders and with members of the public to gain a fuller understanding of the county's fiscal alternatives and public safety service needs and shortcomings. The board shall propose to the governing body of the county a recovery plan designed to restore minimally adequate public safety services. As part of the proposed recovery plan, the board may recommend that the governing body of the county:

- (a) Reallocate funds;
- (b) Cut services, lay off employees or otherwise reduce expenditures;
- (c) Sell or lease real or personal property of the county;
- (d) Issue bonds;
- (e) Renegotiate payment terms of the county's legal and moral indebtedness;
- (f) Refer measures to the voters;
- (g) Request an emergency election under ORS 203.085; or
- (h) Authorize the state to take over services as authorized by law other than this section.

(6) The governing body of the county shall approve or reject the recovery plan proposed by the fiscal control board. If the governing body:

(a) Approves the recovery plan, the board shall provide technical assistance in support of the governing body's implementation of the plan.

(b) Rejects the recovery plan, the board shall monitor the governing body's efforts to restore minimally adequate public safety services and, at the request of the governing body, shall provide technical assistance in support of the governing body's efforts to restore minimally adequate public safety services in the county.

(7) The fiscal control board shall periodically update the Governor and the Legislative Assembly from the time the board proposes a recovery plan to the fiscally distressed county until the Governor declares the public safety services emergency terminated pursuant to subsection (8) of this section. When the fiscal control board concludes that minimally adequate public safety services have been restored in the fiscally distressed county, the board shall recommend that Governor terminate the public safety services emergency.

(8) The Governor shall declare the public safety services emergency terminated when the Governor concludes that the fiscally distressed county has restored minimally adequate public safety services in the county.

(9) The commission shall establish, by rule, public safety services guidelines by which to identify the minimally adequate level at which public safety services must be delivered in a county. In establishing the guidelines, the commission shall seek broad input from the governing body of the county, the sheriff, the district attorney, judges and other appropriate county officials, labor organizations representing county employees, other public safety stakeholders and members of the public, and take into consideration the population density, geographic characteristics, historical crime rates and other relevant factors in Oregon counties. The guidelines must provide a basis for analyzing whether the county provides a minimally adequate level of public safety services in the areas of:

- (a) County jail operations;
- (b) Law enforcement, investigation and patrol;
- (c) Community corrections;
- (d) Juvenile justice;
- (e) Emergency operations and emergency response;

- (f) Search and rescue operations;
- (g) Criminal prosecution; and
- (h) Court facility operations.

SECTION 2. (1) A fiscal control board established pursuant to section 1 of this 2009 Act consists of three nonvoting ex officio members and five appointed members who have knowledge of and experience with public safety services and fiscal management as follows:

- (a) The Governor shall appoint three members.
- (b) The President of the Senate shall appoint one member.
- (c) The Speaker of the House shall appoint one member.
- (d) The Secretary of State, the State Treasurer and the director of the Department of Revenue shall serve as nonvoting ex officio members.

(2) A fiscal control board shall perform the functions described in this section and section 1 of this 2009 Act.

(3) A majority of the members of the board constitutes a quorum for the transaction of business.

(4) Official action by the board requires the approval of a majority of the members of the board.

(5) The board shall elect one of its members to serve as chairperson.

(6) Appointed members serve at the pleasure of the appointing authority for a term of four years, subject to subsection (10) of this section.

(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(8) The board shall use the services of permanent staff of the offices of the Governor, the Secretary of State and the State Treasurer, and the Department of Revenue to the greatest extent practicable. However, the Governor, the Secretary of State and the State Treasurer may agree to employ individuals to support the performance of the functions of the board, if necessary, and the employing state official shall fix the duties and amounts of compensation of these employees.

(9) All agencies of state government, as defined in ORS 174.111, are directed to assist the board in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice as the members of the board consider necessary to perform their duties.

(10) A fiscal control board terminates when the Governor declares that the public safety services emergency declared under section 1 (4) of this 2009 Act has ended.

SECTION 3. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate June 24, 2009

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Secretary of Senate

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President of Senate

Passed by House June 29, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State