

June 29, 2016 Email

Lieutenant Travis Snyder
Josephine County Sheriff's Office

Subject: Learning About Public Safety Services (PSS) Provided By Josephine County (JO CO) Sheriff's Office

Dear Travis:

We are looking forward to our meeting this morning, June 29, 2016, 10:00 a.m., at Elmers. As you probably know we have been studying the JO CO public safety issue since 2013 and the FY 2015-16 budgets for work units providing PSS (i.e., those identified in the last four JO CO proposed levies) for about six months now.

1. Sheriff's Office (i.e., Adult Jail, Rural Patrol, & Criminal Investigations & Related Support Services).
2. Juvenile Justice.
3. District Attorney's Office.
4. Animal Control/Protection.

Today our agenda is to understand the PSS provided by the JO CO Sheriff's Office by reviewing its FY 2015-16 budget. This includes identified mandated, essential, elective, and necessary programs, and levels of services as mandated, essential, elective, necessary, and consistent with current operational service levels. The agenda focus is threefold.

1. Per the direction of the JO CO Management Team at a March 7, 2016 meeting to review the PSS budgets (e.g., PSS mandated by state law, necessary, or needed, and what level of those services is optimal, including PSS desired by the citizens).
2. Per FY 2015-16 directives which is for the public to review the budget narratives, and see how they are being addressed by the individual programs, especially how they addressed JO CO goals and clearly defined program purpose and expected outcomes.
3. Last few months of news articles in The Grants Pass Daily Courier on State mandated programs and services, and on the minimally acceptable levels of public safety services.

The Exploratory Committee has not found information in the FY 2015-16 budgets to accomplish our agenda which is to be educated about the PSS. The exception is the helpful budget message of goals and directives. We are just beginning to develop a framework for asking questions about different PSS budgeted programs and levels of services (Appendix A).

We will bring a copy of this email to our meeting as you will probably not have time to review it before hand.

Sincerely,

Mike & Jon :)

Mike Walker, Chair JS&PSS Exploratory Committee
Hugo Neighborhood Association & Historical Society (HNAHS)

Jon Whalen, Member JS&PSS Exploratory Committee, HNAHS

Appendix A. Very Working Draft - Mandated, Essential, Elective, and Necessary Programs, and Their Levels of Services as Mandated, Essential, Elective, Necessary, and Consistent with Current Operational Service Levels

The following Goals and Directives are from the FY 2015-16 budget message. They are a major focus because of the directive from the JO CO Board of County Commissioners (BCC) that the department heads submitting budgets “**Address County goals and clearly define program purpose and expected outcomes.**”

Proposed Budget Goals and Directives The Board of County Commissioners set goals to provide direction related to the “big picture” rather than listing individual actions or activities. **Each department has detailed in their budget how their programs meet the following goals** approved by the Board of County Commissioners on 02-12-2015:

1. Improve community outreach and communication to the public by investing in technology that will improve efficiencies within County departments and provide enhanced service to citizens.
2. Develop a **sustainable plan** (emphasis) for all **mandated and essential County government programs**.
3. Provide access to County services to the citizens of Josephine County in a transparent, open, and professional manner.

The Board of County Commissioners also provided several directives to be used in preparing department budgets. As you review the narratives, you will see how the directives are being addressed by the individual programs. Main directives are:

1. Budget at a level consistent with **current operational service levels**.
2. **Budget only for mandatory** and/or self-supporting **programs**.
3. **Address County goals and clearly define program purpose and expected outcomes**.

Questions from the interpretation of the goals and directives follow.

- Question #1. Are mandated and essential County government programs equal to budgeting at a level consistent with current operational service levels? This seems to be the only interpretation that can be in compliance with the goals and directives.
- Question #2. Are the JO CO departments supposed to “*Develop a sustainable plan for all mandated and essential County government programs.*” but “*Budget only for mandatory and/or self-supporting programs.*” This goal and directive would omit essential programs from being funded.
- Question #3. Where in the budget are the “sustainable plans” located and/or referenced?
- Question #4. What are the definitions for “mandated and essential County government programs”? If they are in the budget, the Committee could not find them.
- Question #5. Is to “Budget at a level consistent with current operational service levels.” equal to budgeting for “essential County government programs”?
- Question #6. Are mandated county government programs to be budgeted the only “required” programs besides self-supporting programs.? It is assumed that “required” is the “shall” standard that has been held up in court.

Question #7. How are the FY 2015-16 budget message's mandatory and essential program requirements interpreted from Oregon Budget Law and the Oregon budget manual? Does the budget identify mandatory and essential program requirements and budget levels of service (LOS - This is not FET nor costs) outside of the budget message?

The Exploratory Committee believes the mandatory and essential program requirements are **standard procedures** (*Local Budgeting Manual*) from the governing body for the preparation of the proposed budget. **True?** These standard procedures in *Local Budgeting In Oregon* are identified as **standards and budget parameters** established by the governing body as guidelines for budget development.

Question #8. What is the relationship between mandatory and essential budgets, budgeted level of services (e.g., mandatory, essential, consistent with current operational service levels, minimally acceptable level of public safety services (MALPSS), etc.), and typical "requirements" statements described by the verbs "shall," "will," "must," "should, and "may" ? What are the differences in the law when the verbs "shall," "will," "must," "should, and "may" are used? Often the terms "shall" and "must" are used interchangeably, with no definition of what any of these verbs mean.

At first glance many purpose and description statements in the FY 2015-16 budget appear to be mandatory programs. However, the budget does not identify any mandatory or essential budgets. In the text statements, mostly purpose statements, it identifies facts and declaration of purpose. The budget narrative also do not identify LOS supporting a mandatory or essential budget.

AUTHORS' INTERPRETATIONS for the FY 2015-16 Budget Goals & Directives. The Exploratory Committee could not find any budget explanations or clarifications on mandatory and essential budgets, budgeted level of services (e.g., mandatory, essential, minimally acceptable level of public safety services (MALPSS), etc.), and typical "requirements" statements described by the verbs "shall," "will," "must," "should, and "may". Therefore, to make sense in asking questions, the Committee developed its own (see previous eight questions).

The three terms to use in the budget purpose sections to describe mandatory and essential budgets and budgeted level of services are "shall", "will", and "should".

SHALL – REQUIREMENT & Verifiable: Shall is used to indicate a requirement that is legally binding, meaning it must be implemented, and its implementation verified. This is a requirement. If a statement does not contain the word "shall" it is not a requirement. If shall is not in the written law, ordinance, resolution, manuals, guidance, budget, etc., it is not a mandatory requirement. Shall statements are subject to verification through monitoring. Don't use "must" because it has not been defined, nor how it is different from "shall." Also, "shall" has held up in court.

NON REQUIREMENTS

1. Will – Facts or Declaration of Purpose, Non-mandatory Provisions & Non-Verifiable.

Will is used to indicate a statement of fact. Will statements are not subject to verification. For example: descriptions about current budget programs will use “will”. “The XYZ program will have the timing as defined in the budget.” Descriptions about a budget element that exists today, will use “will”. “This report will contain this data.” In a statement of work or budget action, use “will” to communicate something that will be done.

2. Should – Goals/Directives, Non-mandatory Provisions & Non-Verifiable. Should is used to indicate goals and directives which must be addressed by the design of the budget process, but are not formally verified.

Why include should (goal) statements in the budget document? Because the governing body may have a very important issue they want to communicate to the county departments and the public, but is difficult to do in the form of a verifiable requirement.

The governing body can also use “should” if it wants to communicate design criteria. For example, rather than saying “The system shall minimize life cycle costs.”, which is not verifiable, you make it a goal using “should” instead of “shall”. For example, JO CO BCC identified the goals to provide direction to develop the individual county budgets. It also used directives for the public to see how the directives are being addressed by the individual programs.

3. Should – Another use for goals is in minimum/maximum or threshold/goal situations, Non-mandatory Provisions & Non-Verifiable. Example: “The system shall have a threshold response time of less than or equal to 1.0 seconds, with a goal of less than or equal to 0.25 seconds.” The requirement that must be verified is the first value, however it was communicated to the developer that the developer would like better performance – if it doesn’t have a large impact on cost and schedule. Any value in between the threshold and goal is acceptable. MALPSS could work as a lower threshold to the goal.