

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

WASHINGTON COUNTY,
a political subdivision of the
State of Oregon, and
CLACKAMAS COUNTY,
a political subdivision of the
State of Oregon,

Petitioners,

v.

OREGON HEALTH AUTHORITY and
OVERSIGHT AND ACCOUNTABILITY
COUNCIL, agencies of the State of
Oregon,

Respondents.

CA No.

**PETITION FOR
JUDICIAL REVIEW OF
ADMINISTRATIVE RULE**

Petitioners file this petition for judicial review of the validity of an administrative rule pursuant to ORS 183.400 and ORAP 4.15 to 4.40.

1.

The parties to this judicial review proceeding before the Court of Appeals are:

Petitioners: Washington County, a political subdivision of the State of Oregon, and Clackamas County, a political subdivision of the State of Oregon

Respondents: Oregon Health Authority and Oversight and
Accountability Council, agencies of the State of Oregon

2.

The name, bar number, address, telephone number, and e-mail address of the attorneys for each party represented by an attorney are:

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Attorney for Respondents

There are no self-represented parties in this matter.

3.

As explained more fully below, Petitioners seek judicial review of recent rulemaking decisions by the Oversight and Accountability Council (hereafter “OAC”) and the Oregon Health Authority (hereafter “OHA”) to adopt and implement a grant distribution formula for Behavioral Health Resource Networks (hereafter “BHRNs”) without complying with any of the rulemaking requirements of the Oregon Administrative Procedures Act (hereafter “APA”), ORS Chapter 183, which, among other things, generally provides for public notice, hearing, and opportunity for comment.

4.

The grant distribution formula referenced in paragraph 3 of this petition has not been formalized into an administrative rule that can be attached to this petition. Therefore, attached as Exhibits A through E are copies of recent documents that describe the rule that is the subject of this proceeding, as follows:

- (a) Exhibit A, consisting of documents from the June 12, 2024, meeting of the OAC as posted on the OAC website, including agenda, slide presentation, and meeting notes;

- (b) Exhibit B, consisting of documents from the June 26, 2024, meeting of the OAC as posted on the OAC website, including agenda, slide presentation, and meeting notes;
- (c) Exhibit C, consisting of documents from the July 3, 2024, meeting of the OAC as posted on the OAC website, including agenda, slide presentations, option charts, and meeting notes;
- (d) Exhibit D, consisting of the current grant distribution formula results being used by OHA, in PDF format, as well as an email and attachment transmitting another related PDF document, in which the agency also declines to provide Petitioner Washington County with a copy of the spreadsheet in a format that would show the equations actually used in the formula; and
- (e) Exhibit E, consisting of an email from the OHA Director of Government Relations to staff for the Co-Chair of the Joint Ways and Means Committee of the Oregon Legislative Assembly providing an overview of the grant distribution formula and how it was adopted.

5.

Petitioners are each political subdivisions of the State of Oregon that are responsible for the delivery and coordination of many core public services to the residents of their respective counties, including, but not limited to, behavioral

health services provided by both public and private providers that are funded, in whole or in part, through the grants to BHRNs.

6.

On November 3, 2020, Oregon voters approved of Ballot Measure 110, entitled the “Drug Addiction Treatment and Recovery Act,” by way of initiative petition under Section 1 of Article IV of the Oregon Constitution. Sections 2 through 10 of Ballot Measure 110, as amended, entitled “Expanding Treatment and Services,” and “Funding” for that expansion, provide for, among other things:

(a) Creating the OAC;

(b) Establishing a special state fund entitled the “Drug Treatment and Recovery Services Fund,” consisting of moneys derived from a number of sources, including a majority of state retail cannabis taxes diverted by the Ballot Measure to that fund;

(c) Directing OHA and OAC to distribute moneys in that special fund, by way of grants, to the BHRNs, consisting of private and public entities operating in every Oregon county;

(d) Mandating some of the services that must be offered by the BHRNs;

(e) Giving OAC the authority to oversee the BHRNs and approve the grants;

and

(f) Directing OHA to administer the grants and adopt rules that establish, among other things, a grant application process, an appeal process, and general criteria and requirements for BHRNs, the grants, **and the funding**. In adopting those rules, OHA is also directed to convene a Rules Advisory Committee (hereafter “RAC”) in accordance with the APA, in which members of the OAC compose a majority of the RAC membership.

A copy of Sections 2 to 10 of Ballot Measure 110, as amended and summarized above, is attached to this petition as Exhibit F.

7.

In accordance with the directives of the laws described in paragraph 6 of this petition, OHA has convened a RAC and completed processes under the APA, including public notices, hearings, and opportunity for comment, and adopted rules for the formation, implementation, and operation of the BHRNs, the criteria used to distribute grants to the BHRNs, and the grant application and appeal processes. Oregon Administrative Rules (OAR) Chapter 944, Divisions 1, 10, and 20. OHA is also current conducting additional rulemaking proceedings to further amend and update those rules, but not in ways that address the issue raised in this petition.

8.

The rules described in paragraph 7 of this petition do not establish the manner or method by which grant funding described in paragraph 6 of this petition

will be proportioned to the BHRNs operating in each county. The rules merely say that OHA will present its funding recommendations to the OAC.

9.

Instead of adopting a rule under the APA to establish the manner or method of proportioning grant funds to the BHRNs operating in each of the 36 Oregon counties, OHA has developed, and the OAC has adopted, a spreadsheet formula for proportioning those funds to the BHRNs operating in each county based on criteria and undisclosed equations used in that spreadsheet. No rulemaking proceedings under the APA were used to adopt that grant distribution formula, including, but not limited to, public notice, hearing, and an opportunity for comment as required by the APA, nor a RAC process as required by ORS 430.390.

10.

The grant distribution formula described in paragraphs 4 and 9 of this petition is a “rule” within the definition of the APA, because it is a standard that implements law or policy within the meaning of ORS 183.310(9), is not subject to an exception in ORS 183.310(9), and is therefore subject to the requirements of the APA, which process was not utilized prior to its adoption.

11.

The failure of OHA and OAC to comply with the APA as described above has denied the Petitioners and others the ability to participate in an APA process

and have its concerns about inequities in the grant distribution formula heard and possibly addressed. Instead, the Petitioners, and others, have been relegated to urging OHA and OAC to consider those concerns informally outside of the required APA process, which informal efforts have not been successful (*see* examples attached in Exhibit G).

12.

In 2024, the Oregon Legislative Assembly reformed Ballot Measure 110 in several ways through enactment of House Bill 4002. 2024 Oregon Laws, Chapter 70. Sections 76 to 79 of that legislation, attached to this petition as Exhibit H, created the Oregon Behavioral Health Deflection Program and provided for new grant funding to Oregon counties for the purpose of establishing and operating deflection programs, which provide early diversion out of the justice system and into treatment and recovery for certain persons who may be suffering from substance use disorder. That legislation adopts, by reference, the grant distribution formula adopted by the OAC as described above. 2024 Oregon Laws, Chapter 70, Section 76(6)(a); *see* attached Exhibit H, at page 3. Therefore, the concerns about the inequity of that formula affect not only the BHRN grants as described above, but now also the deflection program grants, thus exacerbating the failure of OHA and OAC to comply with the APA and provide the required public notice, hearing, and opportunity for comment.

13.

The grant distribution formula described in paragraphs 4 and 9 of this petition constitutes a “rule” as defined under ORS 183.310(9).

14.

Under ORS 183.400(4)(c), this Court is required to invalidate an administrative rule if it finds that the rule was “adopted without compliance with applicable rulemaking procedures.”

15.

OHA and OAC did not comply with applicable rulemaking procedures as required by the APA before adopting the grant distribution formula described in paragraphs 4 and 9 of this petition.

16.

For the foregoing reasons, Petitioners are adversely affected and aggrieved by the failure of OHA and OAC to comply with the APA, and therefore request a determination from the Court under ORS 183.400 that invalidates the grant distribution formula described in paragraphs 4 and 9 of this petition.

17.

Pursuant to ORS 183.497(1)(b), OHA and OAC have acted without a reasonable basis in fact or in law and, therefore, Petitioners are entitled to their reasonable costs and attorneys’ fees incurred in this proceeding. In the alternative,

Petitioners request their reasonable costs and attorneys' fees pursuant to ORS 183.497(1)(a).

18.

Petitioners are not willing to stipulate that the agency record may be shortened.

DATED: October 15, 2024.

/s/ Rob Bovett

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Attorney for Petitioner Clackamas County

MEASURE 110

OVERSIGHT AND ACCOUNTABILITY COUNCIL

June 12th, 2024
1:30 PM – 3:30 PM PT

Facilitators:
Melinda Bell, OAC Tri-Chair
Kristen Donheffner, OHA

Tri-Chairs:
Melinda Bell
Amy Madrigal-Bates
Dharma Mirza

Welcome and Attendance	Tri-Chairs / Facilitators
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OHA Updates	OHA
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RFGA / Formula Discussion and Vote	OHA / OAC
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Closing	Tri-Chairs / Facilitators
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Measure 110 Oversight and Accountability Council 2025 Request for Grant Applications (RFGA) Funding Formula

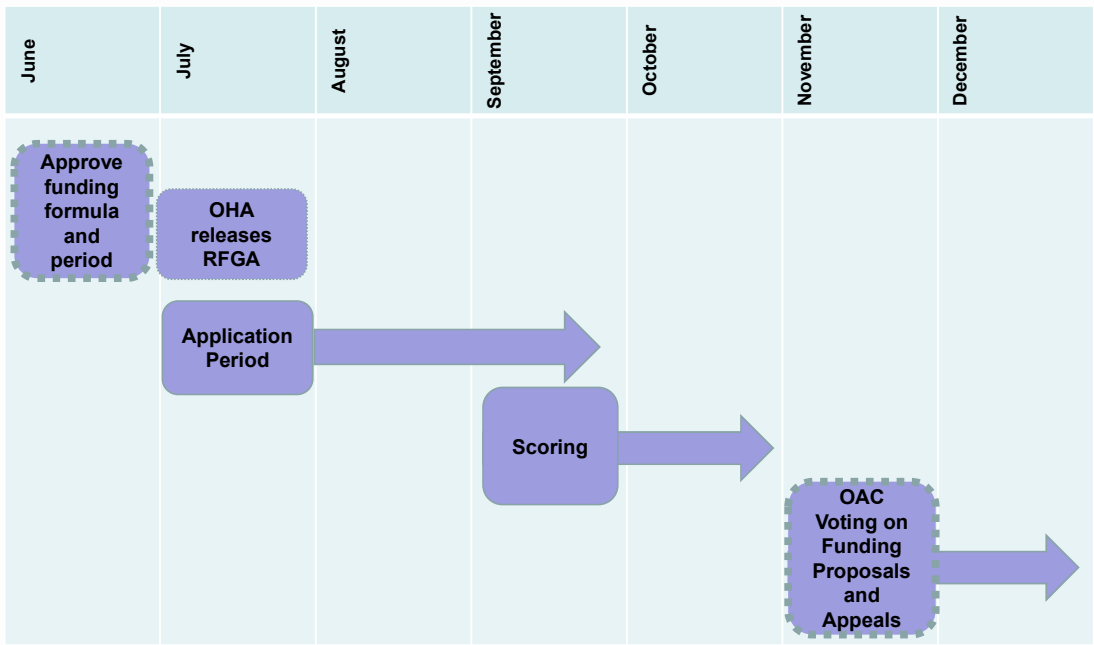
June 12, 2024



Agenda

- Review updated financial forecast
- Review and approve new 2025 RFGA funding formula
- Review and approve 2025 allowable costs
- Review and approve 2025 RFGA funding period

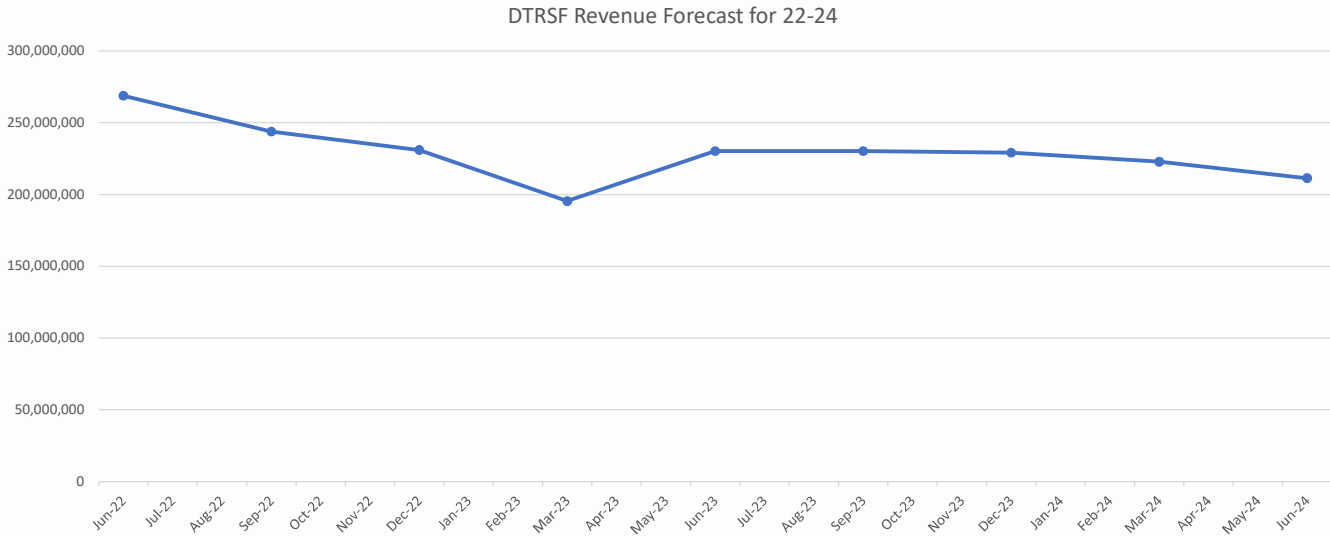
2025 RFGA Timeline



Key Council Decisions:

- Approve RFGA Funding Formula and Period
- OAC Voting on Funding Proposals and Appeals

DTSRF Forecast Over Time



Estimated revenue for 25-27, 27-29 biennium

- As of June 2024, DTRSF projected to have:
 - 25-27 biennium: \$211,420,000
 - 27-29 biennium: \$276,285,000*
- Assuming \$15m admin budget per biennia:
 - 25-27 biennium: \$211,420,000 - \$15,000,000 = \$196.4m
 - 27-29 biennium: \$276,285,000 - \$15,000,000 = \$261.3m
- Projected available funding for 4-year grant cycle = \$457.7m
- Revenue comes from cannabis taxes; not tied to performance of M110
 - Key factors: steady users, low prices

*Estimates for 27-29 are difficult to accurately predict

Recommended Funding Policy for 2025 RFGA

- A county-based funding formula with a Tribal set aside
- Disallowing capital expenses (i.e., buildings, construction, renovations, vehicles)
- 4-year (2 biennia) grant length (July 1, 2025 – June 30, 2029)

2025 County Distribution Formula Proposal

OHA is recommending a county-based funding formula:

- The current funding formula is based on three factors:
 1. A base amount that reflects population size of each county.
 2. A set of variables that reflect the needs of the community.
 3. Weight variables based on council's values and importance.
- OHA is seeking approval from the OAC to amend the current county formula to include additional variables.

In the event the collective ask is less than the county allocation, OHA recommends holding the extra funds in reserve, due to the volatile nature of the DTSRF.

New Proposed Funding Formula

- Would continue to use a population-base rate
- New factors are based on public health modernization factors, plus houselessness and drug overdose rate
- Weights to factors could be adjusted based on OAC preference
- New formula could better reflect county-by-county needs
- If concept is approved, OHA will finalize county-by-county numbers to present to OAC on 6/26 meeting
 - OAC can still opt to continue with current formula or new formula at that time
- Note: final county-by-county numbers will continue to be projections, subject to revisions based on forecast updates and the final tribal set-aside amount

Current/Proposed County Distribution Formula Proposal

Base amount is derived from population:

1,000,000 to 300,000	= \$2.5 Million
299,999 to 150,000	= \$2.0 Million
149,999 to 50,000	= \$1.5 Million
49,999 to 7,000	= \$1.0 Million
6,999 to 1,000	= \$0.5 Million

Current Weighted Variables

Each variable needs to be weighted based upon value so the weights total up to 100:

Houselessness Count	30%	Medicaid Population	30%
Arrest #s	20%	Drug Overdose Deaths	20%

Proposed New County Variables

Based on public health modernization formula, weights must total 100%

Burden of disease*	10%	Health Status**	10%
Population below 150% FPL	10%	Rurality***	10%
High School Graduation Rate	10%	Limited English Proficiency	10%
Houselessness Rate	20%	Drug Overdose Rate	20%

*Source: Premature death: Leading causes of years of potential life lost before age 75. Oregon death certificate data, 2014-2018

**Source: Quality of life: Good or excellent health, 2014-2017

***Source: U.S. Census Bureau, Population estimates, 2010



Disallowing capital expenses (i.e., buildings, construction, renovations, vehicles)

- Reduction in overall availability of funds (\$265m in 2021 vs \$196.4m in 2025)
- Redirect funds to services, personnel
- Real property does not provide as immediate return on investment
- Vehicles difficult to administer, track, secure
- May reduce need for negotiations to fit awards to county allocations

2025 RFGA Funding Period

- 4-year (2 biennia) grant length (July 1, 2025 – June 30, 2029)
- Current grant cycle is 3-years
 - Found that 18 months wasn't enough time to get programs launched and effectively serving clients.
- Want to avoid ending grant cycle mid-biennium (another 3-year cycle)
- Revenue stream is volatile; recommend award amounts be subject to yearly revisions, based on availability of funds
 - Grantees would be required to submit updated yearly budgets to reflect actual spending and any changes to available revenue

Draft motions

- I move to direct OHA to finalize a new county-based formula as outlined on slides 8 and 11 and bring that formula to the 6/26 OAC Meeting for final council approval.
- I move to not fund the purchase of real property or renovation of real property in the next grant cycle.
- I move to agree to a 4-year grant cycle, starting July 1, 2025 and ending June 30, 2029 for the 2025 RFGA process.

M110 OAC Meeting

6.12.24

Welcome and Attendance

Quorum; 17 members present.

OHA Updates

RAC notices went out to OAC members who volunteered earlier this week.

Equipment survey responses due Friday.

Funding Formula Discussion and Vote

(See slides for more information)

Key takeaways:

- Less money available as time goes on, per [revenue forecast](#)
- Estimated funding available: \$457.7M over next 2 biennia
- OHA recommendations include county-based funding formula (to be finalized by OAC), disallow capital expenses, adopt a 4-year grant period

Motion: Move to agree to a 4-year grant cycle, starting July 1, 2025 and ending June 30, 2029 for the 2025 RFGA Process; seconded

Motion passes with 17 yes votes.

Motion: Move to not fund the purchase of real property or renovation of real property in the next grant cycle; seconded

Motion passes with 10 yes, 6 no, 1 abstain

Council also approves without vote for OHA to bring formula containing all parameters in the proposed slide. Vote not required until finalizing formula at next meeting.

Closing

MEASURE 110

OVERSIGHT AND ACCOUNTABILITY COUNCIL

June 26th, 2024
1:30 PM – 3:30 PM PT

Facilitators:
Dharma Mirza, OAC Tri-Chair
Kristen Donheffner, OHA

Tri-Chairs:
Melinda Bell
Amy Madrigal-Bates
Dharma Mirza

Welcome and Attendance	Tri-Chairs / Facilitators
OHA Updates	OHA
RFGA / Formula Discussion and Vote	OHA / OAC
Closing	Tri-Chairs / Facilitators

M110 OAC Meeting

6.28.24

Welcome and Attendance

Quorum; 17 members present.

Tribal Set Aside and Funding Formula

Estimated Revenues to Drug Treatment and Recovery Services Fund (DTRSF):

25-27 biennium - \$211,420,000

27-29 biennium - \$276,285,000

4-year total - \$487,705,000

Assuming \$15M/biennia admin budget, \$427.3M is available for 25-29 grant cycle (conditional amount, based on revenue forecasts).

Tribal set-aside was 4% initially, only voted on for 19-21 cycle; extensions were granted at same \$ amount, \$11.4M

Motion: Move to approve \$30.4M of revenues from the DTRSF as a set aside for Tribal partners to be used for substance use treatment and recovery services for the grant cycle starting July 1, 2025, and ending June 30, 2029.

Motion passes with 15 yes votes.

Options for funding formula presented:

Option #1: Maintain the current funding formula with updated data, overdose information

Option #2: An updated funding formula with new, rural variable.

Option #3: Maintain current funding formula with a rural floor.

Goal: to smooth large differences between extra large & extra small counties, further avoiding need for lengthy negotiation process, while maintaining OAC values from current formula.

In the event the collective ask is less than the county allocation, OHA recommends holding the extra funds in reserve, due to the volatile nature of the DTSRF.

Options presented, but no decision was made. Special meeting is called for 7/3 to further discuss and vote on options.

OHA Updates

OHA will start meeting in-person with grantees for relationship building, starting soon. NOT audit/compliance visits.

Looking for OAC volunteers to score applications – email OAC Support staff

Closing

MEASURE 110

OVERSIGHT AND ACCOUNTABILITY COUNCIL

July 3rd, 2024

1:30 PM – 3:30 PM PT

Facilitators:

Amy Madrigal-Bates, OAC Tri-Chair
Kristen Donheffner, OHA

Tri-Chairs:

Melinda Bell
Amy Madrigal-Bates
Dharma Mirza

Welcome and Attendance	Tri-Chairs / Facilitators
OHA Updates	OHA
RFGA Formula Discussion and Vote	OHA / OAC
Closing	Tri-Chairs / Facilitators

Measure 110 Oversight and Accountability Council 2025 Request for Grant Applications (RFGA) Funding Formula

June 26, 2024



Estimated revenue for 25-27, 27-29 biennium

- As of June 2024, DTRSF projected to have:
 - 25-27 biennium: \$211,420,000
 - 27-29 biennium: \$276,285,000*
 - 4 year total: \$487,705,000

*Estimates for 27-29 are difficult to accurately predict

Tribal Set-Aside

- On 10/31/21, the OAC voted to set aside 4% of the DTSRF for Tribal partners
- Given declining revenues, OHA recommends holding that percentage even
- 4% of available DTSRF funds for 4 years = \$19,508,200

Tribal Motion

- I move to approve \$30.4m of the revenues from the Drug Treatment and Recovery Services Fund as a set aside for Tribal partners to be used for substance use treatment and recovery services for the grant cycle starting July 1, 2025 and ending June 30, 2029.

Estimated Available funds for 25-29 grant cycle

- Total available: \$487,705,000
- Tribal set aside: \$30,400,000
- **Assuming \$30m admin budget (\$15m per biennia): \$427.3m is available for 25-29 grant cycle**
 - This is a conditional amount, will change based on updated financial forecasts

OAC Feedback from 6/12

- Need larger population base amounts to reflect 4-year award
- Community variables (i.e., graduation rates, English proficiency) are less relevant to goals of M110
- Health variable (i.e., health status, burden of disease) data is outdated
- More expansive look at overdose data
- Any data on polysubstance use or meth overdose
- Importance of capturing racial inequities in data

2025 County Distribution Formula Proposal

Three options:

- Option #1: Maintain the current funding formula with updated data, overdose information
- Option #2: An updated funding formula with new, rural variable.
- Option #3: Maintain current funding formula with a rural floor.
- Goal: to smooth large differences between extra large & extra small counties, further avoiding need for lengthy negotiation process, while maintaining OAC values from current formula.

In the event the collective ask is less than the county allocation, OHA recommends holding the extra funds in reserve, due to the volatile nature of the DTSRF.

Option #1/#2/#3 County Distribution Formula Proposal

Base Amount Derived from Population:

- Extra Small: (<20,000) = \$1.0 m
- Small: (20,000 – 75,000) = \$2.0 m
- Medium: (75,000 – 150,000) = \$3.0 m
- Large: (150,000 – 375,000) = \$4.0 m
- Extra Large: (375,000+) = \$5.0 m

*These amounts are approx. double the base amount from the current 18-month grant cycle, to account for a 4-year grant cycle

Option #1: Maintain Current Weighted Variables, with expanded overdose data

Each variable needs to be weighted based upon value so the weights total up to 100:

Houselessness Count	30%	Medicaid Population	30%
Arrest #s	20%	Drug Overdose Deaths	10%
Non-Fatal Overdoses*	10%		

*Optional: add in non-fatal overdoses that resulted in ER visit.

Example

Oregon County Census Data 2020			Weighted Variables					Total Award
County	2020 Census Population	Base	Houseless Rate	Medicaid Rate	Arrests	Non-fatal Overdose	Overdose Deaths	
Weight			30%	30%	20%	10%	10%	
Multnomah	815,428	\$ 5,000,000	6297	237,525	595	7,911	79	\$ 84,327,673.44
Washington	600,372	\$ 5,000,000	773	153,805	167	4,342	110	\$ 62,087,607.93
Jackson	223,259	\$ 4,000,000	1143	88,961	813	2,311	7	\$ 32,678,481.97
Deschutes	198,253	\$ 4,000,000	1468	58,561	353	1,527	34	\$ 25,391,632.80
Joesphine	88,090	\$ 3,000,000	249	41,384	70	769	18	\$ 10,394,261.83
Polk	87,433	\$ 3,000,000	256	26,652	39	858	20	\$ 8,997,585.68
Tillamook	27,390	\$ 2,000,000	53	9,818	3	281	7	\$ 3,752,076.29
Wasco	26,670	\$ 2,000,000	158	10,775	68	214	0	\$ 4,965,548.09
Gilliam	1,995	\$ 1,000,000	0	732	3	12	0	\$ 1,116,236.86
Sherman	1,870	\$ 1,000,000	33	694	4	13	5	\$ 1,599,606.88

Option #2: New Variable to account for rurality

- Based on current variables, plus rural factor, weights must total 100%
- Rurality is based on percentage of population living outside an urban census area
- Goal: to smooth large differences between extra large & extra small counties, further avoiding need for lengthy negotiation process, while maintaining OAC values from current formula.

Rurality**	10%	Arrest #s	10%
Houselessness Rate	20%	Medicaid population	20%
Non-fatal Drug Overdose Rate	20%	Fatal Drug Overdose Rate	20%

***Source: U.S. Census Bureau, Population estimates, 2010

Example:

Oregon County Census Data 2020			Weighted Variables						Total Award
County	2020 Census Population	Base	Houseless Rate	Medicaid Rate	Rurality	Arrests	Non-fatal Overdose	Overdose Deaths	
Weight			20%	20%	10%	10%	20%	20%	
Multnomah	815,428	\$ 5,000,000	6297	237,525	1.3%	595	7,911	79	\$ 68,476,698.69
Washington	600,372	\$ 5,000,000	773	153,805	5.6%	167	4,342	110	\$ 39,445,175.77
Jackson	223,259	\$ 4,000,000	1143	88,961	20.1%	813	2,311	7	\$ 26,276,643.48
Deschutes	198,253	\$ 4,000,000	1468	58,561	27.6%	353	1,527	34	\$ 24,269,534.80
Joesphine	88,090	\$ 3,000,000	249	41,384	45.0%	70	769	18	\$ 11,850,251.30
Polk	87,433	\$ 3,000,000	256	26,652	19.9%	39	858	20	\$ 10,293,716.82
Tillamook	27,390	\$ 2,000,000	53	9,818	69.6%	3	281	7	\$ 4,897,016.42
Wasco	26,670	\$ 2,000,000	158	10,775	41.5%	68	214	0	\$ 4,542,092.05
Gilliam	1,995	\$ 1,000,000	0	732	100.0%	3	12	0	\$ 1,171,816.58
Sherman	1,870	\$ 1,000,000	33	694	100.0%	4	13	5	\$ 1,881,436.90

Option #3: Establish New Rural Floor

- During current grant cycle, base amount (\$750,000) to Extra Small Counties was established because formula still resulted in low county allocations.
- OAC could opt to establish similar rural floor for Extra Small Counties (population <20,000):
 - Using \$750,000 base over 4-year grant = \$2,000,000 floor
- Option #1 Variables, plus Rural floor (no rural factors)
- As a reminder, this amount would be for services only

Option #3: No rurality factor, w/ \$2m rural floor

County	Option #1 (No Rurality)	Option #2 (W/Rurality)	Option #3 (Rural Floor)	Straight Population
Multnomah	\$ 77,954,157.23	\$ 68,476,698.69	\$ 75,037,630.86	\$ 90,100,947.46
Washington	\$34,078,299.77	\$ 39,445,175.77	\$ 32,915,821.43	\$ 66,338,273.92
Jackson	\$ 32,678,481.97	\$ 26,276,643.48	\$ 33,988,761.54	\$ 31,531,987.35
Deschutes	\$ 25,391,632.80	\$ 24,269,534.80	\$ 26,368,986.46	\$ 24,536,448.35
Joesphine	\$ 10,394,261.83	\$ 11,850,251.30	\$ 10,732,095.27	\$ 10,098,657.57
Polk	\$ 8,997,585.68	\$ 10,293,716.82	\$ 9,271,606.95	\$ 8,757,817.07
Tillamook	\$ 3,752,076.29	\$ 4,897,016.42	\$ 3,682,032.63	\$ 3,026,465.80
Wasco	\$ 4,965,548.09	\$ 4,542,092.05	\$ 4,846,992.83	\$ 2,946,909.19
Gilliam	\$ 1,116,236.86	\$ 1,171,816.58	\$ 2,000,000.00	\$ 220,438.09
Sherman	\$ 1,599,606.88	\$ 1,881,436.90	\$ 2,000,000.00	\$ 206,626.18

Draft motions

- I move to direct OHA to finalize a new county-based formula, as outlined in [Option #1/#2/#3] to distribute M110 funds in the next grant cycle.
 - Final formula numbers are subject to the availability of funds.
 - In the event the collective county ask is less than the county allocation, OHA will hold excess extra funds in reserve, due to the volatile nature of the DTSRF.

formula for m110 with no rural factor													2023-2025 Grant Total Funding
County	2020 Census Population	BASE	BASE SIZE	Houselessness Count	Medicaid population	Rurality	Overdose ED only Visit	Arrests	Drug Overdose Deaths	Total Award	Percentage of funding	Comparison to Straight Population Distribution	
				30%	30%	0%	10%	20%	10%	100%		General Population	
Multnomah	815,428	5,000,000	Extra Large	6297	237,525	1.3%	7,911	595	79	\$75,685,141.38	17.71%	19.24%	\$82,231,628.57
Washington	600,372	5,000,000	Extra Large	773	153,805	5.6%	4,342	367	110	\$38,173,908.23	7.76%	14.17%	\$60,544,361.13
Clackamas	421,401	5,000,000	Extra Large	410	105,110	18.1%	3,290	138	50	\$22,878,487.95	5.35%	9.95%	\$42,486,076.31
Lane	382,971	5,000,000	Extra Large	2824	129,321	17.5%	3,223	219	33	\$37,197,957.48	8.71%	9.04%	\$38,620,612.76
Marion	345,920	4,000,000	Large	1428	136,678	13.1%	3,327	142	62	\$30,177,085.09	7.06%	8.16%	\$34,884,214.12
Jackson	223,259	4,000,000	Large	1143	88,961	20.1%	2,311	813	7	\$31,786,525.54	7.44%	5.27%	\$22,514,496.88
Deschutes	199,253	4,000,000	Large	1468	59,561	27.6%	1,527	353	34	\$24,716,311.51	5.79%	4.68%	\$19,992,713.19
Umn	128,610	3,000,000	Medium	429	49,084	31.6%	1,579	190	5	\$13,537,293.69	3.17%	3.04%	\$12,969,642.63
Douglas	111,201	3,000,000	Medium	499	45,322	41.2%	1,054	372	7	\$16,148,552.80	3.78%	2.62%	\$11,214,036.47
Yamhill	107,722	3,000,000	Medium	296	32,313	22.6%	1,153	204	11	\$11,802,978.07	2.76%	2.54%	\$10,863,197.60
Benton	95,184	3,000,000	Medium	348	21,514	18.8%	553	215	5	\$10,540,043.45	2.47%	2.25%	\$9,598,806.19
Josephine	88,090	3,000,000	Medium	249	41,384	45.0%	769	70	18	\$10,164,285.94	2.38%	2.08%	\$8,883,413.57
Polk	87,433	3,000,000	Medium	256	26,652	19.9%	858	39	20	\$8,811,009.13	2.06%	2.06%	\$8,811,009.13
Umatilla	80,075	3,000,000	Medium	397	31,994	29.1%	680	107	13	\$10,442,607.19	2.44%	1.89%	\$8,075,142.94
Wlath	69,413	2,000,000	Small	75	30,795	37.6%	743	125	19	\$8,402,812.92	1.97%	1.64%	\$6,999,936.27
Coos	64,929	2,000,000	Small	528	26,192	38.4%	585	47	23	\$9,214,053.62	2.16%	1.53%	\$6,547,748.44
Columbia	52,589	2,000,000	Small	339	15,406	43.6%	355	23	16	\$6,465,514.65	1.51%	1.24%	\$5,303,324.28
Lincoln	50,395	2,000,000	Small	157	19,443	37.6%	542	65	5	\$6,049,412.96	1.41%	1.19%	\$5,082,070.91
Clatsop	41,072	2,000,000	Small	926	14,193	39.0%	420	38	12	\$9,427,116.64	2.21%	0.97%	\$5,141,895.36
Malheur	31,571	2,000,000	Small	424	16,394	48.4%	245	96	5	\$7,401,050.69	1.73%	0.75%	\$3,183,769.44
Hillamook	27,390	2,000,000	Small	53	9,818	69.6%	281	3	7	\$3,697,583.32	0.87%	0.65%	\$2,762,137.56
Wasco	26,670	2,000,000	Small	158	10,775	41.5%	214	68	0	\$4,873,313.79	1.14%	0.63%	\$2,689,529.94
Union	26,196	2,000,000	Small	38	9,459	42.1%	307	31	5	\$3,948,104.53	0.92%	0.62%	\$2,641,728.93
Crook	24,738	2,000,000	Small	45	10,072	48.0%	327	2	5	\$3,586,482.31	0.84%	0.58%	\$2,494,697.30
Jefferson	24,502	2,000,000	Small	45	12,082	63.1%	409	16	5	\$4,031,257.49	0.94%	0.58%	\$2,470,897.94
Hood River	23,977	2,000,000	Small	102	8,465	52.2%	113	62	5	\$4,518,152.29	1.06%	0.57%	\$2,417,954.45
Curry	23,446	2,000,000	Small	133	8,659	38.7%	206	10	11	\$4,291,659.77	1.00%	0.55%	\$2,364,405.89
Baker	16,668	1,000,000	Extra Small	18	6,100	41.0%	155	21	5	\$2,302,443.15	0.54%	0.39%	\$1,680,880.21
Morrow	12,186	1,000,000	Extra Small	71	5,481	45.9%	80	17	5	\$2,395,269.11	0.56%	0.29%	\$1,218,894.06
Lake	8,160	1,000,000	Extra Small	9	3,294	63.3%	69	12	0	\$1,542,198.38	0.36%	0.19%	\$822,831.12
Harney	7,495	1,000,000	Extra Small	26	2,948	44.3%	65	2	5	\$1,727,187.74	0.40%	0.18%	\$755,831.36
Wallowa	7,391	1,000,000	Extra Small	18	2,313	100.0%	43	3	0	\$1,349,048.36	0.32%	0.17%	\$745,343.51
Grant	7,233	1,000,000	Extra Small	0	2,553	100.0%	51	1	0	\$1,250,712.63	0.29%	0.17%	\$729,410.04
Gilliam	1,995	1,000,000	Extra Small	0	732	100.0%	12	3	0	\$1,112,621.66	0.26%	0.05%	\$201,185.27
Sherman	1,870	1,000,000	Extra Small	33	694	100.0%	13	4	5	\$1,380,957.94	0.37%	0.04%	\$188,579.67
Wheeler	1,451	1,000,000	Extra Small	4	417	100.0%	0	0	0	\$1,051,220.59	0.25%	0.03%	\$146,325.72
	4,237,256	\$ 88,000,000								\$427,305,000.00	100.00%		\$427,305,000.00

Base Funding:

Extra Small	\$ 1,000,000	<20k
Small	\$ 2,000,000	75k-20k
Medium	\$ 3,000,000	150k-75k
Large	\$ 4,000,000	375k-150k
Extra Large	\$ 5,000,000	>375k

formula for m110 with rurality factor													
County	2020 Census Population	BASE	BASE SIZE	Houselessness Count	Medicaid population	Rurality	Overdose ED only Visit	Arrests	Drug Overdose Deaths	Total Award	Percentage of funding	Comparison to Straight Population Distribution	2023-2025 Grant Total Funding
				20%	20%	10%	20%	10%	20%	100%		General Population	
Multnomah	815,428	5,000,000	Extra Large	6297	237,925	1.3%	7,911	595	79	\$66,502,450.19	15.56%	19.24%	\$82,231,628.57
Washington	600,372	5,000,000	Extra Large	773	153,805	5.6%	4,342	167	110	\$38,373,863.96	8.98%	14.17%	\$60,544,361.13
Clackamas	421,401	5,000,000	Extra Large	410	105,110	18.1%	3,290	138	50	\$27,559,873.69	6.45%	9.95%	\$42,496,076.31
Lane	382,971	5,000,000	Extra Large	2824	129,321	17.5%	3,223	219	33	\$35,118,335.75	8.22%	9.04%	\$38,620,612.76
Marion	345,920	4,000,000	Large	1428	136,678	13.1%	3,327	142	62	\$30,724,370.46	7.42%	8.45%	\$38,881,214.12
Jackson	223,259	4,000,000	Large	1143	88,961	20.1%	2,311	813	7	\$25,583,796.64	5.99%	5.27%	\$22,514,406.88
Deschutes	198,253	4,000,000	Large	1468	98,561	27.6%	1,527	353	34	\$23,639,112.93	5.53%	4.68%	\$19,992,773.19
Linn	128,610	3,000,000	Medium	429	49,084	31.6%	1,579	190	5	\$13,524,315.74	3.17%	3.04%	\$12,969,642.63
Douglas	111,201	3,000,000	Medium	499	45,322	41.2%	1,054	372	7	\$14,528,500.69	3.40%	2.62%	\$11,214,036.47
Yamhill	107,722	3,000,000	Medium	296	32,313	22.6%	1,153	204	11	\$11,585,783.73	2.71%	2.54%	\$10,863,197.60
Benton	95,184	3,000,000	Medium	348	21,514	18.8%	553	215	5	\$9,716,891.53	2.17%	2.23%	\$9,598,806.19
Josephine	88,090	3,000,000	Medium	249	41,384	45.0%	769	70	18	\$11,574,991.31	2.71%	2.08%	\$8,883,413.57
Polk	87,433	3,000,000	Medium	256	26,652	19.9%	858	39	20	\$10,066,868.07	2.36%	2.06%	\$8,817,158.57
Umatilla	80,075	3,000,000	Medium	397	31,994	29.1%	680	107	13	\$10,478,091.08	2.45%	1.89%	\$8,075,142.94
Klamath	69,413	2,000,000	Small	75	30,795	37.6%	743	125	19	\$9,390,303.07	2.20%	1.64%	\$6,999,936.27
Coos	64,929	2,000,000	Small	528	26,192	38.4%	585	47	23	\$10,204,538.77	2.39%	1.53%	\$6,547,748.48
Columbia	62,589	2,000,000	Small	339	15,406	43.6%	355	23	16	\$7,540,222.78	1.76%	1.24%	\$5,303,324.28
Lincoln	50,395	2,000,000	Small	157	19,443	37.6%	542	65	5	\$6,361,234.67	1.49%	1.19%	\$5,082,070.91
Clatsop	41,072	2,000,000	Small	926	14,193	39.0%	420	38	12	\$8,953,056.23	2.10%	0.97%	\$4,141,895.36
Malheur	31,571	2,000,000	Small	424	16,394	48.4%	245	96	5	\$6,672,682.35	1.56%	0.75%	\$3,183,769.44
Tillamook	27,390	2,000,000	Small	53	9,818	69.6%	281	3	7	\$4,806,913.59	1.12%	0.65%	\$2,762,137.56
Wasco	26,670	2,000,000	Small	158	10,775	41.5%	214	68	0	\$4,463,028.06	1.04%	0.63%	\$2,689,529.34
Union	26,196	2,000,000	Small	38	9,459	42.1%	307	31	5	\$4,435,844.26	1.04%	0.62%	\$2,641,728.93
Crook	24,738	2,000,000	Small	45	10,072	48.0%	327	2	5	\$4,331,474.25	1.01%	0.58%	\$2,494,697.30
Jefferson	24,502	2,000,000	Small	45	12,082	63.1%	409	16	5	\$4,481,898.67	1.13%	0.59%	\$2,470,897.94
Hood River	23,977	2,000,000	Small	102	8,465	52.2%	113	62	5	\$4,565,066.04	1.07%	0.57%	\$2,417,954.45
Curry	23,446	2,000,000	Small	133	8,659	38.7%	206	10	11	\$4,974,875.95	1.16%	0.55%	\$2,364,405.89
Baker	16,668	1,000,000	Extra Small	18	6,100	41.0%	155	21	5	\$2,671,344.09	0.63%	0.39%	\$1,680,880.21
Morrow	12,186	1,000,000	Extra Small	71	5,481	45.9%	80	17	5	\$2,601,241.61	0.61%	0.29%	\$1,228,894.06
Lake	8,160	1,000,000	Extra Small	9	3,294	63.3%	69	12	0	\$1,632,268.08	0.38%	0.19%	\$822,893.12
Harmey	7,495	1,000,000	Extra Small	26	2,948	44.3%	65	2	5	\$2,080,792.14	0.49%	0.18%	\$755,831.36
Wallowa	7,391	1,000,000	Extra Small	18	2,213	100.0%	43	3	0	\$1,591,017.40	0.37%	0.17%	\$745,343.51
Grant	7,233	1,000,000	Extra Small	0	2,553	100.0%	51	1	0	\$1,533,595.91	0.36%	0.17%	\$729,410.04
Gilliam	1,995	1,000,000	Extra Small	0	732	100.0%	12	3	0	\$1,166,472.75	0.27%	0.05%	\$201,185.27
Sherman	1,870	1,000,000	Extra Small	33	694	100.0%	13	4	5	\$1,854,022.50	0.43%	0.04%	\$188,579.67
Wheeler	1,451	1,000,000	Extra Small	4	417	100.0%	0	0	0	\$1,095,950.76	0.26%	0.03%	\$146,325.72
	4,237,256	\$ 88,000,000								\$427,305,000.00	100.00%		\$427,305,000.00

Base Funding:		
Extra Small	\$ 1,000,000	<20k
Small	\$ 2,000,000	75k-20k
Medium	\$ 3,000,000	150k-75k
Large	\$ 4,000,000	375k-150k
Extra Large	\$ 5,000,000	>375k

formula for m110 with establishing a rural floor

County	2020 Census Population	BASE	BASE SIZE	Houselessness Count	Medicaid population	Overdose ED only Visit	Arrests	Drug Overdose Deaths	Draft Total Award	Percentage of funding	Comparison to Straight Population Distribution	2023-2025 Grant Total Funding	2023-2025 Grant total minus Minimum Amount and Base
				30%	30%	10%	20%	10%	100%		General Population		
Multnomah	815,428	5,000,000	Extra Large	6297	237,525	7,911	959	79	\$74,709,817.20	17.48%	19.24%	\$82,231,628.57	
Washington	600,372	5,000,000	Extra Large	773	153,805	4,342	167	110	\$32,863,244.30	7.69%	14.17%	\$60,544,361.13	
Clackamas	421,401	5,000,000	Extra Large	410	105,110	3,290	138	50	\$22,671,714.23	5.31%	9.95%	\$42,496,076.31	
Lane	382,971	5,000,000	Extra Large	2824	129,321	3,223	219	33	\$36,757,380.52	8.60%	9.04%	\$38,620,612.76	
Marion	345,920	4,000,000	Large	1428	136,678	3,327	142	62	\$29,855,939.13	6.99%	8.16%	\$34,884,214.12	
Jackson	223,259	4,000,000	Large	1143	88,961	2,311	813	7	\$31,395,206.87	7.55%	5.27%	\$22,514,496.88	
Deschutes	198,253	4,000,000	Large	1468	58,561	3,527	355	34	\$24,446,277.72	5.72%	4.68%	\$19,992,773.19	
Linn	128,610	3,000,000	Medium	429	49,084	1,579	198	5	\$13,394,976.91	3.13%	3.04%	\$12,969,642.63	
Douglas	111,201	3,000,000	Medium	499	45,322	1,054	372	7	\$15,966,824.04	3.74%	2.62%	\$11,214,036.47	
Yamhill	107,722	3,000,000	Medium	296	32,313	1,153	204	11	\$11,686,426.27	2.73%	2.54%	\$10,863,197.60	
Benton	95,184	3,000,000	Medium	348	21,514	553	215	5	\$10,454,521.34	2.45%	2.25%	\$9,598,806.19	
Josephine	86,080	3,000,000	Medium	249	11,384	769	70	18	\$10,078,954.35	2.36%	2.08%	\$8,983,413.57	
Polk	87,433	3,000,000	Medium	256	26,652	858	39	20	\$8,743,247.60	2.05%	2.06%	\$8,817,158.57	
Umatilla	80,075	3,000,000	Medium	397	31,994	680	107	13	\$10,346,421.63	2.42%	1.89%	\$8,075,142.94	
Klamath	69,413	2,000,000	Small	75	30,795	743	125	19	\$8,327,817.52	1.95%	1.64%	\$6,999,936.27	
Coos	64,929	2,000,000	Small	528	26,192	585	47	23	\$9,125,116.83	2.14%	1.53%	\$6,547,748.44	
Columbia	52,589	2,000,000	Small	339	15,406	355	23	16	\$6,411,280.00	1.50%	1.24%	\$5,303,324.28	
Lincoln	50,395	2,000,000	Small	157	19,443	542	65	5	\$5,990,920.74	1.40%	1.19%	\$5,082,070.91	
Clatsop	41,072	2,000,000	Small	926	14,193	420	38	12	\$9,322,634.76	2.18%	0.97%	\$4,141,895.36	
Malheur	31,571	2,000,000	Small	424	16,394	245	96	5	\$7,325,530.39	1.71%	0.75%	\$3,183,769.44	
Tillamook	27,390	2,000,000	Small	53	9,818	281	3	7	\$3,679,216.16	0.86%	0.65%	\$2,762,137.56	
Wasco	26,670	2,000,000	Small	158	10,775	214	68	0	\$4,832,514.24	1.13%	0.63%	\$2,689,529.34	
Union	26,196	2,000,000	Small	38	9,459	307	31	5	\$3,924,771.96	0.92%	0.62%	\$2,641,728.93	
Crook	24,738	2,000,000	Small	45	10,072	327	2	5	\$3,568,654.35	0.84%	0.58%	\$2,494,697.30	
Jefferson	24,502	2,000,000	Small	45	12,082	409	16	5	\$4,007,407.24	0.94%	0.58%	\$2,470,897.94	
Hood River	23,977	2,000,000	Small	102	8,465	113	62	5	\$4,485,502.10	1.05%	0.57%	\$2,417,954.45	
Curry	23,446	2,000,000	Small	133	8,659	206	10	11	\$4,266,090.78	1.00%	0.55%	\$2,364,405.89	
Baker	16,668	1,000,000	Extra Small	18	6,100	155	21	5	\$2,287,848.55	0.54%	0.39%	\$1,680,880.21	
Morrow	12,186	1,000,000	Extra Small	71	5,461	80	17	5	\$2,378,712.26	0.56%	0.29%	\$1,228,894.06	
Lake	8,160	Rural Floor	Extra Small	9	3,294	69	12	0	\$2,000,000.00	0.47%	0.19%	\$822,893.12	
Harney	7,495	Rural Floor	Extra Small	26	2,948	65	2	5	\$2,000,000.00	0.47%	0.18%	\$755,831.36	
Wallowa	7,391	Rural Floor	Extra Small	18	2,313	43	3	0	\$2,000,000.00	0.47%	0.17%	\$745,343.51	
Grant	7,233	Rural Floor	Extra Small	0	2,553	51	1	0	\$2,000,000.00	0.47%	0.17%	\$729,410.04	
Gilliam	1,995	Rural Floor	Extra Small	0	732	12	3	0	\$2,000,000.00	0.47%	0.05%	\$201,185.27	
Sherman	1,870	Rural Floor	Extra Small	33	694	13	4	5	\$2,000,000.00	0.47%	0.04%	\$188,793.67	
Wheeler	1,451	Rural Floor	Extra Small	4	417	0	0	0	\$2,000,000.00	0.47%	0.03%	\$146,325.72	
	4,237,256	\$ 81,000,000							\$427,305,000.00	100.00%		\$427,305,000.00	

*Sources: Medicaid - MMS June 2024; Houseless Count 2021 - Greene, J., Spurbek, F. H., and Zapata, M. (2023). 2023 Oregon Statewide Homelessness Estimates. Portland State University Homelessness Research & Action Collaborative.; Overdose - <https://oregoninjurydata.shinyapps.io/overdose/>; Arrests <https://www.oregon.gov/osp/pages/uniform-form>

Base Funding:

Extra Small	\$ 1,000,000	<20k
Small	\$ 2,000,000	75k-20k
Medium	\$ 3,000,000	150k-75k
Large	\$ 4,000,000	375k-150k
Extra Large	\$ 5,000,000	>375k

Rural Minimum \$ 2,000,000

County	Option #1: Formula without rurality factor	Option #2: Formula with rurality factor	Option#3: Formula with a rural base	Formula based on straight population	Current grant allocation, 22-25 (3 years)	Hypothetical current grant allocation, estimated for 4 years**
Multnomah	\$ 75,685,141.38	\$ 66,502,450.19	\$ 74,709,847.20	\$ 82,231,628.57	\$ 91,733,737.03	\$ 122,311,649.37
Washington	\$ 33,173,908.23	\$ 38,373,863.96	\$ 32,863,244.30	\$ 60,544,361.13	\$ 29,787,432.97	\$ 39,716,577.29
Clackamas	\$ 22,878,487.95	\$ 27,559,873.69	\$ 22,671,714.23	\$ 42,496,076.31	\$ 27,180,998.02	\$ 36,241,330.69
Lane	\$ 37,197,957.48	\$ 35,118,335.75	\$ 36,757,380.52	\$ 38,620,612.76	\$ 45,862,027.65	\$ 61,149,370.20
Marion	\$ 30,177,085.09	\$ 31,724,370.46	\$ 29,855,939.13	\$ 34,884,214.12	\$ 29,155,118.53	\$ 38,873,491.37
Jackson	\$ 31,786,525.54	\$ 25,583,796.64	\$ 31,395,206.87	\$ 22,514,496.88	\$ 26,707,528.77	\$ 35,610,038.36
Deschutes	\$ 24,726,311.51	\$ 23,639,112.93	\$ 24,446,277.72	\$ 19,992,773.19	\$ 18,494,753.27	\$ 24,659,671.03
Linn	\$ 13,537,293.69	\$ 13,524,315.74	\$ 13,394,976.91	\$ 12,969,642.63	\$ 13,522,634.08	\$ 18,030,178.77
Douglas	\$ 16,148,552.80	\$ 14,528,500.69	\$ 15,966,824.04	\$ 11,214,036.47	\$ 9,555,898.43	\$ 12,741,197.91
Yamhill	\$ 11,802,978.07	\$ 11,585,783.73	\$ 11,686,426.27	\$ 10,863,197.60	\$ 12,274,347.56	\$ 16,365,796.75
Benton	\$ 10,560,043.45	\$ 9,276,891.53	\$ 10,454,521.34	\$ 9,598,806.19	\$ 6,345,767.93	\$ 8,461,023.91
Josephine	\$ 10,164,285.94	\$ 11,574,991.31	\$ 10,078,954.35	\$ 8,883,413.57	\$ 14,576,797.34	\$ 19,435,729.79
Polk	\$ 8,811,049.13	\$ 10,066,868.07	\$ 8,743,247.60	\$ 8,817,158.57	\$ 3,896,671.22	\$ 5,195,561.63
Umatilla	\$ 10,442,607.19	\$ 10,478,091.08	\$ 10,346,421.63	\$ 8,075,142.94	\$ 6,850,673.00	\$ 9,134,230.67
Klamath	\$ 8,402,812.92	\$ 9,390,303.07	\$ 8,327,817.52	\$ 6,999,936.27	\$ 7,641,240.96	\$ 10,188,321.28
Coos	\$ 9,214,053.62	\$ 10,204,538.77	\$ 9,125,116.83	\$ 6,547,748.44	\$ 7,135,162.12	\$ 9,513,549.49
Columbia	\$ 6,465,514.65	\$ 7,540,222.78	\$ 6,411,280.00	\$ 5,303,324.28	\$ 6,540,814.56	\$ 8,721,086.08
Lincoln	\$ 6,043,412.96	\$ 6,361,234.67	\$ 5,990,920.74	\$ 5,082,070.91	\$ 9,430,475.61	\$ 12,573,967.48
Clatsop	\$ 9,427,716.64	\$ 8,953,056.23	\$ 9,322,634.76	\$ 4,141,895.36	\$ 10,228,474.78	\$ 13,637,966.37
Malheur	\$ 7,401,050.69	\$ 6,672,682.35	\$ 7,325,530.39	\$ 3,183,769.44	\$ 2,266,842.59	\$ 3,022,456.79
Tillamook	\$ 3,697,583.32	\$ 4,806,913.59	\$ 3,679,216.16	\$ 2,762,137.56	\$ 3,704,301.88	\$ 4,939,069.17
Wasco	\$ 4,873,313.79	\$ 4,463,028.06	\$ 4,832,514.24	\$ 2,689,529.34	\$ 3,209,359.35	\$ 4,279,145.80
Union	\$ 3,948,104.53	\$ 4,435,844.26	\$ 3,924,771.96	\$ 2,641,728.93	\$ 2,887,999.11	\$ 3,850,665.48
Crook	\$ 3,586,482.31	\$ 4,331,474.55	\$ 3,568,654.35	\$ 2,494,697.30	\$ 2,857,394.06	\$ 3,809,858.75
Jefferson	\$ 4,031,257.49	\$ 4,841,808.67	\$ 4,007,407.24	\$ 2,470,897.94	\$ 3,438,218.90	\$ 4,584,291.87
Hood River	\$ 4,518,152.29	\$ 4,565,066.04	\$ 4,485,502.10	\$ 2,417,954.45	\$ 1,400,170.62	\$ 1,866,894.16
Curry	\$ 4,291,659.77	\$ 4,974,875.95	\$ 4,266,090.78	\$ 2,364,405.89	\$ 1,925,615.07	\$ 2,567,486.76
Baker	\$ 2,302,443.15	\$ 2,671,344.09	\$ 2,287,848.55	\$ 1,680,880.21	\$ 1,533,980.66	\$ 2,045,307.55
Morrow	\$ 2,395,267.11	\$ 2,601,241.61	\$ 2,378,712.26	\$ 1,228,894.06	\$ 1,095,632.00	\$ 1,460,842.67
Lake	\$ 1,542,198.38	\$ 1,632,268.08	\$ 2,000,000.00	\$ 822,893.12	\$ 1,489,574.74	\$ 1,986,099.65
Harney	\$ 1,727,187.74	\$ 2,080,792.14	\$ 2,000,000.00	\$ 755,831.36	\$ 1,254,631.54	\$ 1,672,842.05
Wallowa	\$ 1,349,048.36	\$ 1,591,017.40	\$ 2,000,000.00	\$ 745,343.51	\$ 1,252,658.25	\$ 1,670,211.00
Grant	\$ 1,250,712.63	\$ 1,533,595.91	\$ 2,000,000.00	\$ 729,410.04	\$ 954,905.00	\$ 1,273,206.67
Gilliam	\$ 1,112,621.66	\$ 1,166,472.75	\$ 2,000,000.00	\$ 201,185.27	\$ 970,081.00	\$ 1,293,441.33
Sherman	\$ 1,580,957.94	\$ 1,854,022.50	\$ 2,000,000.00	\$ 188,579.67	\$ 776,800.00	\$ 1,035,733.33
Wheeler	\$ 1,051,220.59	\$ 1,095,950.76	\$ 2,000,000.00	\$ 146,325.72	\$ 1,014,517.00	\$ 1,352,689.33
Totals	\$ 427,305,000.00	\$ 427,305,000.00	\$ 427,305,000.00	\$ 427,305,000.00	\$ 408,953,235.60	\$ 545,270,980.80

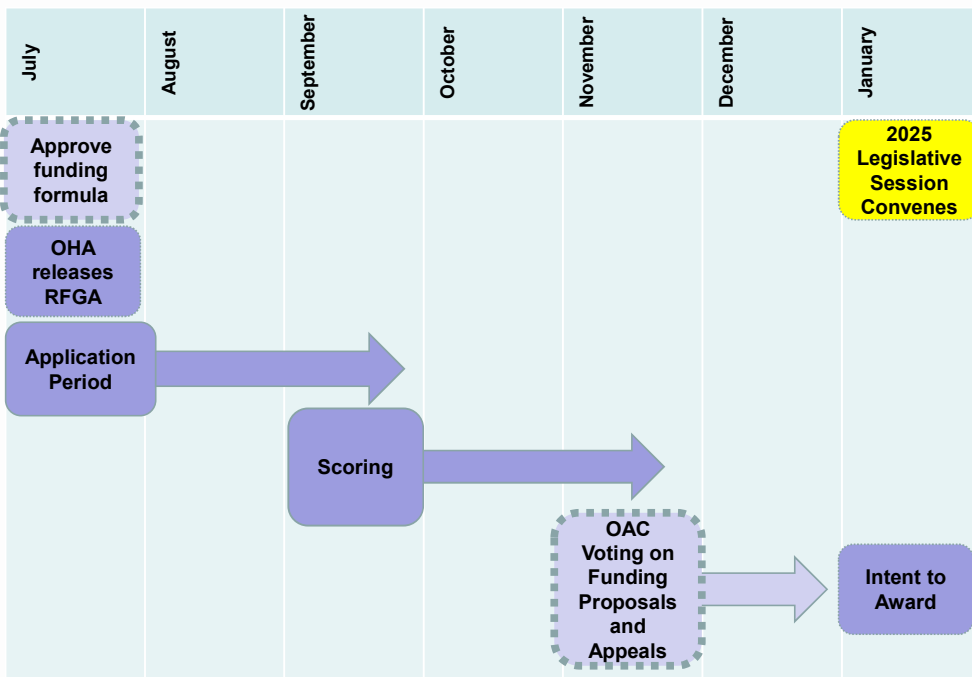
**Estimate is based on extrapolating 3-year current grant to 4-years. Important caveat: the 3-year grant totals include approx. \$7m of one-time opioid settlement funds, and \$45m of carryover from '19-21 biennium, and approx. \$40m of one-time savings to the criminal justice system. Taken together that is approx. \$100m that the program will not have in the 25-29 grant cycle.

Measure 110 Oversight and Accountability Council
2025 Request for Grant Applications (RFGA) Funding
Formula

July 3, 2024



2025 RFGA Timeline



Key Council Decisions:

- Approve RFGA Funding Formula and Period
- OAC Voting on Funding Proposals and Appeals



Why a new RFGA?

- M110 is a competitive grant program; grants are not guaranteed for extended time
- HB 2513 (2023) directed OHA to write, establish new grant cycle
 - OAC retained authority to authorize funding, decide grantees
- New application will afford new providers opportunity to apply
- Application will also consider current grantee performance

Estimated revenue for 25-27, 27-29 biennium

- As of June 2024, DTRSF projected to have:
 - 25-27 biennium: \$211,420,000
 - 27-29 biennium: \$276,285,000*
 - 4 year total: \$487,705,000

*Estimates for 27-29 are difficult to accurately predict

Estimated Available funds for 25-29 grant cycle

- Total available: \$487,705,000
- Tribal set aside: \$30,400,000
- Admin budget: \$30,000,000
- **Total available for 25-29 grant cycle: \$427.3m**
 - This is a conditional amount, will change based on updated financial forecasts

Other funding considerations

- Of the \$265m initially available in the original 22-23 grant cycle, \$52m was from one-time funds:
 - \$45m in carryover from 19-21
 - All funds are currently obligated; no anticipated carryover
 - Unexpended funds from current cycle are not guaranteed
 - \$7m in one-time opioid settlement dollars
- \$40m in revenue in 23-25 came from savings to the criminal justice system
 - No longer available per HB 4002
- Original grants obligated approx. \$67m in one-time capital funds
 - Real property expenses excluded from future grant to offset revenue loss

2025 County Distribution Formula Proposal

Three options:

- Option #1: Maintain the current funding formula with updated data, overdose information
- Option #2: An updated funding formula with new, rural variable.
- Option #3: Maintain current funding formula with a rural floor.
- Goal: to smooth large differences between extra large & extra small counties, further avoiding need for lengthy negotiation process, while maintaining OAC values from current formula.

In the event the collective ask is less than the county allocation, OHA recommends holding the extra funds in reserve, due to the volatile nature of the DTSRF.

Option #1/#2/#3 County Distribution Formula Proposal

Base Amount Derived from Population:

- Extra Small: (<20,000) = \$1.0 m
- Small: (20,000 – 75,000) = \$2.0 m
- Medium: (75,000 – 150,000) = \$3.0 m
- Large: (150,000 – 375,000) = \$4.0 m
- Extra Large: (375,000+) = \$5.0 m

*These amounts are approx. double the base amount from the current 18-month grant cycle, to account for a 4-year grant cycle

Option #1: Maintain Current Weighted Variables, with expanded overdose data

Each variable needs to be weighted based upon value so the weights total up to 100:

Houselessness Count	30%	Medicaid Population	30%
Arrest #s	20%	Drug Overdose Deaths	10%
Non-Fatal Overdoses	10%		

Example, Option #1

Oregon County Census Data 2020			Weighted Variables					Total Award
County	2020 Census Population	Base	Houseless Rate	Medicaid Rate	Arrests	Non-fatal Overdose	Overdose Deaths	
Weight			30%	30%	20%	10%	10%	
Multnomah	815,428	\$ 5,000,000	6297	237,525	595	7,911	79	\$75,685,141.38
Washington	600,372	\$ 5,000,000	773	153,805	167	4,342	110	\$33,173,908.23
Jackson	223,259	\$ 4,000,000	1143	88,961	813	2,311	7	\$31,786,525.54
Deschutes	198,253	\$ 4,000,000	1468	58,561	353	1,527	34	\$24,726,311.51
Joesphine	88,090	\$ 3,000,000	249	41,384	70	769	18	\$10,164,285.94
Polk	87,433	\$ 3,000,000	256	26,652	39	858	20	\$8,811,049.13
Tillamook	27,390	\$ 2,000,000	53	9,818	3	281	7	\$3,697,583.32
Wasco	26,670	\$ 2,000,000	158	10,775	68	214	0	\$4,873,313.79
Gilliam	1,995	\$ 1,000,000	0	732	3	12	0	\$1,112,621.66
Sherman	1,870	\$ 1,000,000	33	694	4	13	5	\$1,580,957.94

Option #2: New Variable to account for rurality

- Based on current variables, plus rural factor, weights must total 100%
- Rurality is based on percentage of population living outside an urban census area
- Goal: to smooth large differences between extra large & extra small counties, further avoiding need for lengthy negotiation process, while maintaining OAC values from current formula.

Rurality**	10%	Arrest #s	10%
Houselessness Rate	20%	Medicaid population	20%
Non-fatal Drug Overdose Rate	20%	Fatal Drug Overdose Rate	20%

***Source: U.S. Census Bureau, Population estimates, 2020

Example, Option #2

Oregon County Census Data 2020			Weighted Variables						Total Award
County	2020 Census Population	Base	Houseless Rate	Medicaid Rate	Rurality	Arrests	Non-fatal Overdose	Overdose Deaths	
Weight			20%	20%	10%	10%	20%	20%	
Multnomah	815,428	\$ 5,000,000	6297	237,525	1.3%	595	7,911	79	\$66,502,450.19
Washington	600,372	\$ 5,000,000	773	153,805	5.6%	167	4,342	110	\$38,373,863.96
Jackson	223,259	\$ 4,000,000	1143	88,961	20.1%	813	2,311	7	\$25,583,796.64
Deschutes	198,253	\$ 4,000,000	1468	58,561	27.6%	353	1,527	34	\$23,639,112.93
Joesphine	88,090	\$ 3,000,000	249	41,384	45.0%	70	769	18	\$11,574,991.31
Polk	87,433	\$ 3,000,000	256	26,652	19.9%	39	858	20	\$10,066,868.07
Tillamook	27,390	\$ 2,000,000	53	9,818	69.6%	3	281	7	\$4,806,913.59
Wasco	26,670	\$ 2,000,000	158	10,775	41.5%	68	214	0	\$4,463,028.06
Gilliam	1,995	\$ 1,000,000	0	732	100.0%	3	12	0	\$1,166,472.75
Sherman	1,870	\$ 1,000,000	33	694	100.0%	4	13	5	\$1,854,022.50

Option #3: Establish New Rural Floor

- During current grant cycle, base amount (\$750,000) to Extra Small Counties was established because formula still resulted in low county allocations.
- OAC could opt to establish similar rural floor for Extra Small Counties (population <20,000):
 - Using \$750,000 base over 4-year grant = \$2,000,000 floor
- Option #1 Variables, plus Rural floor (no rural factors)
- As a reminder, this amount would be for services only

Option #3: No rurality factor, w/ \$2m rural floor

County	Option #1 (No Rurality)	Option #2 (W/Rurality)	Option #3 (Rural Floor)	Straight Population
Multnomah	\$75,685,141.38	\$66,502,450.19	\$74,709,847.20	\$90,100,947.46
Washington	\$33,173,908.23	\$38,373,863.96	\$32,863,244.30	\$66,338,273.9
Jackson	\$31,786,525.54	\$25,583,796.64	\$31,395,206.87	\$31,531,987.35
Deschutes	\$24,726,311.51	\$23,639,112.93	\$24,446,277.72	\$24,536,448.3
Joesphine	\$10,164,285.94	\$11,574,991.31	\$10,078,954.35	\$10,098,657.57
Polk	\$8,811,049.13	\$10,066,868.07	\$8,743,247.60	\$8,757,817.07
Tillamook	\$3,697,583.32	\$4,806,913.59	\$3,679,216.16	\$3,026,465.80
Wasco	\$4,873,313.79	\$4,463,028.06	\$4,832,514.24	\$2,946,909.19
Gilliam	\$1,112,621.66	\$1,166,472.75	\$2,000,000.00	\$220,438.09
Sherman	\$1,580,957.94	\$1,854,022.50	\$2,000,000.00	\$206,626.18

Motion

- I move to approve Option #3 as the funding formula for the 25-29 grant cycle.
 - Final formula numbers are subject to the availability of funds.
 - In the event the collective county ask is less than the county allocation, OHA will hold excess extra funds in reserve, due to the volatile nature of the DTSRF.

M110 OAC Meeting

7.3.24

Welcome and Attendance

Quorum; 15 members present.

Statement read by Tri-Chair:

“The Tri-Chairs have received public input on today’s decision and thank everyone who took time to write in. We recognize that this is a big decision to make and all of our communities will be affected in some way. However, it is important that we reach a decision that will allow OHA to move forward and issue the next grant application. We all share the goal of obligating this money before the legislature meets next year and unfortunately we cannot delay this decision. As the Council has previously decided, the Tri-Chairs will continue to encourage and take into consideration public feedback via the Measure 110 inbox but will not allow members of the public to join these livestreamed meetings. The Council may reconsider that process at a later time.”

Funding Formula Discussion (Recap of some 6.26 information)

Estimated Revenues to Drug Treatment and Recovery Services Fund (DTRSF):

25-27 biennium - \$211,420,000

27-29 biennium - \$276,285,000

4-year total - \$487,705,000

Assuming \$15M/biennia admin budget, \$427.3M is available for 25-29 grant cycle (conditional amount, based on revenue forecasts).

Reminder: \$30.4M was set aside for Tribal partners by the OAC on 6.26.24.

Options for funding formula presented:

Option #1: Maintain the current funding formula with updated data, overdose information

Option #2: An updated funding formula with new, rural variable.

Option #3: Maintain current funding formula with a rural floor.

Goal: to smooth large differences between extra large & extra small counties, further avoiding need for lengthy negotiation process, while maintaining OAC values from current formula.

In the event the collective ask is less than the county allocation, OHA recommends holding the extra funds in reserve, due to the volatile nature of the DTRSF.

Motion to approve Option #3 as the funding formula for the 25-29 cycle.

Final formula numbers are subject to the availability of funds.

In the event the collective county ask is less than the county allocation, OHA will hold excess funds in reserve, due to the volatile nation of the DTRSF; seconded.

Motion passes with 12 yes, 5 no votes

Closing

formula for m110 with establishing a rural floor, 2025-2029

County	2020 Census Population	BASE	BASE SIZE	Burden of Disease	Houselessness Count	Medicaid population	Overdose ED only Visit	Arrests	Drug Overdose Deaths	Draft Total Award, 8/13	2025-2029 Grant Total Funding
Multnomah	815,428	5,000,000	Extra Large	6.2%	6297	237,525	7,911	595	249.8	\$80,525,062.89	\$427,305,000
Washington	600,372	5,000,000	Extra Large	4.3%	773	153,805	4,342	167	62.3	\$29,157,836.35	
Clackamas	421,401	5,000,000	Extra Large	5.7%	410	105,110	3,290	138	51.3	\$21,937,428.32	
Lane	382,971	5,000,000	Extra Large	6.8%	2824	129,321	3,223	219	97.5	\$38,903,496.30	
Marion	345,920	4,000,000	Large	6.4%	1428	136,678	3,327	142	57.8	\$28,705,176.23	
Jackson	223,259	4,000,000	Large	7.6%	1143	88,961	2,311	813	53.8	\$33,219,436.88	
Deschutes	198,253	4,000,000	Large	5.4%	1468	58,561	1,527	353	19.3	\$23,302,773.59	
Linn	128,610	3,000,000	Medium	7.5%	429	49,084	1,579	190	21	\$13,977,560.31	
Douglas	111,201	3,000,000	Medium	10.1%	499	45,322	1,054	372	24	\$16,559,223.10	
Yamhill	107,722	3,000,000	Medium	6.3%	296	32,313	1,153	204	15	\$11,678,407.54	
Benton	95,184	3,000,000	Medium	4.1%	348	21,514	553	215	7	\$10,458,392.21	
Josephine	88,090	3,000,000	Medium	9.9%	249	41,384	769	70	25	\$10,084,622.15	
Polk	87,433	3,000,000	Medium	6.0%	256	26,652	838	39	10.3	\$8,027,073.09	
Umatilla	80,075	3,000,000	Medium	7.1%	397	31,994	680	107	8.5	\$9,955,520.78	
Klamath	69,413	2,000,000	Small	9.7%	75	30,795	743	125	19.5	\$8,049,036.90	
Coos	64,929	2,000,000	Small	9.8%	528	26,192	585	47	8.5	\$8,163,245.19	
Columbia	52,589	2,000,000	Small	7.2%	339	15,406	355	23	11.3	\$5,964,830.41	
Lincoln	50,395	2,000,000	Small	9.8%	157	19,443	542	65	9.5	\$6,098,133.13	
Clatsop	41,072	2,000,000	Small	8.2%	926	14,193	420	38	8.5	\$8,988,830.99	
Malheur	31,571	2,000,000	Small	7.7%	424	16,394	245	96	3.3	\$7,176,455.80	
Tillamook	27,390	2,000,000	Small	8.2%	53	9,818	281	3	6.3	\$3,539,957.24	
Wasco	26,670	2,000,000	Small	8.2%	158	10,775	214	68	5.8	\$5,072,266.57	
Union	26,196	2,000,000	Small	7.8%	38	9,459	307	31	5.5	\$3,866,637.92	
Crook	24,738	2,000,000	Small	8.4%	45	10,072	327	2	3.8	\$3,440,248.07	
Jefferson	24,502	2,000,000	Small	8.6%	45	12,082	409	16	5	\$3,928,604.89	
Hood River	23,977	2,000,000	Small	4.8%	102	8,465	113	62	2.5	\$4,303,358.23	
Curry	23,446	2,000,000	Small	9.9%	133	8,659	206	10	7	\$3,927,379.18	
Baker	16,668	1,000,000	Extra Small	8.6%	18	6,100	155	21	3	\$2,126,372.98	
Morrow	12,186	1,000,000	Extra Small	6.7%	71	5,481	80	17	1.8	\$2,167,632.76	
Lake	8,160	Rural Floor	Extra Small	9.3%	9	3,294	69	12	5	\$2,000,000.00	
Harney	7,495	Rural Floor	Extra Small	9.6%	26	2,948	65	2	5	\$2,000,000.00	
Wallowa	7,391	Rural Floor	Extra Small	6.8%	18	2,313	43	3	5	\$2,000,000.00	
Grant	7,233	Rural Floor	Extra Small	7.9%	0	2,553	51	1	5	\$2,000,000.00	
Gilliam	1,995	Rural Floor	Extra Small	8.2%	0	732	12	3	0	\$2,000,000.00	
Sherman	1,870	Rural Floor	Extra Small	8.2%	33	694	13	4	5	\$2,000,000.00	
Wheeler	1,451	Rural Floor	Extra Small	6.5%	4	417	0	0	0	\$2,000,000.00	
	4,237,256	\$ 81,000,000								\$427,305,000.00	

Base Funding:

Extra Small \$	1,000,000	<20k
Small \$	2,000,000	75k-20k
Medium \$	3,000,000	150k-75k
Large \$	4,000,000	375k-150k
Extra Large \$	5,000,000	>375k
Rural Minimum \$	2,000,000	

*Sources: Medicaid - MMIS June 2024; Houseless Count 2021 - Greene, J., Spurbeck, F. H., and Zapata, M. (2023). 2023 Oregon Statewide Homelessness Estimates. Portland State University Homelessness Research & Action Collaborative.; Overdose - <https://oregoninjurydata.shinyapps.io/overdose> 2018-2021 average; Arrests <https://www.oregon.gov/osp/pages/uniform-crime-reporting-data.aspx>

Last updated: 8/14/2024

From: Windham Jeanne <JEANNE.WINDHAM@oha.oregon.gov>
Sent: Monday, September 23, 2024 3:39 PM
To: Zakir Khan <Zakir_Khan@washingtoncountyor.gov>
Cc: BYERS Samantha <Samantha.BYERS@oha.oregon.gov>; Kristen Donheffner <Kristen.Donheffner@oha.oregon.gov>; Rob Bovett <Rob_Bovett@washingtoncountyor.gov>; Pablo Nieves-Valenzuela <Pablo_Nieves-Valenzuela@washingtoncountyor.gov>
Subject: RE: [EXTERNAL] Public Records Request - Measure 110 Funding Formula (OHA Request No. 2024-0960)

Good Afternoon Zakir,

As background, public agencies may not use the public records law to obtain public records from another public body. It does not, however, preclude a public body from sharing records with other public bodies; it merely prevents a public body from using the public records process as a vehicle to obtain desired records. That being said, because your request was forwarded to me as a public records request, the program provided to me the record it wished to be released in response to your request.

As to an explanation as to the derivation of the data, I will leave that to the program to explain. I'm sorry I could not be of more help.

Jeanne Windham

Public Records and Internal Litigation Process Coordinator
OREGON HEALTH AUTHORITY
Central Operations
500 Summer St. NE, E-20
Salem, OR 97301
(971) 345-1688
jeanne.windham@oha.oregon.gov

From: Zakir Khan <Zakir_Khan@washingtoncountyor.gov>
Sent: Monday, September 23, 2024 2:12 PM
To: Windham Jeanne <JEANNE.WINDHAM@oha.oregon.gov>
Cc: BYERS Samantha <Samantha.BYERS@oha.oregon.gov>; Kristen Donheffner <Kristen.Donheffner@oha.oregon.gov>; Rob Bovett <Rob_Bovett@washingtoncountyor.gov>; Pablo Nieves-Valenzuela <Pablo_Nieves-Valenzuela@washingtoncountyor.gov>
Subject: RE: [EXTERNAL] Public Records Request - Measure 110 Funding Formula (OHA Request No. 2024-0960)

Dear Jeanne,

Thank you for sending this document over. I would just like clarify however, that this is not the document I was seeking. I am looking for the Excel spreadsheet (or related excel spreadsheets) on the attached document. On my Sept. 5th email, that Samantha and Kristen are on I asked for copies of the related excel spreadsheets so we can see the formulas being utilized within the spreadsheet. I also sent a follow-up on Sept. 16th asking for this information.

Also, for the document that you sent over it, it's not clear to me where the data is derived from. Per the attached spreadsheet the source data is there for everything but for arrests. What years are the arrest

data from and is that data from UCR or LEDS? The UCR link on the PDF no longer works, so just want to be sure we're looking at the same thing here.

Warmly,

M. Zakir Khan, JD, MA (he/him) | Government Relations Manager

[Pronunciation Guide](#)

Government Relations Office | County Administrative Office

155 N First Ave. Suite 300, Hillsboro, 97124

Zakir_Khan@washingtoncountyor.gov | 503-840-0635 (cell)

From: Windham Jeanne <JEANNE.WINDHAM@oha.oregon.gov>

Sent: Monday, September 23, 2024 1:42 PM

To: Zakir Khan <Zakir_Khan@washingtoncountyor.gov>

Cc: BYERS Samantha <Samantha.BYERS@oha.oregon.gov>; Kristen Donheffner <Kristen.Donheffner@oha.oregon.gov>

Subject: [EXTERNAL] Public Records Request - Measure 110 Funding Formula (OHA Request No. 2024-0960)

VIA EMAIL ONLY - Zakir_Khan@washingtoncountyor.gov

September 23, 2024

M. Zakir Khan, JD, MA

Government Relations Manager

Washington County Administrative Office

155 N First Avenue, Suite 300

Hillsboro, OR 97124

Re: Public Records Request - Measure 110 Funding Formula (OHA Request No. 2024-0960)

Good Afternoon Zakir,

Attached is the responsive record to your request for a copy of the Measure 110 funding formula. There is no charge for this record. This will complete your request.

Jeanne Windham

Public Records and Internal Litigation Process Coordinator

OREGON HEALTH AUTHORITY

Central Operations

500 Summer St. NE, E-20

Salem, OR 97301

(971) 345-1688

jeanne.windham@oha.oregon.gov

Measure 110 Funding Formula

Base award amounts are derived from population size:

Base Funding:		
Extra Small	\$ 1,000,000	<20k
Small	\$ 2,000,000	75k-20k
Medium	\$ 3,000,000	150k-75k
Large	\$ 4,000,000	375k-150k
Extra Large	\$ 5,000,000	>375k

After the base is awarded, the remaining funds are weighted by county based on the following variables:

Houselessness count:	30%
Medicaid Pop:	30%
Overdose ED visits only:	10%
Arrests:	20%
Drug overdose deaths:	10%

If the resulting awards are less than \$2M the award is adjusted to \$2.

From: SCHMIDT PHILIP <PHILIP.SCHMIDT@oha.oregon.gov>
Sent: Thursday, October 3, 2024 3:49 PM
To: Rep Sanchez <Rep.TawnaSanchez@Oregonlegislature.gov>
Cc: Thirstrup Ashley <ASHLEY.THIRSTRUP@oha.oregon.gov>
Subject: RE: Measure 110 Funding Formula

Jon: Here's a rundown of the funding formula and its history. You have the spreadsheet that represented the outcome. -Phil

Behavioral Health Resource Network Funding Formula Overview

Under ORS 430.389, the Oversight and Accountability Council oversees and approves grants and funding to implement Behavioral Health Resource Networks (BHRNs). Funds are distributed among counties via a funding formula. To understand the funding formula, it is important to distinguish between three elements:

1. The formula itself – the “equation” that is used
2. The data – the numbers plugged into the equation to get the answers
3. The funds – how much money is available to be distributed based on the answers from the formula

1. The Formula

For the first BHRN grant cycle of July 2022 – December 2023, the OAC approved a county-based funding formula that included:

- A base amount determined by county population
- A set of weighted variables associated with addiction issues:
 - Homelessness count
 - Medicaid population
 - Drug-related arrests
 - Drug overdose deaths
- A minimum floor amount for small counties

The grants in the first cycle were extended through July 2025. Available funds for that extended period were allocated proportionately, with no changes to the funding formula.

In Summer of 2024, the OAC updated the funding formula in anticipation of the next grant cycle, to begin in July 2025. The update was done then to allow sufficient time for issuing the requests for grant applications, reviewing the applications, and negotiating the final grants, all prior to the beginning of the next cycle.

What changed in the new funding formula:

- Funding based on county population dropped slightly in two ways
 - The new base amounts are double the previous amounts, while the grant cycle increased slightly more than double, from 1.5 years to 4.0 years, slightly reducing the amount when calculated per year
 - The population thresholds for determining the base amounts rose slightly, which dropped 11 counties to a lower category and thus a lower base amount
- The drug overdose variable
 - The previous formula used drug overdose deaths weighted at 20%

- The new formula split this into two variables: drug overdose deaths weighted at 10% and non-fatal overdoses (as measured by emergency department visits) weighted at 10%

What did not change in the new funding formula:

- The rural funding floor
 - The total amount of the floor changed from \$750,000 to \$2.0M, but the grant cycle increased proportionately from 1.5 years to 4.0 years, so the amount is the same when calculated per year
 - Under the updated formula, two additional counties received the rural floor, not because of the amount of the floor changed, but instead due of other elements of the formula

Discussion of the funding formula by the OAC

- The first formal discussion of the funding formula by the OAC was at their June 12, 2024 meeting
 - At the meeting, the OAC decided other issues related to the upcoming grant cycle (Tribal set aside, disallowing capital expenses, 4 year grant cycle), but postponed a decision on the funding formula
- The OAC continued their discussion at their June 26, 2024 meeting
- The OAC decided on the updated funding formula at their July 3, 2024 meeting

Public comment:

- All meetings of the OAC are public, both live and via recordings posted on their webpage
- The OAC has never had a public testimony period during its meetings
- However, it welcomes written comments from all interested members of the public
 - The OAC has an email to receive written comments
 - The OAC's webpage has links to comment forms in English and Spanish
- The OAC did receive several written comments on the funding formula prior to the July 3 meeting

2. The Data

- Once the weighted variables are determined, the county data on each variable can be put into the formula
- Shortly after the new funding formula was determined, several counties pointed out an error in the drug overdose data that OHA used
 - OHA realized it has mis-transcribed some of the data
 - OHA corrected the data and re-ran the formula

3. The Funding

- The actual amounts awarded to each county are determined by applying the results of the funding formula to the total funding available
 - For planning purposes, the OAC used the current best estimate of funding that will be available during the next grant period
 - However, the precise amounts to be distributed will likely change based on actual future funding receipts
 - They would also change if any further errors in the data used are found and corrected

- For several reasons, total funding available is expected to be significantly lower in future years, thus reducing awards regardless of the funding formula
 - During 2022-2025, funding available included one-time amounts of about \$7.0M from opioid settlement funds and \$45.0 of carryover
 - It also included about \$40.0M from savings to the criminal justice system, which will no longer be directed to these grants, per HB 4002 (2024)
 - Cannabis revenues, which now make up nearly the entire funding available, are on a long term downward trend

Oregon Revised Statutes (ORS) §§ 430.384 to 430.390
(2023 Edition, as amended by the 2024 Oregon Legislative Assembly)

430.384 Drug Treatment and Recovery Services Fund established. (1) The Drug Treatment and Recovery Services Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Drug Treatment and Recovery Services Fund shall be credited to the fund.

(2) The Drug Treatment and Recovery Services Fund shall consist of:

(a) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;

(b) Moneys allocated from the Oregon Marijuana Account, pursuant to ORS 475C.726

(3)(b); and

(c) All other moneys deposited into the fund from any source.

(3) Moneys in the fund shall be continuously appropriated to the Oregon Health Authority for the purposes set forth in ORS 430.389.

(4)(a) Pursuant to subsection (2)(a) of this section, the Legislative Assembly shall appropriate or transfer to the fund an amount sufficient to fully fund the grants program required by ORS 430.389.

(b) The total amount deposited and transferred into the fund shall not be less than \$57 million for the first year ORS 430.383 to 430.390 and 430.394 are in effect.

(c) In each subsequent year, the minimum transfer amount set forth in paragraph (b) of this subsection shall be increased by not less than the sum of:

(A) \$57 million multiplied by the percentage, if any, by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31 of the prior calendar year exceeds the monthly index for the fourth quarter of the calendar year 2020; and

(B) The annual increase, if any, in moneys distributed pursuant to ORS 475C.726 (3)(b). [2021 c.2 §5; 2021 c.591 §5; 2021 c.636 §2; 2023 c.248 §3; 2024 c.70 §67]

430.386 Moneys in fund not to replace current funding for programs and services. Moneys transferred to the Drug Treatment and Recovery Services Fund and distributed pursuant to ORS 430.389 shall, to the maximum extent consistent with law, be in addition to and not in replacement of any existing allocations or appropriations for the purposes of providing substance use disorder treatment, peer support and recovery services, transitional, supportive and permanent housing for persons with substance use disorders, harm reduction interventions and for establishing Behavioral Health Resource Networks. [2021 c.2 §8; 2021 c.591 §8]

430.387 Distribution of moneys in fund. The Oregon Health Authority shall cause the moneys in the Drug Treatment and Recovery Services Fund to be distributed as follows:

(1) An amount necessary for the administration of ORS 430.388 to 430.390, excluding amounts necessary to establish and maintain the telephone hotline described in ORS 430.391 (1).

(2) After the distribution set forth in subsection (1) of this section, the remaining moneys in the fund shall be distributed to the grants program as set forth in ORS 430.389. [2021 c.2 §9; 2021 c.591 §9; 2023 c.248 §4]

430.388 Oversight and Accountability Council. (1) The Oversight and Accountability Council is established for the purpose of overseeing the implementation of the Behavioral Health Resource Networks pursuant to ORS 430.389.

(2) The members of the council shall be qualified individuals with experience in substance use treatment and other addiction services and consist of:

(a) At least one member from each of the following categories appointed by the director:

(A) A representative of the Oregon Health Authority, Health Systems Division Behavioral Health Services as a nonvoting member;

(B) Three members of communities that have been disproportionately impacted by arrests, prosecution or sentencing for conduct that has been classified or reclassified as a Class E violation;

(C) A physician specializing in addiction medicine;

(D) A licensed clinical social worker;

(E) An evidence-based substance use treatment provider;

(F) A harm reduction services provider;

(G) A person specializing in housing services for people with substance use or a diagnosed mental health condition;

(H) An academic researcher specializing in drug use or drug policy;

(I) At least two people who suffered or suffer from substance use;

(J) At least two recovery peers;

(K) A mental or behavioral health care provider;

(L) A representative of a coordinated care organization; and

(M) A person who works for a nonprofit organization that advocates for persons who experience or have experienced substance use; and

(b) The Director of the Alcohol and Drug Policy Commission or the director's designated staff person, as an ex officio nonvoting member.

(3) The director shall appoint an executive director who shall report to and be responsible for the duties assigned by the director of the division within the authority that is responsible for behavioral health in consultation with the council.

(4) A quorum consists of a majority of the members of the council.

(5) The term of office for a member of the council is four years. Members are eligible for reappointment. If there is a vacancy for any cause, the director shall make an appointment to become immediately available for the unexpired term plus two years, but not more than a total of four years.

(6)(a) To the extent permissible by law, a member of the council performing services for the council may receive compensation from the member's employer for time spent performing services as a council member.

(b) If a member of the council is not compensated by the member's employer as set forth in paragraph (a) of this subsection, that member shall be entitled to compensation and expenses as provided in ORS 292.495.

(7) Members of the council are subject to and must comply with the provisions of ORS chapter 244, including ORS 244.045 (4), 244.047, 244.120 and 244.130. [2021 c.2 §3; 2021 c.591 §3; 2023 c.248 §5]

430.389 Council to approve grants and funding to Behavioral Health Resource Networks and other entities to increase access to treatment and services. (1) The Oversight and Accountability Council shall approve grants and funding provided by the Oregon Health Authority in accordance with this section to implement Behavioral Health Resource Networks and increase access to community care. A Behavioral Health Resource Network is an entity or collection of entities that individually or jointly provide some or all of the services described in subsection (2)(e) of this section.

(2)(a) The authority shall establish an equitable:

(A) Process for applying for grants and funding by agencies or organizations, whether government or community based, to establish Behavioral Health Resource Networks for the purposes of immediately screening the acute needs of individuals with substance use, including those who also have a mental illness, and assessing and addressing any ongoing needs through ongoing case management, harm reduction, treatment, housing and linkage to other care and services.

(B) Evaluation process to assess the effectiveness of Behavioral Health Resource Networks that receive grants or funding.

(b) Recipients of grants or funding must be licensed, certified or credentialed by the state, including certification under ORS 743A.168 (9), or meet criteria prescribed by rule by the authority under ORS 430.390. A recipient of a grant or funding under this subsection may not use the grant or funding to supplant the recipient's existing funding.

(c) The council and the authority shall ensure that residents of each county have access to all of the services described in paragraph (e) of this subsection.

(d) Applicants for grants and funding may apply individually or jointly with other network participants to provide services in one or more counties.

(e) A network must have the capacity to provide the following services and any other services specified by the authority by rule but no individual participant in a network is required to provide all of the services:

(A) Screening by certified addiction peer support or wellness specialists or other qualified persons designated by the council to determine a client's need for immediate medical or other treatment to determine what acute care is needed and where it can be best provided, identify other needs and link the client to other appropriate local or statewide services, including treatment for substance use and coexisting health problems, housing, employment, training and child care. Networks shall provide this service 24 hours a day, seven days a week, every calendar day of the year through a telephone line or other means. Networks may rely on the statewide telephone hotline established by the authority under ORS 430.391 for telephone screenings during nonbusiness hours such as evenings, weekends and holidays. Notwithstanding paragraph (c) of this subsection, only one grantee in each network within each county is required to provide the screenings described in this subparagraph.

(B) Comprehensive behavioral health needs assessment, including a substance use screening by a certified alcohol and drug counselor or other credentialed addiction treatment professional. The assessment shall prioritize the self-identified needs of a client.

(C) Individual intervention planning, case management and connection to services. If, after the completion of a screening, a client indicates a desire to address some or all of the identified needs, a case manager shall work with the client to design an individual intervention plan. The plan must address the client's need for substance use treatment, coexisting health problems, housing, employment and training, child care and other services.

(D) Ongoing peer counseling and support from screening and assessment through implementation of individual intervention plans as well as peer outreach workers to engage directly with marginalized community members who could potentially benefit from the network's services.

(E) Assessment of the need for, and provision of, mobile or virtual outreach services to:

(i) Reach clients who are unable to access the network; and

(ii) Increase public awareness of network services.

(F) Harm reduction services and information and education about harm reduction services.

(G) Low-barrier substance use treatment.

(H) Transitional and supportive housing for individuals with substance use.

(f) If an applicant for a grant or funding under this subsection is unable to provide all of the services described in paragraph (e) of this subsection, the applicant may identify how the applicant intends to partner with other entities to provide the services, and the authority and the council may facilitate collaboration among applicants.

(g) All services provided through the networks must be evidence-informed, trauma-informed, culturally specific, linguistically responsive, person-centered and nonjudgmental. The goal shall be to address effectively the client's substance use and any other social determinants of health.

(h) The networks must be adequately staffed to address the needs of people with substance use within their regions as prescribed by the authority by rule, including, at a minimum, at least one person in each of the following categories:

(A) Alcohol and drug counselor certified by the authority or other credentialed addiction treatment professional;

(B) Case manager;

(C) Addiction peer support specialist certified by the authority;

(D) Addiction peer wellness specialist certified by the authority;

(E) Recovery mentor, certified by the Mental Health and Addiction Certification Board of Oregon or its successor organization; and

(F) Youth support specialist certified by the authority.

(i) Verification of a screening by a certified addiction peer support specialist, wellness specialist or other person in accordance with paragraph (e)(A) of this subsection shall promptly be provided to the client by the entity conducting the screening. If the client executes a valid release of information, the entity shall provide verification of the screening to the authority or a contractor of the authority and the authority or the authority's contractor shall forward the verification to any entity the client has authorized to receive the verification.

(3)(a) If moneys remain in the Drug Treatment and Recovery Services Fund after the council has committed grants and funding to establish behavioral health resource networks serving every county in this state, the council shall authorize grants and funding to other agencies or organizations, whether government or community based, and to the nine federally recognized tribes in this state and service providers that are affiliated with the nine federally recognized tribes in this state to increase access to one or more of the following:

(A) Low-barrier substance use treatment that is evidence-informed, trauma-informed, culturally specific, linguistically responsive, person-centered and nonjudgmental;

(B) Peer support and recovery services;

(C) Transitional, supportive and permanent housing for persons with substance use;

(D) Harm reduction interventions including, but not limited to, overdose prevention education, access to short-acting opioid antagonists, as defined in ORS 689.800, and sterile syringes and stimulant-specific drug education and outreach; or

(E) Incentives and supports to expand the behavioral health workforce to support the services delivered by behavioral health resource networks and entities receiving grants or funding under this subsection.

(b) A recipient of a grant or funding under this subsection may not use the grant or funding to supplant the recipient's existing funding.

(4) In awarding grants and funding under subsections (1) and (3) of this section, the council shall:

- (a) Distribute grants and funding to ensure access to:
 - (A) Historically underserved populations; and
 - (B) Culturally specific and linguistically responsive services.
- (b) Consider any inventories or surveys of currently available behavioral health services.
- (c) Consider available regional data related to the substance use treatment needs and the access to culturally specific and linguistically responsive services in communities in this state.
- (d) Consider the needs of residents of this state for services, supports and treatment at all ages.

(5) The council shall require any government entity that applies for a grant to specify in the application details regarding subgrantees and how the government entity will fund culturally specific organizations and culturally specific services. A government entity receiving a grant must make an explicit commitment not to supplant or decrease any existing funding used to provide services funded by the grant.

(6) In determining grants and funding to be awarded, the council may consult the comprehensive addiction, prevention, treatment and recovery plan established by the Alcohol and Drug Policy Commission under ORS 430.223 and the advice of any other group, agency, organization or individual that desires to provide advice to the council that is consistent with the terms of this section.

(7) Services provided by grantees, including services provided by a Behavioral Health Resource Network, shall be free of charge to the clients receiving the services. Grantees in each network shall seek reimbursement from insurance issuers, the medical assistance program or any other third party responsible for the cost of services provided to a client and grants and funding provided by the council or the authority under this section may be used for copayments, deductibles or other out-of-pocket costs incurred by the client for the services.

(8) Subsection (7) of this section does not require the medical assistance program to reimburse the cost of services for which another third party is responsible in violation of 42 U.S.C. 1396a(25). [2021 c.2 §2; 2021 c.10 §16; 2021 c.591 §2; 2023 c.248 §7; 2023 c.593 §24; 2024 c.70 §68]

430.390 Administration of grants; rules. (1)(a) The Oregon Health Authority shall adopt rules that establish a grant application process, a process to appeal the denial of a grant and general criteria and requirements for the Behavioral Health Resource Networks and the grants and funding required by ORS 430.389, including rules requiring recipients of grants and funding to collect and report information necessary for the Secretary of State to conduct the financial and performance audits required by ORS 430.392.

(b) When adopting or amending rules under this subsection, the authority shall convene an advisory committee in accordance with ORS 183.333 in which members of the Oversight and Accountability Council compose a majority of the membership.

(2) The council shall have and retain the authority to oversee the Behavioral Health Resource Networks established under ORS 430.389 and approve the grants and funding under ORS 430.389.

(3) The authority shall administer and provide all necessary support to ensure the implementation of ORS 430.383 to 430.390 and 430.394, and that recipients of grants or funding comply with all applicable rules regulating the provision of behavioral health services.

(4)(a) The authority, in consultation with the council, may enter into interagency agreements to ensure proper distribution of funds for the grants required by ORS 430.389.

(b) The authority shall encourage and take all reasonable measures to ensure that grant recipients cooperate, coordinate and act jointly with one another to offer the services described in ORS 430.389.

(c) The authority shall post to the authority's website, at the time a grant or funding is awarded:

(A) The name of the recipient of the grant or funding;

(B) The names of any subgrantees or subcontractors of the recipient of the grant or funding;

and

(C) The amount of the grant or funding awarded.

(5) The authority shall provide requested technical, logistical and other support to the council to assist the council with the council's duties and obligations.

(6) The Department of Justice shall provide legal services to the council if requested to assist the council in carrying out the council's duties and obligations. [2021 c.2 §4; 2021 c.10 §18; 2021 c.591 §4; 2023 c.248 §8]

From: Zakir Khan <Zakir_Khan@washingtoncountyor.gov>
Sent: Monday, July 1, 2024 3:08 PM
To: Thirstrup Ashley <ASHLEY.THIRSTRUP@oha.oregon.gov>; SCHMIDT PHILIP <PHILIP.SCHMIDT@oha.oregon.gov>
Cc: Nicholas Ocon <Nicholas_Ocon@washingtoncountyor.gov>; Ian May <Ian_May@washingtoncountyor.gov>; Kathy Prenevost <Kathy_Prenevost@washingtoncountyor.gov>; Kristin Burke <Kristin_Burke@washingtoncountyor.gov>; Pablo Nieves-Valenzuela <Pablo_Nieves-Valenzuela@washingtoncountyor.gov>
Subject: OAC - M110 Funding Formula

Hi Ashley and Philip,

I'm wondering if we can slow down the process for amending the M110 funding formula. Counties have not been given a meaningful opportunity to engage in the process of giving feedback. During the session, I was told that the conversation about amending the funding formula was taking place **next year** rather than now when I inquired about this. Adequate notice would've allowed for appropriate time to suggest alternative variables for the funding formula and new funding formulas by external partners (like Washington County) to OHA and the OAC.

Annaliese Dolph from the ADPC said it really well that this decision feels really rushed at the last meeting on June 26th. For a better process, these spreadsheets (which are referenced in the meeting, but I'm not seeing online and my colleagues have not been able to locate) and powerpoint slides could have been shared via AOC with some outreach.

Under some of these models, Washington County may see the amount it gets cut by \$20m (option 2) / \$30m (option 3) (half of the current amount – of \$62m). This is a drastic change that will have negative implications for the most diverse county in Oregon and all those who we serve. Because this funding formula is relied upon for deflection, there are also huge consequences to our funding there as well.

Will OHA reconsider rushing through this process to allow for more stakeholder input and alternative options?

Warmly,

M. Zakir Khan, JD, MA (he/him) | Government Relations Manager
[Pronunciation Guide](#)

Government Relations Office | County Administrative Office
155 N First Ave. Suite 300, Hillsboro, 97124
Zakir_Khan@washingtoncountyor.gov | 503-840-0635 (cell)



August 8, 2024

Dear Measure 110 Oversight and Accountability Council:

On behalf of Clackamas County, we encourage you to reconsider your recent decision to adjust the distribution formula of M110 funds. Although Clackamas does not directly receive M110 funds presently, the formula funds service providers in Clackamas County and, therefore, dictates what services are available to our residents. Further, new use of this formula by the Criminal Justice Commission (CJC) to implement HB 4002 will influence available funding to stand up and support new deflection programs. The reduced and disproportionately low funding to Clackamas is deeply alarming, and we feel the new public safety uses of this formula merit further attention.

Details of our concerns are listed below:

Formula Concerns: Proportionality and Expectations

While population should not be the only criteria for funding distribution, it is a significant factor in determining level of need. Clackamas County is expected to serve the third largest county by population in Oregon. Yet, the newly adopted formula puts Clackamas seventh. Two counties receiving greater funding have roughly half of Clackamas' population, while our two peer counties by population, Washington and Lane, will have access to \$10 million and \$14 million, respectively, more than what will be available to Clackamas.

Clackamas bears responsibility for serving its own residents and also is expected—and frequently asked—by our regional partners to shoulder additional work so no single county in the metro area bears the addiction services burden in isolation. Clackamas County shares a long border and transportation, social, and economic connections with Multnomah County. People often seek services where convenient, which is not always in the county they live. We urge the council to heed this feedback about meeting the needs of service size not just of the county, but also of the metro area.

Formula Concerns: Variable Weighting

We appreciate the intent of weighting certain criteria in order to understand where best to distribute funds. We question, however, whether the categories are weighted appropriately and worry they are based on information that has too much year-over-year variation, or is dependent on when collected, to influence a formula that has a four-year lifecycle.

For example, the 30% weighting of the homeless Point in Time count is, we assume, a significant reason the funding available to Clackamas providers is so much lower than it is to

other counties with lower populations. The Point in Time count can vary widely from year-to-year. It is useful to track trends over time but is not a census and can undercount true need, particularly in rural communities. Clackamas County has been successful in our housing programs, yet the proposed formula penalizes us for our success. Continued success requires continued funding. We recommend this criteria weighting either be lowered or replaced with a data point that establishes predictability over multiple years.

New Uses of the Formula

HB 4002 (passed in 2024) created a new deflection program in Oregon that will be implemented by counties. The bill names this very formula as the foundation for allocations to deflection programs. Said another way, the decisions by this council to adjust the formula have implications that now exceed the scope of work you were initially tasked to oversee. The inclusion of these public safety dollars to stand up and implement deflection programs now carry the same complexities shared above: Clackamas County will be seventh in funding, penalized for its success in housing people, and expected to deliver a new public safety program for the third largest population in the state while underfunded.

The reliance upon this formula for the extended purposes of public safety has elevated our concern for how this formula is used. We are aware the old formula will be used for the current HB 4002 funding distribution, but what remains unclear is whether the new formula will be used moving forward. Either way, both formulas do not work in supporting the need for Clackamas to stand up and deliver a deflection program appropriately sized for our communities.

Process Concerns

This formula allocates an estimated \$427 million to Oregon communities over the next four years for Measure 110 recovery programs, and now informs the distribution of funds for HB 4002 deflection programs. We strongly recommend you include formal public comment opportunities into your process generally, and especially ahead of any changes that will affect the distribution of funding. We recommend your council now include additional members that represent public safety, district attorneys, or the CJC for as long as the HB 4002 deflection program funding is tied to this formula.

We acknowledge the heavy lift put upon your council to steward these funds and ensure they reach communities and providers working to address the addiction crisis in Oregon. We urge your thoughtful consideration to correct these funding gaps for the roughly 430,000 Oregonians that reside in Clackamas County. We stand by to help you in this process.

Thank you for your consideration.
Sincerely,



Tootie Smith, Chair
On Behalf of the Clackamas County Board of Commissioners

OREGON BEHAVIORAL HEALTH DEFLECTION PROGRAM

SECTION 76. (1) As used in this section, “deflection program” means a collaborative program between law enforcement agencies and behavioral health entities that assists individuals who may have substance use disorder, another behavioral health disorder or co-

occurring disorders, to create community-based pathways to treatment, recovery support services, housing, case management or other services.

(2) The Oregon Behavioral Health Deflection Program is established within the Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee established under ORS 430.234. The program consists of grants awarded by the committee to counties and federally recognized tribal governments to fund deflection programs.

(3)(a) The purpose of the program described in this section is to:

(A) Address the need for more deflection programs to assist individuals whose behavioral health conditions, including substance use disorder, lead to interactions with law enforcement, incarceration, conviction and other engagement with the criminal justice system.

(B) Track and report data concerning deflection program outcomes in order to determine the best practices for deflection programs within this state.

(b) ORS 430.230 to 430.236 do not apply to the program described in this section.

(4)(a) The committee shall develop a grant application process for awarding grants under this section.

(b) An application for a grant under this section may be submitted by a county or the designee of a county, or by a tribal government or designee of a tribal government. Only one application per county may be submitted, but the application may request funding multiple programs within a county.

(c) Prior to submitting an application for a grant under this section, the applicant shall coordinate with all partners of the development and administration of the proposed deflection program to ensure that the partners have the resources necessary to implement the deflection program. The partners shall include at least a district attorney, a law enforcement agency, a community mental health program established under ORS 430.620 and a provider from a Behavioral Health Resource Network established under ORS 430.389. Partners may also include a treatment provider, a local mental health authority, a tribal government, a peer support organization, a court or a local government body.

(d) An application for a grant under this section must contain:

(A) A description of the coordination with program partners required by paragraph (c) of this subsection that has occurred;

(B) A description of the individuals who would be eligible for the program and what qualifies as a successful outcome, formulated in cooperation with the program partners described in paragraph (c) of this subsection;

(C) A description of how the program for which the applicant is seeking funding is culturally and linguistically responsive, trauma-informed and evidence-based;

(D) A description of a plan to address language access barriers when communicating program referral options and program procedures to non-English speaking individuals; and

(E) A description of how the program coordinator will communicate with program partners concerning persons participating in the program and any other matter necessary for the administration of the program.

(5) To be eligible for funding under this section, a deflection program:

(a) Must be coordinated by or in consultation with a community mental health program, a local mental health authority or a federally recognized tribal government;

(b) Must have a coordinator with the following program coordinator duties:

(A) Convening deflection program partners as needed for the operation of the program;

(B) Managing grant program funds awarded under this section; and

(C) Tracking and reporting data required by the Oregon Criminal Justice Commission under section 37 of this 2024 Act;

(c) Must involve the partners described in subsection (4)(c) of this section; and

(d) May involve a partnership with one or more of the following entities:

(A) A first responder agency other than a law enforcement agency;

(B) A community provider;

- (C) A treatment provider;
- (D) A community-based organization;
- (E) A case management provider;
- (F) A recovery support services provider; or

(G) Any other individual or entity deemed necessary by the program coordinator to carry out the purposes of the deflection program, including individuals with lived experience with substance use disorder, a behavioral health disorder or co-occurring disorders.

(6) During a grant application period established by the committee, the maximum proportion of grant funds available to an applicant shall be determined as follows:

(a) The proportion of grant funds available to an applicant other than a tribal government shall be determined based on the county formula share employed by the Oversight and Accountability Council established under ORS 430.388, but an applicant may not receive less than \$150,000.

(b) The committee shall determine the proportion of funds available to an applicant that is a federally recognized tribal government.

(7)(a) Grant funds awarded under this section may be used for:

(A) Deflection program expenses including but not limited to law enforcement employees, deputy district attorneys and behavioral health treatment workers, including peer navigators and mobile crisis and support services workers.

(B) Behavioral health workforce development.

(C) Capital construction of behavioral health treatment infrastructure.

(b) Notwithstanding paragraph (a) of this subsection, the committee may award planning grants for the development of deflection programs.

(c) The committee may allocate up to three percent of program funds to support grantee data collection and analysis or evaluation of outcome measures.

(8) The Oregon Criminal Justice Commission shall provide staff support to the grant program.

(9) The committee and the commission may adopt rules to carry out the provisions of this section.

SECTION 77. (1)(a) The Improving People’s Access to Community-based Treatment, Supports and Services Grant Review Committee established under ORS 430.234, in cooperation with the Oregon Criminal Justice Commission and the Oregon Health Authority, shall monitor the progress of and evaluate program outcomes for applicants that receive grant funds as part of the Oregon Behavioral Health Deflection Program established under section 76 of this 2024 Act.

(b) The committee shall share with the commission any data described in paragraph (a) of this subsection that the commission requires to carry out the commission’s duties under section 37 of this 2024 Act.

(2) Beginning no later than September 30, 2025, the committee shall annually report, in the manner described in ORS 192.245 and in conjunction with the report required under ORS 430.245 (3), the findings of the evaluation described in subsection (1) of this section to the relevant interim committees of the Legislative Assembly.

SECTION 78. The Oregon Behavioral Health Deflection Program Account is established in the State Treasury, separate and distinct from the General Fund. All moneys in the account are continuously appropriated to the Oregon Criminal Justice Commission for the purpose of carrying out the provisions of sections 76 and 77 of this 2024 Act.

SECTION 79. ORS 430.234 is amended to read:

430.234. (1) The Improving People’s Access to Community-based Treatment, Supports and Services Grant Review Committee is established in the Oregon Criminal Justice Commission consisting of [19] 21 members as follows:

(a) The Director of the Oregon Health Authority, or the director’s designee.

(b) The Director of the Department of Corrections, or the director’s designee.

- (c) The Chief Justice of the Supreme Court, or the Chief Justice's designee.
- (d) The executive director of the Oregon Criminal Justice Commission or the director's designee.
- (e) Two members of the Oregon Criminal Justice Commission, to be appointed by the chair of the commission.**

[(e)] **(f)** The Director of the Housing and Community Services Department or the director's designee.

[(f)] **(g)** Nine members appointed by the Governor including:

- (A) A district attorney.
- (B) An attorney specializing in defense of individuals with mental health or substance use disorders.
- (C) A chief of police.
- (D) A county commissioner.
- (E) A director of a hospital that provides acute mental health treatment.
- (F) A representative of a community-based mental health treatment facility or a practitioner in a community-based mental health treatment facility.
- (G) A representative of a community-based substance use disorder treatment facility or a practitioner in a community-based substance use disorder treatment facility.
- (H) A sheriff.
- (I) A representative of a federally recognized Indian tribe.

[(g)] **(h)** One nonvoting member appointed by the President of the Senate from among members of the Senate.

[(h)] **(i)** One nonvoting member appointed by the Speaker of the House of Representatives from among members of the House of Representatives.

[(i)] **(j)** Three members of the public that represent the age demographics of the target population.

(2) A majority of the voting members of the committee constitutes a quorum for the transaction of business.

(3) The directors of the Oregon Criminal Justice Commission and the Oregon Health Authority or their designees shall serve as cochairpersons.

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

(5) The committee shall meet at times and places specified by the call of the cochairpersons or a majority of the voting members of the committee.

(6) The Oregon Criminal Justice Commission shall provide staff support to the committee.

(7) Legislative members of the committee shall be entitled to payment of compensation and expenses under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

(8) Members of the committee who are not members of the Legislative Assembly are not entitled to compensation but may be reimbursed for actual and necessary travel and other expenses incurred by the member in the performance of the member's official duties in the manner and amount provided in ORS 292.495.

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

CERTIFICATE OF FILING AND SERVICE

I hereby certify that I electronically filed the original of this **PETITION FOR JUDICIAL REVIEW OF ADMINISTRATIVE RULE** with the Oregon State Court Administrator, Appellate Records Section, by using the appellate Electronic Filing System on October 15, 2024.

I further certify that I served a true copy upon the Respondents in the case by United States Postal Service, certified or registered mail, return receipt requested, as follows:

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DATED: October 15, 2024.

/s/ Rob Bovett

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