

March 20, 2009

Dear Neighbors;

Recently, we met with your group to review and discuss the Ardenwald-Johnson Creek NDA's Concerns, Ideas and Recommendations for the Balfour St SRTF. We appreciate you organizing this and hope you found the meeting helpful.

ColumbiaCare has conveyed that we are willing to take reasonable suggestions from citizens into consideration in order to facilitate community involvement and to incorporate ideas that could result in overall improvements to this project. As you also must know, we have the responsibility to balance the input and suggestions you have provided us with our obligation as a provider to develop the facility and program according to our agreements with, and the requirements of, the State Addictions and Mental Health Division, Psychiatric Security Review Board and Clackamas County. We must also comply with City and County Planning development codes and requirements. Last but not least, we will design, develop and operate the facility according to our own extensive professional experience, knowledge and expertise. **All of these could potentially require us to modify our plans, and potentially even the information in our response, as the project progresses.**

We design and develop facilities and service programs that are safe for the community and that best meet the needs of our residents in a non-institutional, home-like treatment setting. Safety is accomplished by a thorough and clinically responsible evaluation, screening and referral/placement process whereby prospective residents must be considered appropriate for placement in the facility by the State, PSRB, Clackamas County and ColumbiaCare Services. ColumbiaCare staff will be trained and qualified to provide treatment services and 24/7 supervision, and will work in close coordination with the Clackamas PSRB Supervisor and the Psychiatric Security Review Board who will also provide monitoring and oversight of treatment. ColumbiaCare will have a safety plan and will work closely with local law enforcement to develop reporting and response protocol. In addition, multiple security measures will be built into the facility itself.

It is with this understanding and in a spirit of cooperation we respond to your list.

ColumbiaCare Services, Inc.

## *ColumbiaCare's Response to*

### **Ardenwald-Johnson Creek NDA's Concerns, Ideas and Recommendations for the Balfour St SRTF**

The recent plans that were submitted to the city for permits differ from the draft plans shown to the NDA and displayed on the [www.communitycares.info](http://www.communitycares.info) website. The draft plans showed six of ten parking spaces in front of the facility on the north side, with the other four placed behind the garage on the SE side. This broke up the parking lot to help with the home façade as opposed to a looking like a business with a parking lot.

1. The new plans submitted show 3 spaces on the NW corner of the facility, 4 (one of which is handicapped) in front of the main entrance (on the north side), with two more in front of the garage on the NE corner of the facility. That places all parking so it is highly visible from the front, detracting from the "single family home" nature that has been promised.

*Plan modifications may be made internally between the developer, contractor, engineer and City from time to time. The latest configuration of the parking lot, which includes 4 parking spaces at the front of the property, 2 near the garage, and 3 behind the garage, is based upon ColumbiaCare's decision to give the City easement to provide adequate space for emergency vehicle turnaround; as part of our attempt to save a fairly large, existing tree; and to disperse parking in such a way that it will not detract from the "single family home" look of the facility. We believe we will be able to accomplish all three objectives.*

We would recommend that the garage have roll-up doors on the north side to increase the home style. The remaining parking could still be placed behind the garage.

2. The area between the garage and facility creates an unnecessary "hiding spot" which should be eliminated.

Moving the garage forward and attaching it to the facility so it shares a common wall with the pantry, cleanup, and janitorial rooms solves this problem, or detach the garage and place it on the south side of the structure. The second option does re-create the parking issue; therefore we would opt for the first suggestion.

*The City has a requirement that a specific percentage of the front elevation of the facility be glass. We will continue to work with the City to see if including glass on the garage door would meet requirements. If so, we may be able to modify the plans to have the garage door facing Balfour.*

*The garage position will remain the same as we have determined it is the best location.*

3. The current plans show a total of 6 means of ingress/egress excluding windows. Three of these doors lead to unfenced areas (the main entrance, the door from the janitorial room and the roll-up door on the garage).

- a. What type of security will be used?

*There are always multiple layers of security at all points. The exterior doors mentioned are all locked, or have a locked door between the client area and the outside door (i.e. front door). Most areas have multiple doors, others have door and a fence, and some are designed to be locked and in plain view of the staff. Security cameras and alarms will also be used to supplement these measures.*

- b. Will the fence (from the corner of the garage to the south end of the property) have a gate employing the same security due to the door from the hallway and the two from the patios?

*There will be a locked gate in this area of fence.*

- c. Will there be an additional exterior man-door in the garage?

*The man-door is not planned or finalized at this time, but is being discussed.*

4. Will security cameras be used? If so, where will they be placed?

*Yes, and placement will be determined when framing is complete.*

5. Landscape lighting should illuminate the property. This can be done with energy efficient LED lights that are reasonable without causing a "ball field" effect. If someone were to be running across the property or loitering in the driveway, this should be visible from adjacent properties.

*Although the property will be fenced and not visible to neighbors, we will add low-level, automatic landscape lighting that comes on and stays on after dark to low light the property, based on your request.*

*ColumbiaCare will conduct a walk through of the building and make sure to consult with law enforcement to determine the most appropriate security motion lights. We have specifically noted the request that the emergency flood lights face and shine into the property, rather than out so as not to inhibit first responders and to provide less impact on neighbors. We will incorporate the recommendation into the lighting plan based on your request, and that of the Chief of Police.*

6. A double layer of fencing was spoken of at the 9/25/08 commissioners meeting, but the plans do not mention that. What type of fencing will be used and where? Solid fencing to obstruct the view of neighboring homes should be used on the east side.

*The fence travels the entire east side of the property, and also goes from the SW corner of the garage to the South property line, and then follows that property line wrapping around along the edge of the bank until it connects to the NW corner of the building. \*See Johnson Creek SRTF Site Plan (draft 1/12/09) on the [www.communitycares.info](http://www.communitycares.info) website. The fence is a 6-foot wood fence.*

*We will create a double fence as discussed. There will be a "depression" along the inside of the 6-ft wooden fence to create additional height from the inside, while keeping the appearance of a regular 6-ft fence from the neighbor side. We will find out if the addition of some type of thorny landscape foliage can be used along the inside of the fence, per your request.*

*There will be a locked gate between the corner of the garage and the south end of the property.*

7. The plans submitted to the city and on the website differ from the computer generated drawing. The drawing does not show the exit from the janitorial room. One page of the plans submitted for permits shows this door, another does not. What is the reason and explanation for the inconsistencies?

*One plan was just a newer version. There may be slight modifications during the process which may or may not end up in the final plan.*

Betty Fulmore who has over 20 years experience in nursing homes, with the last 8 at a psychiatric care facility, has numerous causes for concern regarding the interior plans.

The recommendations that come from her experience are as follows:

8. Counseling room and Activity room should be switched on the floor plans. The Counseling room should have windows looking in from the hallway. The Activity room and the Workout room should be joined by half walls, windows, etc in addition to windows into the hallway. This is to prevent any room that the patients use, except for their bedrooms, from being unsupervised. The staff should be able to view the patients at all times.

*We appreciate Betty Fulmore's years of experience working in nursing homes, and the time and effort put into her suggestions as they relate to internal design and operations. We have reviewed her suggestions (both in this document and the additional list she supplied to us at the Development Update meeting on March 4<sup>th</sup>, 2009). We will keep these in mind as we progress and incorporate any that we consider to be pertinent according to our many years of experience and specific expertise in developing residential treatment programs.*

There should be no less than two staff members on duty at anytime. If the fire alarm is triggered, one staff cannot secure eight persons.

9. Do doors and windows automatically unlock in the event of a fire?

*Yes. There will be magnetic locks on operable windows and doors within the resident living area (bedroom windows and two doors). The magnetic locks will automatically release when the alarm is triggered. The other means of ingress/egress will be kept locked and are only accessible by staff.*

10. If a patient escapes, how soon are the police notified? What notification goes out to the neighborhood? Can a description be given?

*In the event that a resident of Johnson Creek leaves without authorization (or does not return from pass when scheduled), the ColumbiaCare Facility Administrator or staff will immediately notify local law enforcement, the Psychiatric Security Review Board office, and the Clackamas County PSRB "Conditional Release Supervisor", providing all pertinent and lawful first responder information regarding the resident and circumstances of the elopement.*

*The Psychiatric Security Review Board is responsible for preparing a revocation order and will teletype both the police and sheriff's department via the LEADS terminal. If the whereabouts are known, police are directed to a specific location. If not, notification is entered without that information. A warrant will appear in the LEADS for police review if the client has any police contact or any members of law enforcement were to run the name.*

*ColumbiaCare Facility staff will have adopted policies and be trained on what to do in an emergency. An available staff member will be instructed to attempt to follow a resident who leaves without authorization to track and report the resident's location until police can respond.*

*The decision on how to notify the neighborhood, and when that would be appropriate, is made by local law enforcement based on the circumstance. The Facility Administrator (or designee) will cooperate with that decision and aid in notifying the neighborhood as much as possible. This is a general description of the process. The ColumbiaCare Facility Administrator will be working closely and proactively with local law enforcement to develop protocol that describes the reporting and response process for this particular facility and various possible scenarios, prior to opening the facility. Members of the "Systems Management Committee" may be asked for input, and at the least will be informed of the protocol decided upon.*

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*Upon conditional release, the Oregon State Hospital provides the facility staff with a current client photo that is included with other client information kept on file at the Facility which will be made available to local law enforcement in an emergency.*

*ColumbiaCare understands, and please be assured, that HIPAA allows disclosure of a client's Protected Health Information (PHI) to law enforcement under certain circumstances.*

*See Reference: <http://www.hhs.gov/ocr/privacy/hipaa/faq/permitted/law/505.html>*

11. We have been told that patients will gain the right to leave on “passes”, sometimes while accompanied by staff. Does that mean that the staffing level at the facility decreases because someone wants to go for a walk? What is the lowest level of staffing acceptable?

*Although the exact number of staff for this facility has not yet been finalized due to the fact that we have not yet identified residents, ColumbiaCare will be proposing to have the following:*

- A minimum of 2 Residential Associates (Qualified Mental Health Associates) scheduled for each shift, 24 hours a day, and 7 days a week.*
- In addition, 1 mental health professional staffed to the facility during each day and swing shift.*
- In addition, 1 Management staff member staffed to the facility during each day shift (combination of Facility Administrator and Assistant Administrator will provide coverage for the entire week)*
- In addition, there will be professions such as a Psychiatrist, Clackamas County “Conditional Release Supervisor”, etc. visiting periodically for treatment appointments, training, and monitoring, etc. throughout the week.*
- In addition, ColumbiaCare will employ a janitor/cook position.*

*In summary, ColumbiaCare will be proposing to the State funding for 4 direct care staff during the day, 3 direct care staff during the evening and 2 direct care staff at night as the typical staff coverage. ColumbiaCare will meet or exceed staff and training requirements as described in the Oregon Administrative Rules.*

*Supervised resident outings/passes will be scheduled responsibly such as during the day when there is the greatest number of staff at the facility, leaving an appropriate number of staff to supervise residents remaining at the facility, \*typically leaving at least 2 staff at the facility at all times. (\*Example: There could be circumstances whereby one or more staff members take more than one resident on an outing at a time, leaving 4 or less at the facility which may require less than 2 staff at the facility. Those outings will be scheduled in advance to make sure there is adequate staffing and supervision for all residents, whether at the facility or out in the community.)*

The city of Milwaukie is developing a park 1 ½ blocks from this facility. Due to the large numbers of neighborhood children that currently play at the intersection of 29<sup>th</sup> and Balfour St. because of the limited traffic, this causes concern for them. We have been told that there is no reason not to place patients with a history of crimes against children, some predatory sex offenders at this facility. There are conflicting answers when we ask if they will be on the sex offender’s registry if they have been found guilty except for insanity.

12. Do we as neighbors receive notification, the same as we would if a registered sex offender *not* under the jurisdiction of the PSRB were to move next door? What are our rights if we see a patient sitting in the park, watching children for extended periods of time?

*ColumbiaCare has confirmed the response regarding conditional release notification and sex offender registration with Mary Claire Buckley, Director of PSRB.*

- It should be noted that any client considered "predatory" upon evaluation would not be considered for conditional release to this facility. Only sex offenders who are deemed "predatory" trigger a community notification procedure and placement on the Oregon State Police (OSP) website. However, any member of the public can write to the OSP sex offender registration department and request information about a specific person or the presence of registered sex offender(s) in a specific area of town.*
- Clients who are under the jurisdiction of the PSRB, who have committed a designated sexual offense and who are conditionally released are registered as such with the State Police upon leaving the State Hospital. This is the same registration process that is required for individuals who are found guilty of the same type of crime but who are not under the jurisdiction of the PSRB. The client's information is entered into the Law Enforcement Database System, including the crime that was committed, the individual's address, date of disposition, and date of last registration update.*
- PSRB provides notification to the Judge and District Attorney from the committing County, and the victim (if requested by the victim) when an individual is initially released from Oregon State Hospital. Recently, PSRB has added the local Police Chief and Sheriff of the receiving jurisdiction/county to its notification protocol so that local law enforcement is aware of a conditional release to its community. This letter includes the client's name, address, crime for which the individual was placed under the Board, the length of jurisdiction, and the name and contact information of the client's "Conditional Release Supervisor" from the County.*

*Citizens have the right to report suspicious activity to their local police department. We do not anticipate that this will occur or be necessary, but any suspicious, threatening, or dangerous activity should be reported to local law enforcement. If there is any behavior that is not perceived as threatening or dangerous, but that is of concern or is impacting the community, facility staff will be available to take phone calls, answer questions, or respond to community concerns 24 hours per day. The ColumbiaCare Executive and Clinical Director can be contacted at the ColumbiaCare Administrative Offices during business hours, as well.*

*These issues can and should also be addressed at the "Systems Management Committee" meetings. As construction progresses and prior to opening, we will convene the first of ongoing "Systems Management Committee" meetings. The ColumbiaCare Facility Administrator will invite representatives from the neighborhood, local law enforcement, and other partner agencies to serve on this committee and to meet on a regular and periodic*

*basis to discuss any facility issues that may be impacting the community, to identify and review what is working well, and provide suggestions for improvement that will benefit the residents and the neighborhood.*

Throughout this process so far, we have been told that we will receive regular updates. At the November 2008 meeting, Commissioner Chair Peterson said she and Representative Tomei were going to create a time line of the development process of this facility so that our community would know more of what to expect. Has anything been done along those lines? We ask because we obviously have differences of opinions of what is timely and what is not.

*ColumbiaCare would be happy to provide an anticipated development timeline, as we mentioned in an email response and posted to the [www.communitycares.info](http://www.communitycares.info) website. Upon obtaining building permits, we will be able to provide a fairly accurate development timeline and make that available to the public. We do want to provide information in a timely fashion, but we also want it to be as accurate as possible so that inevitable changes and revisions will be as minimal as possible. Please understand in advance that even when the timeline is provided, it will be based on expected future events, and therefore subject to change. We hope to have building permits in the next week.*

We would also ask that the website be kept current. For example, the last update was from January 20<sup>th</sup>, with the information that was distributed at the January 13<sup>th</sup> NDA meeting. Jennifer Jones was unable to attend the February 10<sup>th</sup> NDA meeting due to illness. Another representative of Columbia Care was not sent. Plans which had been revised since January were submitted to the city for permits on February 12<sup>th</sup>. As of today, no updates have been made available.

*ColumbiaCare will keep information as current as possible. We relay the development updates we receive as soon as possible. We realize that the neighborhood may be able to get information more quickly than we are able to report progress, either by witnessing activities at the development site first hand or by inquiring at City Planning.*

**Additional Questions/Requests not covered above, and as noted by ColumbiaCare from Neighborhood at 3/4/09 Meeting:**

Neighborhood has expressed concern about train noise. Neighborhood has requested noise mitigation plan as submitted to city/county. Request to double-check that the nearest bedroom to the train still meets requirements.

*ColumbiaCare relies upon the professional expertise of Clackamas County Community Development Division which has conducted all of the necessary train noise studies to make a final determination on acceptable noise levels. ColumbiaCare is working with a structural engineer and contractor to determine and incorporate noise mitigation techniques and materials to ensure that we comply with those established standards. Any questions about the environmental assessment process, noise mitigation standards for this project, and/or how our project meets those standards would be most appropriately answered by*

*Clackamas County Community Development, due to the technical nature of the subject. Contact names and numbers can be found at <http://www.co.clackamas.or.us/cd/>*

Neighborhood has requested for ColumbiaCare to provide contact information for person at the State who would be to answer questions about the licensing process/checklist. How does State address licensing issues during development and planning process?

*There is a Licensing department and staff at Addictions and Mental Health. All questions related to the residential licensing process should be directed to:*

*Michael N. Morris, M.S.*

*Quality Improvement and Certification Manager*

*[michael.n.morris@state.or.us](mailto:michael.n.morris@state.or.us) 503-947-5539*

Neighborhood has requested to get copy of job descriptions/qualification for proposed staff.

*ColumbiaCare has attached the generic job description/qualifications for the positions that we will be proposing to fill. We may opt to modify (upgrade) one or more of the descriptions based on the specific needs of secure residential treatment facility program and identified residents.*

Neighborhood has reported that construction work and related noise has been continuing through the weekend, and is bothersome.

*ColumbiaCare will direct the contractor not to have employees work on Sundays, per your request.*

Neighborhood has requested statement that ColumbiaCare will not accept pedophiles/rapists to the facility.

*ColumbiaCare cannot make this statement. ColumbiaCare evaluates residents for admission based upon clinical appropriateness which takes into account community safety; resident mix at the facility; a resident's mental health history, physical health needs and ability to benefit from treatment; availability and qualifications of staff-- and in compliance with Federal Fair Housing Law and State and County Agreements.*

Neighborhood has requested Good Neighbor Agreement. Neutral third-party consultant will be contacting ColumbiaCare to begin drafting this.

*ColumbiaCare is willing to explore a Good Neighbor Agreement that is appropriate, legal and meaningful.*