

INDEX	TIME	PROGRAM
		July 23, 1996
		MCTV COMMUNITY HOTLINE
		with R. Green, Val Young
		& Dianna Roberts

ANNOTATED MINUTES

Tuesday, July 30, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFINGS

Chair Beverly Stein convened the meeting at 9:34 a.m., with Vice-Chair Dan Saltzman, Commissioners Sharron Kelley and Tanya Collier present.

- B-1 Briefing and Request for Policy Direction Regarding a Functional Realignment of Responsibilities for School District Librarians, Nurses, Counselors/Psychologists, Child Development Specialists and Other Positions that Fit within the County's Human Service Mission and Area of Expertise. Presented by Gary Blackmer and Dianne Iverson.

CHAIR STEIN, DIANNE IVERSON AND GARY BLACKMER PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

- B-2 Willamette Light Brigade Report to the Board. Presented by Paddy Tillett, Andy Hanshaw and Mike Beard.

CANCELLED, TO BE RESCHEDULED.

There being no further business, the meeting was adjourned at 10:09 a.m.

Thursday, August 1, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Vice-Chair Dan Saltzman convened the meeting at 9:30 a.m., with Commissioners Sharron Kelley and Tanya Collier present, and Commissioner Gary Hansen and Chair Beverly Stein excused.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER COLLIER, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-2)
WAS UNANIMOUSLY APPROVED.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-1 ORDER Authorizing Execution of Deed D961337 Upon Complete Performance of a Contract to Jamal Tarhuni

ORDER 96-130.

- C-2 ORDER Authorizing Execution of Deed D961338 Upon Complete Performance of a Contract to Jamal Tarhuni

ORDER 96-131.

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 ORDER Appointing Joan Chambers, J. Richard Forester and Deniece Birdseye Won as Multnomah County Planning and Zoning Hearings Officers for Fiscal Year 1996-97

***COMMISSIONER COLLIER MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL
OF SUBSTITUTE ORDER. STUART FARMER
EXPLANATION AND RESPONSE TO BOARD
QUESTIONS. ORDER 96-132 APPOINTING JOAN
CHAMBERS, ELIZABETH L. FANCHER AND
DENIECE BIRDSEYE WON AS MULTNOMAH
COUNTY PLANNING AND ZONING HEARINGS
OFFICERS UNANIMOUSLY APPROVED.***

- R-3 First Reading and Adoption of an ORDINANCE for the Regulation of Solid Waste and Recycling Collection in the Unincorporated Portion of Multnomah County which Falls within the City of Portland Urban Services Boundary, to be Administered by the City of Portland, Repealing Ordinance No. 711, and Declaring an Emergency

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF FIRST READING AND ADOPTION. COMMISSIONER KELLEY EXPLANATION. NO ONE WISHED TO TESTIFY. ORDINANCE 864 UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-4 Budget Modification CFS 1 Requesting \$449,376 from County General Fund Contingency to Fund Existing Youth Investment System Services (Formerly Level 7) Previously Supported by Title XX

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-4. SUSAN CLARK EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-5 First Reading and Adoption of an ORDINANCE Amending the Zoning Code and the Building and Specialty Code by Revising the Definition of Slope Hazard Map, and Declaring an Emergency

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF FIRST READING AND ADOPTION. COMMISSIONER KELLEY, ROBERT TRACHTENBERG AND STUART FARMER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NO ONE WISHED TO TESTIFY. ORDINANCE 865 UNANIMOUSLY APPROVED.

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

DIANNA ROBERTS ARRIVED LATE AND WAS ALLOWED TO COMMENT REGARDING ADULT CARE HOME RULES.

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-6 ORDER Exempting from the Competitive Bid Process for Contracting with a Construction Manager/General Contractor for the Edgefield Children's Center Campus Development Project

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-6. FRANNA HATHAWAY AND DAVE BOYER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 96-133 UNANIMOUSLY APPROVED.

(Adjourn as the Public Contract Review Board and reconvene as the Board of County Commissioners)

The regular meeting was adjourned at 9:47 a.m. and the briefing was convened at 9:48 a.m.

Thursday, August 1, 1996 - 10:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

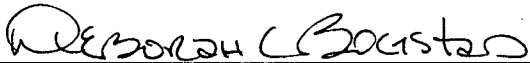
BOARD BRIEFING

- B-3 Proposed Changes to the County's Good Faith Effort Requirements. Presented by Franna Hathaway.

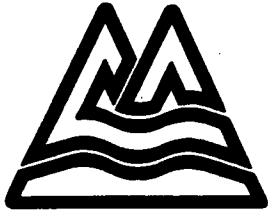
**FRANNA HATHAWAY AND DAVE BOYER
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION.**

*There being no further business, the meeting was adjourned at 10:20
a.m.*

*OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON*



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 SW FIFTH AVENUE
PORTLAND, OREGON 97204
CLERK'S OFFICE • 248-3277 • 248-5222
FAX • (503) 248-5262

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	•248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
TANYA COLLIER •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

JULY 29, 1996 - AUGUST 2, 1996

Tuesday, July 30, 1996 - 9:30 AM - Board Briefings Page 2

Thursday, August 1, 1996 - 9:30 AM - Regular Meeting.....Page 2

Thursday, August 1, 1996 - 10:00 AM - Board Briefing.....Page 3

*Thursday Meetings of the Multnomah County Board of Commissioners
are *cablecast* live and taped and can be seen by Cable subscribers in Multnomah
County at the following times:*

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

**INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD
CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-
5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.**

AN EQUAL OPPORTUNITY EMPLOYER

Tuesday, July 30, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFINGS

- B-1 *Briefing and Request for Policy Direction Regarding a Functional Realignment of Responsibilities for School District Librarians, Nurses, Counselors/Psychologists, Child Development Specialists and Other Positions that Fit within the County's Human Service Mission and Area of Expertise. Presented by Gary Blackmer and Dianne Iverson. 1 HOUR REQUESTED.*
- B-2 *Willamette Light Brigade Report to the Board. Presented by Paddy Tillett, Andy Hanshaw and Mike Beard. 30 MINUTES REQUESTED.*
-

Thursday, August 1, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-1 *ORDER Authorizing Execution of Deed D961337 Upon Complete Performance of a Contract to Jamal Tarhuni*
- C-2 *ORDER Authorizing Execution of Deed D961338 Upon Complete Performance of a Contract to Jamal Tarhuni*

REGULAR AGENDA

PUBLIC COMMENT

- R-1 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 *ORDER Appointing Joan Chambers, J. Richard Forester and Deniece Birdseye Won as Multnomah County Planning and Zoning Hearings Officers for Fiscal Year 1996-97*

R-3 *First Reading and Adoption of an ORDINANCE for the Regulation of Solid Waste and Recycling Collection in the Unincorporated Portion of Multnomah County which Falls within the City of Portland Urban Services Boundary, to be Administered by the City of Portland, Repealing Ordinance No. 711, and Declaring an Emergency*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

R-4 *Budget Modification CFS 1 Requesting \$449,376 from County General Fund Contingency to Fund Existing Youth Investment System Services (Formerly Level 7) Previously Supported by Title XX*

NON-DEPARTMENTAL

R-5 *First Reading and Adoption of an ORDINANCE Amending the Zoning Code and the Building and Specialty Code by Revising the Definition of Slope Hazard Map, and Declaring an Emergency*

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

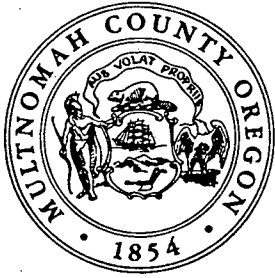
R-6 *ORDER Exempting from the Competitive Bid Process for Contracting with a Construction Manager/General Contractor for the Edgefield Children's Center Campus Development Project*

(Adjourn as the Public Contract Review Board and reconvene as the Board of County Commissioners)

Thursday, August 1, 1996 - 10:00 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

B-3 *Proposed Changes to the County's Good Faith Effort Requirements. Presented by Franna Hathaway. 15 MINUTES REQUESTED.*



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: MultChair@aol.com

MEMORANDUM

TO : Board of County Commissioners
Office of the Board Clerk
FROM : Beverly Stein
DATE : July 31, 1996
RE : Absence from Board Meeting

I will be absent from the entire Board meeting on Thursday August 1. I will ask Commissioner Saltzman to preside over the meeting.

BOARD OF
COUNTY COMMISSIONERS
96 JUL 31 AM 11:02
MULTNOMAH COUNTY
OREGON



GARY HANSEN
Multnomah County Commissioner
District 2



1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5219

MEMORANDUM

TO: Office of the Board Clerk
Chair Beverly Stein
Commissioner Tanya Collier
Commissioner Sharron Kelly
Commissioner Dan Saltzman

FROM: Sarah Hoffman, Commissioner Hansen's Office

RE: Absence from August 1st BCC Board Meeting

DATE: July 30, 1996

Commissioner Hansen will be unable to attend this weeks Board Meetings that will be held on July 30, 1996 and August 1, 1996.

96 JUL 30 AM 11:05
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: MultChair@aol.com

MEMORANDUM

TO : Board of County Commissioners
Office of the Board Clerk
FROM : Beverly Stein
DATE : July 29, 1996
RE : Leaving Early from 8/1/96 Board Meeting

I will be leaving this Thursday's Board Meeting at 10:00 a.m. By this memo, I am asking Commissioner Saltzman to preside over the remainder of the meeting.

BOARD OF
COUNTY COMMISSIONERS
96 JUL 29 PM 3:55
MULTNOMAH COUNTY
OREGON



MEETING DATE: AUG 01 1996
AGENDA NO: C-1
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchaser for Completion of Contract.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Request approval of deed to contract purchaser, JAMAL TARHUNI, for completion of Contract #15595 (Property purchased at auction).

Deed D961337 and Board Order attached.

8/5/96 ORIGINAL Deed & copy of All to
TAX TITLE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Don Iv
(OR)
DEPARTMENT MANAGER: James W. ...

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

12/95

BOARD OF
COUNTY COMMISSIONERS
96 JUL 25 AM 8:45
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of)
Deed D961337 Upon Complete Performance of)
a Contract to)

ORDER
96- 130

JAMAL TARHUNI)

It appearing that heretofore, on February 4, 1991, Multnomah County entered into a contract with JAMAL TARHUNI for the sale of the real property hereinafter described; and

That the above contract purchaser have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchaser;

NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

LOTS 3, 4, 7 & 8, BLOCK 43, PORTLAND CITY HOMESTEAD, a recorded subdivision in Multnomah County, State of Oregon.

Dated at Portland, Oregon this 1st day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Dan Saltzman

Dan Saltzman, Vice-Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By *Matthew O. Ryan*

Matthew O. Ryan, Assistant Counsel

DEED D961337

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JAMAL TARHUNI, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOTS 3, 4, 7 & 8, BLOCK 43, PORTLAND CITY HOMESTEAD, a record subdivision in Multnomah County, State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$750.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

JAMAL TARHUNI, PO BOX 216, PORTLAND, OR 97207-0216

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 1st day of August, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Don Saltzman

Dan Saltzman, Vice-Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By

Matthew O. Ryan
Matthew O. Ryan

DEED APPROVED:

Janice Druian, Director
Assessment & Taxation

By

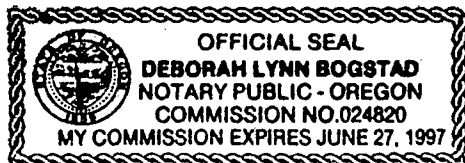
K. A. Tuneberg
K. A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 1st day of August, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Dan Saltzman, Vice-Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad

Notary Public for Oregon
My Commission expires: 6/27/97

MEETING DATE: AUG 1 1996

AGENDA NO: C-2

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchaser for Completion of Contract.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

Request approval of deed to contract purchaser, JAMAL TARHUNI, for completion of Contract #15596 (Property purchased at auction).

Deed D961338 and Board Order attached.

8/5/96 ORIGINAL DEED AND COPY OF ALL TO
TAX TITLE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER James W. Dr. Lou E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
96 JUL 22 PM 12:33
MULTNOMAH COUNTY
OREGON

ORDER
96- 131

JAMAL TARHUNI

It appearing that heretofore, on February 4, 1991, Multnomah County entered into a contract with JAMAL TARHUNI for the sale of the real property hereinafter described; and

That the above contract purchaser have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchaser;

NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 8, BLOCK 8 WEST PORTLAND, a recorded subdivision in Multnomah County, State of Oregon.

Dated at Portland, Oregon this 1st day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Don Saltzman

Dan Saltzman, Vice-Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

Bý

Matthew O. Ryan, Assistant Counsel

DEED D961338

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JAMAL TARHUNI, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 8, BLOCK 8 WEST PORTLAND, a record subdivision in Multnomah County, State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$435.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

JAMAL TARHUNI, PO BOX 216, PORTLAND, OR 97207

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 1st day of August, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Don Saltzman

Dan Saltzman, Vice-Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan

DEED APPROVED:

Janice Druian, Director
Assessment & Taxation

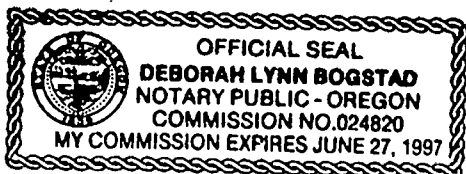
By *K. A. Tuneberg*
K. A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 1st day of August, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Dan Saltzman, Vice-Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad

Notary Public for Oregon
My Commission expires: 6/27/97

PLEASE PRINT LEGIBLY!

MEETING DATE

8-1-96

NAME

ADDRESS

Quanna Roberts

STREET

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO.

R-I

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

❖ CITIZENS ❖ RULE BOOK

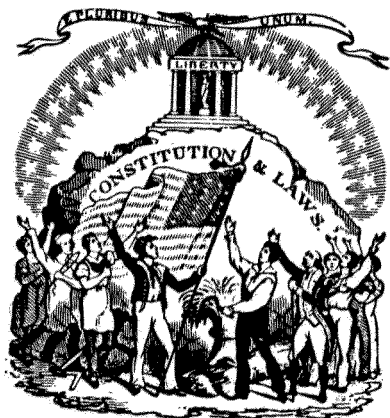
A Palladium of Liberty



BILL OF RIGHTS

JURY HANDBOOK

**The Fireworks are in the Document itself:
READ THE CONSTITUTION!**



LINCOLN said "Study the Constitution!"

**"Let it be preached from the pulpit,
proclaimed in legislatures, and
enforced in courts of justice."**

Send check or money order for quantity reprints to:
Whitten Printers - (602) 258-6406
1001 S. 5th St., Phoenix, AZ 85004

Price List

1 - 20	\$1.00 ea.
21 - 100	.75 ea.
101 - 250	.65 ea.
251 - 500	.55 ea.
501 - Up	.45 ea.

PRE-PAID ORDERS

(Book Rate/ postage included)

21 Books	17.50
25 Books	20.50
50 Books	40.25

Quantity prices listed below do *not* include UPS charges. All orders shipped pre-paid or C.O.D. (No Credit Cards). Prices subject to change without notice.

101 Books (8 lbs.)	65.65 + UPS
251 Books (18 lbs.)	138.05 + UPS
501 Books (33 lbs.)	225.45 + UPS
1,000 Books (66 lbs.)	450.00 + UPS

RIGHTS COME FROM GOD, NOT THE STATE!

"You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe."

John Adams, Second President
of the United States

TABLE OF CONTENTS

SEC. 1 A HANDBOOK FOR JURORS

JURY DUTY	2
YOU ARE ABOVE THE LAW!	4
JURY RIGHTS	6
LAW OF THE LAND	7
TEN COMMANDMENTS	8
COMMUNIST MANIFESTO	8
GIVE UP RIGHTS?	9
JURY TAMPERING?	11

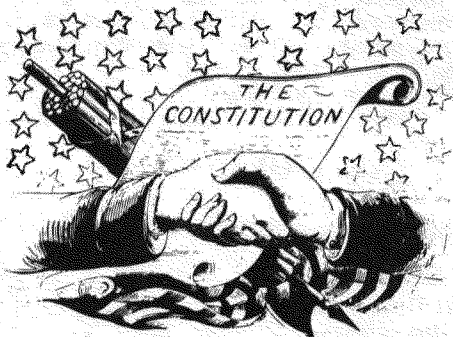
SEC. II GIVE ME LIBERTY...

PATRICK HENRY SHOCKED	15
JURY OF PEERS	16
FREEDOM FOR WILLIAM PENN	18
JEFFERSON'S WARNINGS!	20

SEC. III ORIGINAL DOCUMENTS

INDEX TO THE DOCUMENTS	21
THE DECLARATION OF INDEPENDENCE	26
(Original Title — Page 26)	
THE CONSTITUTION	32
THE BILL OF RIGHTS	49

SEC. I A HANDBOOK FOR JURORS



"...THAT THIS NATION, UNDER GOD, SHALL
HAVE A NEW BIRTH OF FREEDOM..."

— Abraham Lincoln

JURY DUTY!

The purpose of this booklet is to revive, as Jefferson put it, "The Ancient Principles." It is not designed to promote lawlessness or a return to the jungle. The "Ancient Principles" refer to the Ten Commandments and the Common Law. The Common Law is, in simple terms, just plain common sense and has its roots in the Ten Commandments.

In 1776 we came out of **BONDAGE** with **FAITH, UNDERSTANDING** and **COURAGE**. Even against great odds, and with much bloodshed, we battled our way to achieve **LIBERTY**. **LIBERTY** is that delicate area between the force of government and **FREEWILL** of man. **LIBERTY** brings **FREEDOM** of choice to work, to trade, to go and live wherever one wishes; it leads to **ABUNDANCE**. **ABUNDANCE**, if made an end in itself, will result in **COMPLACENCY** which leads to **APATHY**. **APATHY** is the

"let George do it" philosophy. This always brings **DEPENDENCY**. For a period of time, dependents are often not aware they are dependent. They delude themselves by thinking that they are still free — "We never had it so good." — "We can still vote, can't we? Eventually abundance diminishes and **DEPENDENCY** becomes known by its true nature: **BONDAGE!!!**

There are few ways out of bondage. Bloodshed and war often result, but our founding fathers learned of a better way. Realizing that a **CREATOR** is always above and greater than that which He creates, they established a three vote system by which an informed citizenry can control those acting in the name of government. To be a good master you must always remember the true "pecking order" or chain of command in this nation:

1. **GOD** created man . . .
 2. Man (that's you) created the Constitution . . .
 3. Constitution created government . . .
 4. Government created corporations . . .
- etc.

The base of power was to remain in **WE THE PEOPLE** but unfortunately, it was lost to those leaders acting in the name of government, such as politicians, bureaucrats, judges, lawyers, etc.

As a result America began to function like a democracy instead of a **REPUBLIC**. A democracy is dangerous because it is a one-vote system as opposed to a Republic, which is a three-vote system: Three votes to check tyranny, not just one. American citizens have not been informed of their other two votes.

Our first vote is at the polls on election day when we pick those who are to represent us in the seats of government. But what can be done if those elected officials just don't perform as promised or expected? Well, the second two votes are the most effective means by which the common people of any nation on

earth have ever had in controlling those appointed to serve them in government.

The second vote comes when you serve on a Grand Jury. Before anyone can be brought to trial for a capital or infamous crime by those acting in the name of government, permission must be obtained from people serving on the Grand Jury! The **Minneapolis Star and Tribune** in March 27, 1987, edition noted a purpose of the Grand Jury this way: "A grand jury's purpose is to protect the public from an overzealous prosecutor."

The third is the most powerful vote: this is when you are acting as a jury member during a courtroom trial. At this point, **"the buck stops"** with you! It is in this setting that each **JUROR** has **MORE POWER** than the President, all of Congress, and all of the judges combined! Congress can legislate (make law), the President or some other bureaucrat can make an order or issue regulations, and judges may instruct or make a decision, but no **JUROR** can ever be punished for voting "Not Guilty!" Any **JUROR** can, with impunity, choose to disregard the instructions of any judge or attorney in rendering his vote. If only one **JUROR** should vote "Not Guilty" for any reason, there is no conviction and no punishment at the end of the trial. Thus, those acting in the name of government must come before the common man to get permission to enforce a law.

YOU ARE ABOVE THE LAW!

As a **JUROR** in a trial setting, when it comes to your individual vote of innocent or guilty, you truly are answerable only to **GOD ALMIGHTY**. The First Amendment to the Constitution was born out of this great concept. However, judges of today refuse to inform **JURORS** of their **RIGHTS**. The **Minneapolis Star and Tribune** in a news

paper article appearing in its November 30, 1984 edition, entitled: "What judges don't tell the juries" stated:

"At the time of the adoption of the Constitution, the jury's role as defense against political oppression was unquestioned in American jurisprudence. This nation survived until the 1850's, when prosecutions under the Fugitive Slave Act were largely unsuccessful because juries refused to convict."

"Then judges began to erode the institution of free juries, leading to the absurd compromise that is the current state of the law. While our courts uniformly state juries have the power to return a verdict of not guilty whatever the facts, they routinely tell the jurors the opposite."

"Further, the courts will not allow the defendants or their counsel to inform the jurors of their true power. A lawyer who made . . . Hamilton's argument would face professional discipline and charges of contempt of court."

"By what logic should juries have the power to acquit a defendant but no right to know about that power? The court decisions that have suppressed the notion of jury nullification cannot resolve this paradox."

"More than logic has suffered. As originally conceived, juries were to be a kind of safety valve, a way to soften the bureaucratic rigidity of the judicial system by introducing the common sense of the community. If they are to function effectively as the 'conscience of the community,' jurors must be told that they have the power and the right to say no to a prosecution in order to achieve a greater good. To cut jurors off from this information is to undermine one of our most important institutions."

"Perhaps the community should educate itself. Then citizens called for jury duty could teach the judges a needed lesson in civics."

This booklet is designed to bring to your attention one important way our nation's founders provided to insure that you, (not the growing army of politicians, judges, lawyers, and bureaucrats) rule this nation. It will focus on the true power you possess as a **JUROR**, how you got it, why you have it, and remind you of the basis on which you must decide not only the facts placed in evidence but also the validity or applicability of every law, rule, regulation, ordinance, or instruction given by any man seated as a judge or attorney when you serve as a **JUROR**.

One **JUROR** can stop tyranny with a **"NOT GUILTY VOTE!"** He can nullify bad law in any case, by **"HANGING THE JURY!"**

I am only one, but I am one. I cannot do everything, but I can do something. What I can do, I should do and, with the help of God, I will do!

Everett Hale

The only power the judge has over the JURY is their ignorance!



"WE THE PEOPLE," must relearn a desperately needed lesson in civics.

The truth of this question has been answered by many testimonies and historical events. Consider the following:

JURY RIGHTS

"The jury has a right to judge both the law as well as the fact in controversy."

John Jay, 1st Chief Justice
U.S. supreme Court, 1789

"The jury has the right to determine both the law and the facts."

Samuel Chase, U.S. supreme Court Justice,
1796, Signer of The unanimous Declaration

"The jury has the power to bring a verdict in the teeth of both law and fact."

Oliver Wendell Holmes,
U.S. supreme Court Justice, 1902.

"The law itself is on trial quite as much as the cause which is to be decided."

Harlan F. Stone, 12th Chief Justice
U.S. supreme Court, 1941.

"The pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge . . ."

U.S. vs. Dougherty, 473 F 2nd 1113, 1139,
(1972).

LAW OF THE LAND

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U. S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for a law which violates the Constitution to be valid. This is succinctly stated as follows:

"All laws which are repugnant to the Constitution are null and void." *Marbury vs. Madison*, 5 US (2 Cranch) 137, 174, 176, (1803)

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda vs. Arizona*, 384 US 436 p. 491.

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."

Norton vs. Shelby County
118 US 425 p. 442

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it.

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

16 Am Jur 2d, Sec 177
late 2d, Sec 256

A SUMMARY OF THE TEN COMMANDMENTS

The **TEN COMMANDMENTS** represent **GOD'S GOVERNMENT OVER MAN! GOD** commands us for our own good to give up wrongs and not rights! **HIS** system always results in **LIBERTY** and **FREEDOM!** The Constitution and the Bill of Rights are built on this foundation, which provides for punitive justice. It is not until one damages another's person or property that he can be punished. The Marxist system leads to bondage and **GOD'S** system leads to **LIBERTY!** Read very carefully:

- | | |
|--|---------------------------------------|
| 1. Thou shalt have no other gods before Me. | 5. Honor thy father and mother. |
| 2. Thou shalt not make unto thee any graven image. | 6. Thou shalt not murder. |
| 3. Thou shalt not take the name of the Lord thy God in vain. | 7. Thou shalt not commit adultery. |
| 4. Remember the Sabbath to keep it Holy. | 8. Thou shalt not steal. |
| | 9. Thou shalt not bear false witness. |
| | 10. Thou shalt not covet. |

Directly above the Chief Justice's chair is a tablet signifying the **TEN COMMANDMENTS**. When the Speaker of the House in the U.S. Congress looks up, his eyes look into the face of Moses. *"The Bible is the Book upon which this Republic rests."*

— Andrew Jackson, Seventh President of the United States

"The moral principles and precepts contained in the Scriptures ought to form the basis of all our civil constitutions and laws. All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery, and war, proceed from their despising or neglecting the precepts contained in the Bible."

— Noah Webster

A SUMMARY OF THE COMMUNIST MANIFESTO

The Communist Manifesto represents a misguided philosophy, which teaches the citizens to give up their **RIGHTS** for the sake of the "common good," but it always ends in a police state. This is called preventive justice. Control is the key concept. Read carefully:

- | | |
|--|---|
| 1. Abolition of private property. | 6. Government control of Communications & Transportation. |
| 2. Heavy progressive income tax. | 7. Government ownership of factories and agriculture. |
| 3. Abolition of all rights of inheritance. | 8. Government control of labor. |
| 4. Confiscation of property of all emigrants and rebels. | 9. Corporate farms, regional planning. |
| 5. Central bank. | 10. Government control of education. |

GIVE UP RIGHTS FOR THE "COMMON GOOD"?

Where the people fear the government you have tyranny; where the government fears the people, you have liberty.

Politicians, bureaucrats and especially judges would have you believe that too much freedom will result in chaos. Therefore, we should gladly give up some of our **RIGHTS** for the good of the community. In other words, people acting in the name of government, say we need **more laws** and more **JURORS** to enforce these laws — even if we have to give up some **RIGHTS** in the process. They believe the more laws we have, the more control, thus a better society. This theory may sound good on paper, and apparently many of our leaders think this way, as evidenced by the thousands of new laws that are added to the books each year in this country. But, no matter how cleverly this Marxist argument is made, the hard fact is that whenever you give up a **RIGHT** you lose a "**FREE CHOICE**"!

This adds another control. Control's real name is **BONDAGE**! The logical conclusion would be, if giving up some **RIGHTS** produces a better society, then by giving up all **RIGHTS** we could produce the perfect society. We could chain everybody to a tree, for lack of **TRUST**. This may prevent a crime, but it would destroy **PRIVACY**, which is the heartbeat of **FREEDOM**! It would also destroy **TRUST** which is the foundation for **DIGNITY**. Rather than giving up **RIGHTS**, we should be giving up wrongs! The opposite of control is not chaos. More laws do not make less criminals! We must give up wrongs, not rights, for a better society! William Pitt of the British House of Commons once proclaimed, "*Necessity is the plea for every infringement of human liberty; it is the argument of tyrants; it is the creed of slaves.*"

INALIENABLE, [UNALIENABLE] OR NATURAL RIGHTS!

NATURAL RIGHTS ARE THOSE RIGHTS such as **LIFE** (from conception), **LIBERTY** and the **PURSUIT OF HAPPINESS** eg. **FREEDOM** of **RELIGION**, **SPEECH**, **LEARNING**, **TRAVEL**, **SELF-DEFENSE**, **ETC.** Hence laws and statutes which violate **NATURAL RIGHTS**, though they have the color of law, are not law but impostors! The U.S. Constitution was written to protect these **NATURAL RIGHTS** from being tampered with by legislators.* Further, our forefathers also wisely knew that the U.S. Constitution would be utterly worthless to restrain government legislators unless it was clearly understood that the people had the right to compel the government to keep within the Constitutional limits.



In a jury trial the real judges are the **JURORS!** Surprisingly, judges are actually just referees bound by the Constitution!

*Lysander Spooner wrote as follows:

"Government is established for the protection of the weak against the strong. This is the principal, if not the sole motive for the establishment of all legitimate government. It is only the weaker party that lose their liberties, when a government becomes oppressive. The stronger party, in all governments are free by virtue of their superior strength. They never oppress themselves. Legislation is the work of this stronger party; and if, in addition to the sole power of legislation, they have the sole power of determining what legislation shall be enforced, they have all power in their hands, and the weaker party are the subjects of an absolute government. Unless the weaker party have a veto, they have no power whatever in the government and . . . no liberties . . . The trial by jury is the only institution that gives the weaker party any veto upon the power of the stronger. Consequently it is the only institution that gives them any effective voice in the government, or any guaranty against oppression."

Essay on the Trial by Jury

JURY TAMPERING?

A JURY'S Rights, Powers and Duties:

The Charge to the **JURY** in the First **JURY** Trial before the supreme Court of the U. S. Illustrates the TRUE POWER OF THE **JURY**. In the February term of 1794, the supreme* Court conducted a **JURY** trial and said ". . . it is presumed, that the juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But still both objects are within your power of decision."

"You have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy."

(State of Georgia vs. Brailsford, et al, 3 Dall. 1)

"The **JURY** has an unreviewable and irreversible power . . . to acquit in disregard of the instructions on the law given by trial judge . . ." (emphasis added)

U.S. vs. Dougherty, 473 F 2nd 1113, 1139 (1972)

Hence, **JURY** disregard of the limited and generally conviction-oriented evidence presented for its consideration, and **JURY** disregard for what the trial judge wants them to believe is the controlling law in any particular case (sometimes referred to as "**JURY** lawlessness")* is not something to be scrupulously avoided, but rather encouraged. Witness the following quotation from the eminent legal authority above-mentioned: "Jury lawlessness is the greatest corrective of law in its actual administration. The will of the state at large imposed on a reluctant community, the will of a majority imposed on a vigorous and determined minority, find the same obstacle in the local **JURY** that formerly confronted kings and ministers." (emphasis added)

(Dougherty, cited above, note 32, at 1130.)

*Supreme is not capitalized in the Constitution, however Behavior is. Art. III.

*Jury lawlessness means willingness to nullify bad law.

The Right of the JURY to be Told of Its Power

Almost every **JURY** in the land is falsely instructed by the judge when it is told it must accept as the law that which is given to them by the court, and that the **JURY** can decide only the facts of the case. This is to destroy the purpose of a Common Law **JURY**, and to permit the imposition of tyranny upon a people.

"There is nothing more terrifying than ignorance in action."

Goethe

— engraved on a plaque at the Naval War College

"To embarrass justice by a multiplicity of laws, or to hazard it by confidence in judges, are the opposite rocks on which all civil institutions have been wrecked."

Johnson — engraved in
Minnesota State Capitol

Outside the Supreme Court Chambers

"... The letter killeth, but the spirit giveth life."

II Corinthians 3:6

"It is error alone which needs the support of government. Truth can stand by itself."

Thomas Jefferson

The **JURY'S** options are by no means limited to the choices presented to it in the courtroom. "The jury gets its understanding as to the arrangements in the legal system from more than one voice. There is the formal communication from the 'judge.' There is the informal communication from the total culture — literature; current comment, conversation; and, of course, history and tradition."

(Dougherty, cited above, at 1135.)

LAWS, FACTS AND EVIDENCE!

Without the power to decide what facts, law and evidence are applicable, **JURIES** cannot be a protection to the accused. If people acting in the name of government are permitted by **JURORS** to dictate any law whatever, they can also unfairly dictate what evidence is admissible or inadmissible and thereby prevent the **WHOLE TRUTH** from being considered. Thus if government can manipulate and control both the law and evidence, the issue of fact becomes virtually irrelevant. In reality, true **JUSTICE** would be denied leaving us with a trial by government and not a trial by **JURY!**

HOW DOES TYRANNY BEGIN? WHY ARE THERE SO MANY LAWS?

Heroes are men of glory who are so honored because of some heroic deed. People often out of gratitude yield allegiance to them. Honor and allegiance are nice words for power! Power and allegiance can only be held rightfully by trust as a result of continued character.

When people acting in the name of government violate ethics, they break trust with "**WE THE PEOPLE.**" The natural result is for "**WE THE PEOPLE**" to pull back power (honor and allegiance).

The loss of power creates fear for those losing the power. Fearing the loss of power, people acting in the name of government often seek to regain or at least hold their power. Hence, to legitimize their quest for control, laws and force are often instituted.

Unchecked power is the foundation of tyranny. It is the **JUROR'S** duty to use the **JURY ROOM** as a vehicle to stem the tide of oppression and tyranny: To prevent bloodshed by peacefully removing power from those who have abused it. The **JURY** is the primary vehicle for the peaceable restoration of **LIBERTY, POWER AND HONOR TO "WE THE PEOPLE!"**

YOUR VOTE COUNTS!

Your vote of **NOT GUILTY** must be respected by all other members of the **JURY** — it is the **RIGHT** and the **DUTY** of a **JUROR** to **Never, Never, Never** yield his or her sacred vote — for you are not there as a fool, merely to agree with the majority, but as an officer of the court and a qualified judge in your own right. Regardless of the pressures or abuse that may be heaped on you by any other members of the **JURY** with whom you may in good conscience disagree, you can await the reading of the verdict secure in the knowledge you have voted your own conscience and convictions — and not those of someone else.

YOU ARE NOT A RUBBER STAMP!

By what logic do we send our youth to battle tyranny on foreign soil, while we refuse to do so in our courts? Did you know that many of the planks of the "Communist Manifesto" are now represented by law in the U.S.? How is it possible for Americans to denounce communism and practice it simultaneously.

The JURY judges the Spirit, Motive and Intent of both the law and the Accused, whereas the prosecutor only represents the letter of the law.

Therein lies the opportunity for the accomplishment of "**LIBERTY and JUSTICE for ALL.**" If you, and numerous other **JURORS** throughout the State and Nation begin and continue to bring in verdicts of **NOT GUILTY** in such cases where a **man-made** statute is defective or oppressive, these statutes will become as ineffective as if they had never been written.

"If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsels or your arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that ye were our countrymen."

Samuel Adams

SEC. II GIVE ME LIBERTY OR GIVE ME DEATH!

PATRICK HENRY SHOCKED!

Young Christian attorney Patrick Henry saw why a JURY of PEERS is so vital to FREEDOM! It was March 1775 when he rode into the small town of Culpeper, Va. He was totally shocked by what he saw! There, in the middle of the town square was a minister tied to a whipping post, his back laid bare and bloody with the bones of his ribs showing. He had been scourged mercilessly like JESUS, with whips laced with metal.

Patrick Henry is quoted as saying: "When they stopped beating him, I could see the bones of his rib cage. I turned to someone and asked what the man had done to deserve such a beating as this."

SCOURGED FOR NOT TAKING A LICENSE!

The reply given him was that the man being scourged was a minister who refused to take a license. He was one of twelve who were locked in jail because they refused to take a license. A license often becomes an arbitrary control by government that makes a crime out of what ordinarily would not be a crime. IT TURNS A RIGHT INTO A PRIVILEGE!

Three days later they scourged him to death.

This was the incident which sparked Christian attorney Patrick Henry to write the famous words which later became the rallying cry of the Revolution. "What is it that Gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, GIVE ME LIBERTY OR GIVE ME DEATH!" Later he made this part of his famous speech at St. John's Episcopal Church in Williamsburg, Va.

JURY OF PEERS

Our forefathers felt that in order to have JUSTICE, it is obvious that a JURY of "PEERS" must be people who actually know the defendant. How else would they be able to judge motive and intent?

"PEERS" of the defendant, like the rights of the JURY have also been severely tarnished. Originally, it meant people of "equals in station and rank," (Black's 1910), "freeholders of a neighborhood," (Bouvier's 1886), or "A companion; a fellow; an associate. (Webster's 1828).

WHO HAS A RIGHT TO SIT ON A JURY?

Patrick Henry, along with others, was deeply concerned as to who has a right to sit on a JURY. Listen to our forefather's wisdom on the subject of "PEERS."

MR. HENRY

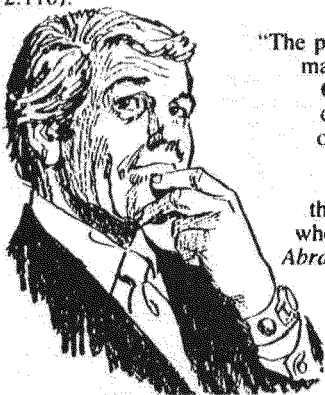
"By the bill of rights of England, a subject has a right to a trial by his peers. What is meant by his peers? Those who reside near him, his neighbors, and who are well acquainted with his character and situation in life." Patrick Henry, (Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 3:579).

Patrick Henry also knew that originally the JURY of PEERS was designed as a protection for Neighbors from outside governmental oppression. Henry states the following, "Why do we love this trial by jury? Because it prevents the hand of oppression from cutting you off . . . This gives me comfort — that, as long as I have existence, my neighbors will protect me." (Elliot, 3:545, 546).

MR. HOLMES

Mr. Holmes, from Massachusetts, argued strenuously that for JUSTICE to prevail, the case must be heard in the vicinity where the fact was committed by a JURY of PEERS. ". . . a jury of the peers would, from their

local situation, have an opportunity to form a judgment of the *CHARACTER* of the person charged with the crime, and also to judge of the *CREDIBILITY* of the witnesses." (Elliot, 2:110).



"The people are the masters of both Congress and courts, not to overthrow the Constitution, but to overthrow the men who pervert it!"
Abraham Lincoln

MR. WILSON

Mr. Wilson, signer of "The unanimous Declaration," who also later became a supreme Court Justice, stressed the importance of the JURORS knowing personally both the defendant and the witnesses. "Where jurors can be acquainted with the characters of the parties and the witnesses — where the whole cause can be brought within their knowledge and their view — I know no mode of investigation equal to that by a trial by jury: they hear every thing that is alleged; they not only hear the words, but they see and mark the features of the countenance; they can judge of weight due to such testimony; and moreover, it is a cheap and expeditious manner of distributing justice. There is another advantage annexed to the trial by jury; the jurors may indeed return a mistaken or ill-founded verdict, but their errors cannot be systematical." (Elliot, 2:516).

FREEDOM FOR WILLIAM PENN

"Those people who are not governed by GOD will be ruled by tyrants."

William Penn

Edward Bushell and three fellow **JURORS** learned this lesson well. They refused to bow to the court. They believed in the absolute power of the **JURY**, though their eight companions cowered to the court. The four **JURORS** spent nine weeks of torture in prison, often without food or water, soaked with urine, smeared with feces, barely able to stand, and even threatened with fines, yet they would not give in to the judge. Edward Bushell said, "My liberty is not for sale," though he had great wealth and commanded an international shipping enterprise. These "bumble heads", so the court thought, proved the power of the people was stronger than any power of government. They emerged total victors.

THE FIRST AMENDMENT

The year was 1670, and the case Bushell sat on was that of William Penn, who was on trial for violation of the "Conventicle Act." This was an elaborate Act which made the Church of England the only legal church. The Act was struck down by their not guilty vote. **Freedom of Religion** was established and became part of the English Bill of Rights and later it became the First Amendment to the U.S. Constitution. In addition, the **Right to peaceful assembly** was founded, **Freedom of Speech**, and also **habeas corpus**. The first such writ of habeas corpus ever issued by the Court of Common Pleas was used to free Edward Bushell. Later this trial gave birth to the concept of **Freedom of the press**.

Had Bushell and his colleagues yielded to the guilty verdict sought by the judge and

prosecutor, William Penn most likely would have been executed as he clearly broke the law.

HE BROKE THE LAW!

Then there would have been no Liberty Bell, no Independence Hall, no city of Philadelphia, and no state called Pennsylvania, for young William Penn, founder of Pennsylvania, and leader of the Quakers, was on trial for his life. His alleged crime was preaching and teaching a different view of the Bible than that of the Church of England. This appears innocent today, but then, one could be executed for such actions. He believed in freedom of religion, freedom of speech and the right to peaceful assembly. He had broken the government's law, but he had injured no one. Those four heroic **JURORS** knew that only when actual injury to someone's person or property takes place is there a real crime. No law is broken when no injury can be shown. Thus there can be no loss or termination of rights unless actual damage is proven. Many imposter laws were repealed as a result of this case.

IT IS ALMOST UNFAIR!

This trial made such an impact that every colony but one established the jury as the first liberty to maintain all other liberties. It was felt that the liberties of people could never be wholly lost as long as the jury remained strong and independent, and that unjust laws and statutes could not stand when confronted by conscientious **JURORS**. **JURORS** today face an avalanche of impostor laws. **JURORS** not only still have the power and the **RIGHT**, but also the **DUTY**, to nullify bad laws by voting "not guilty". At first glance it appears that it is almost unfair, the power **JURORS** have over government, but necessary when considering the historical track record of oppression that governments have wielded over private citizens.

JEFFERSON'S WARNINGS!

In 1789 Thomas Jefferson warned that the judiciary if given too much power might ruin our REPUBLIC, and destroy our **RIGHTS!**

"The new Constitution has secured these [individual rights] in the Executive and Legislative departments: but not in the Judiciary. **It should have established trials by the people themselves, that is to say, by jury.**" (emphasis added)

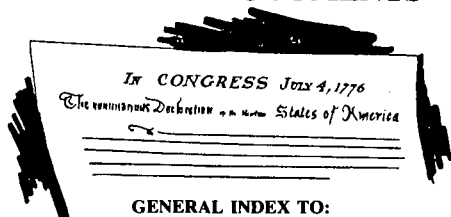
The Judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric." (1820)

". . . the Federal Judiciary; an irresponsible body (for impeachment is scarcely a scarecrow), working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one. . . . when all government . . . **in little as in great things, shall be drawn to Washington as the centre of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated.** (emphasis added 1821)

"The opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action, but for the legislative and executive also in their spheres, would make the judiciary a despotic branch.

". . . judges should be withdrawn from the bench whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or fortune; but it saves the Republic . . ."

SEC. III INDEX TO THE ORIGINAL DOCUMENTS



GENERAL INDEX TO: THE UNANIMOUS DECLARATION

- I. Need to dissolve certain political relationships.
- II. Need to assume powers which God entitles man.
- III. Declaring separation from an unjust government.
- IV. Self-evident truths elaborated.
 - A. All men are created equal.
 - B. God our Creator gives to each unalienable Rights
 1. Life, Liberty, Happiness, property, safety, respect, privacy, etc.
 - C. The purpose of government is to protect the weak from the strong.
 - D. Right and duty to abolish bad government.
 1. Fact: The Revolution was not out of rebellion by the colonies, but rather England rebelled against God's Law by repeated injuries of usurpation and tyranny. The young colonies were forced to defend themselves against England's tyranny.
 - a. eg. Bad laws, bad courts, police state (swarms of soldiers), taxes without consent, deprived of trial by jury, deporting people for trial, England declared the colonies out of their protection, rights of individuals plundered.
 - b. The colonies repeatedly petitioned England, but only received repeated injury.
 - c. England was warned from time to time.
 - d. England was deaf to the voice of justice.
- V. The colonies appealed to God the Supreme Judge of the world.
- VI. The colonies right to be free and independent.
- VII. Under the protection of God they pledged their lives, fortunes and honor.

GENERAL INDEX TO: CONSTITUTION OF THE UNITED STATES

Preamble: The people hold the power: "We the people . . . in order to form a more perfect union, . . . and secure the blessings of liberty . . ."

ARTICLE I.

SECTION-

1. Legislative powers.

2. House of representatives; qualification of members; apportionment of representatives and direct taxes; census; first apportionment; vacancies; officers of the house; impeachments.
3. Senate, classification of senators; qualifications of; vice president to preside; other officers; trial of impeachments.
4. Election of members of congress; time assembling of congress.
5. Powers of each house; punishment for disorderly Behaviour; journal; adjournments.
6. Compensation and privileges; disabilities of members.
7. Revenue bills; passage and approval of bills; orders and resolutions.
8. General powers of congress; borrowing of money; regulation of commerce; naturalization and bankruptcy; money; weights and measures; counterfeiting; post offices; patents and copyrights; inferior courts; piracies and felonies; war; marque and reprisal; armies; navy; land and naval forces; calling the militia; District of Columbia; to enact laws necessary to enforce the Constitution.
9. Limitations of congress; migration; writ of habeas corpus; bills of attainder and ex post facto laws prohibited; direct taxes; exports not to be taxed; interstate shipping; drawing money from the treasury; financial statements to be published; titles of nobility and favors from foreign powers prohibited.
10. Limitations of the individual states; no treaties; letters of marque and reprisal; no coining of money; bills of credit; not allowed to make any Thing but gold and silver Coin a tender in payment of debts; no bills of attainder; ex post facto Law or law impairing the obligation of contracts; no titles of nobility; state imposts and duties; further restrictions on state powers.

ARTICLE II.

SECTION

1. **Executive powers;** electors; qualifications, vacancy, compensation and Oath of the president.
2. Powers and duties of the president; making of treaties; power of appointments.
3. Other powers and duties.
4. All government officers are liable to impeachment.

ARTICLE III.

SECTION

1. **Judicial powers;** all judges must have good Behaviour to stay in office; compensation not to be diminished.
2. Jurisdiction of federal courts and supreme court; trials for crimes by jury except impeachment.
3. Treason defined; trial for and punishment.

ARTICLE IV.

SECTION

1. **Message to the states;** each state is to give full faith and credit to public acts and records of others states.
2. Citizens of each state shall be entitled; fleeing from justice.
3. Admission of new states; power of congress over territories.
4. Republican form of government guaranteed to every state; protection from invasion or domestic violence.

ARTICLE V.

SECTION

1. **Amending the Constitution.**

ARTICLE VI.

SECTION

1. **National obligations;** Public debt; Constitution to be the supreme Law of the land; Constitutional Oath of office; no religious test required.

ARTICLE VII.

SECTION

1. **Ratification of the Constitution;** George Washington signs as a Twelfthindi, the highest rank in Saxon government, eg. He was equal of 1200 King Georges, or you as a juror are equal to 1200 presidents, congressmen or judges, local, federal or of the supreme Court.

GENERAL INDEX TO: THE BILL OF RIGHTS

and Amendments

PREAMBLE: Limiting the federal government: An expressed desire to prevent abuse of federal powers!

ARTICLES — COMMON LAW

- I. Religious freedom, both to an establishment as well as the free exercise thereof; freedom of speech, press; right of petition.
- II. Right to bear arms.
- III. Quartering of soldiers.
- IV. The right to privacy and security against unreasonable searches and seizures; search warrants.
- V. Grand Jury, double jeopardy, no one must witness against himself, no loss of life, liberty or private property without due process.
- VI. Speedy and public trials, impartial jury; nature and cause, right to confront; compulsory witnesses, assistance of Counsel — note, does not say attorney.
- VII. Right to trial by jury according to the rules of common law — Ten Commandments are the foundation of Common Law.
- VIII. Excessive bail, fines, punishment etc. prohibited.
- IX. Rights beyond Bill of Rights belong to the people.
- X. Undelegated powers belong to the people unless given by the people to the states.
Articles I-X were proposed Sept. 25, 1789, ratified Dec. 15, 1791.

AMENDMENTS — EQUITY LAW

- XI. Restriction of judicial powers, proposed Mar. 5, 1794, adopted Jan. 8, 1798.
- XII. Manner of electing the president and vice president, proposed Dec. 12, 1803, adopted Sept. 25, 1804.
- XIII. Slavery and involuntary servitude prohibited, took effect* Dec. 18, 1865.
- XIV. Citizenship and status defined, privilege of 2nd, 3rd, or whatever status of citizenship one selects for oneself, as opposed to Freeholder with full sovereign rights; apportionment of representatives; who is prohibited from holding office; public debt. Caution: There is serious doubt as to the legality of

this amendment because of the manner of ratification which was highly suspect. At least 10 States were held by force of arms until the proper authorities agreed to vote for this amendment. An excellent overview of this was written by the Utah Supreme Court — 439 Pacific Reporter 2d Series pp 266-276, and for a more detailed account of how the 14th amendment was forced upon the Nation see articles in 11 S.C. L. Q. 484 and 28 Tul. L. Rev. 22., took effect July 28, 1868.

- XV. Non Freeholders given right to vote, took effect March 30, 1870.
- XVI. Income tax, took effect Feb. 25, 1913, possibly only four States ratified it properly.
- XVII. Direct elections of senators; electors; vacancies in the senate, took effect May 31, 1913. This moved us from a complex Republic to a simple republic much like the style of government of the Soviet Union. State rights were lost and we were plunged headlong into a democracy of which our forefathers warned was the vilest form of government because it always ends in oppression.
- XVIII. Prohibition of liquor traffic, took effect Jan. 29, 1920.
- XIX. Voting for women, took effect Aug. 27, 1920.
- XX. Terms of the president, vice president, senators and representatives; date of assembling of congress, vacancies of the president, power of congress in presidential succession, took effect Feb. 6, 1933.
- XXI. Eighteenth Article repealed; took effect Dec. 5, 1933.
- XXII. Limits of the presidential term, took effect Mar. 1, 1951.
- XXIII. Electors for the District of Columbus, took effect April 3, 1961.
- XXIV. Failure to pay any tax does not deny one the right to vote, took effect Feb. 4, 1964.
- XXV. Filling the office of the president or vice president during a vacancy, took effect Feb. 23, 1967.
- XXVI. Right to vote at 18, took effect July 5, 1971.

*Took effect is used as there is a great deal of suspicion as to the nature of these amendments (common law vs equity), also whether these last 16 amendments are legal, how many were ratified correctly, do they create a federal constitution in opposition to the original, etc. For further studies a good place to begin is with the article by the Utah Supreme Court on the 14th amendment, 439 Pacific Reporter 2d Series, pp 266-276, and Senate Doc. 240.

In CONGRESS, July 4, 1776.
The unanimous Declaration of
the thirteen united States
of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their

right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people; unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasion on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the

state remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offenses:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Government:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petition have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of Justice and to consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the **Representatives** of the **united States of America**, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be **Free and Independent States**; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliance, establish Commerce, and to do all other Acts and

Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

SIGNERS OF THE UNANIMOUS DECLARATION

According to the Authenticated List printed by
Order of Congress of January 18, 1777

John Hancock.

New-Hampshire.	<i>Josiah Bartlett, Wm. Whipple, Matthew Thornton.</i>		<i>Jas. Smith, Geo. Taylor, James Wilson, Geo. Ross.</i>
Massachusetts- Bay.	<i>Saml. Adams, John Adams, Robt. Treat Paine, Elbridge Gerry.</i>	Delaware.	<i>Caesar Rodney, Geo. Read, Tho M:Kean.</i>
Rhode-Is & Providence, &c.	<i>Step. Hopkins, William Ellery.</i>	Maryland.	<i>Samuel Chase, Wm. Paca, Thos. Stone, Charles Carroll, of Car- rollton.</i>
Connecticut.	<i>Roger Sherman, Saml. Huntington, Wm. Williams, Oliver Wolcott.</i>	Virginia.	<i>George Wythe, Richard Henry Lee, Thos. Jefferson, Benja. Harrison, Thos. Nelson, jr. Francis Lightfoot Lee, Carter Braxton.</i>
New-York.	<i>Win. Floyd, Phil. Livingston, Frans. Lewis, Lewis Morris.</i>	North-Carolina.	<i>Wm. Hooper, Joseph Hewes, John Penn.</i>
New-Jersey.	<i>Richd. Stockton, Jno. Witherspoon, Fras. Hopkinson, John Hart, Abra. Clark.</i>	South-Carolina.	<i>Edward Rutledge, Thos. Heyward, junr. Thomas Lynch, junr. Arthur Middleton.</i>
Pennsylvania.	<i>Robt. Morris, Benjamin Rush, Benja. Franklin, John Morton, Geo. Clymer.</i>	Georgia.	<i>Button Gwinnett, Lyman Hall, Geo. Walton.</i>

YOUR TURN!

You — as a juror — armed merely with the knowledge of what a COMMON LAW JURY really is and what your common law rights, powers, and duties really are, can do more to re-establish "liberty and justice for all" in this State and ultimately throughout all of the United States than all our Senators and Representatives put together. Why? Because even without the concurrence of any of your fellow jurors in a criminal trial, you, with your single vote of "NOT GUILTY" can nullify every rule or "law" that is not in accordance with the principles of natural, God-given, Common, or Constitutional Law. It is precisely this power of nullification that makes the trial by JURY one of our most important RIGHTS. It can protect and preserve all of the citizen's other RIGHTS.

The CONSTITUTION OF THE UNITED STATES

We the People* of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

*Originally, the Constitution had no title but simply began "We the People . . ."

ARTICLE 1

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Con

gress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States which shall have been created, or the Emoluments

whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance of Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or

being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Laws of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no

Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration hereinbefore directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States; and no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque or Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be ab-

olutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty on Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in

the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representatives from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there shall remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes: which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the Presi-

dent from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the

Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one

supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crime shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United

States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within

the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needed Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

A R T I C L E V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth
IN WITNESS whereof We have hereunto subscribed our Names,

GEORGE WASHINGTON, President,
And Deputy from Virginia,

In CONVENTION,
Monday, September 17th, 1787.

PRESENT

The States of New-Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia:

RESOLVED,

That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled.

Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives

should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention,

GEORGE WASHINGTON, President.
William Jackson, Secretary.

The BILL OF RIGHTS

As provided in the FIRST TEN
AMENDMENTS
TO THE CONSTITUTION OF THE
UNITED STATES
Effective December 15, 1791

Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

PREAMBLE

The conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution.

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the

freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defence.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI

The Judicial power of the United

States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President

whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United

States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the Legislature of any State

may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XX

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of

Senators and Representatives at noon on the 3rd day of January, of the year in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the

legislatures of three-fourths of the several States within seven years from the date of its submission.

ARTICLE XXI

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XXII

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified

as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

ARTICLE XXIII

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth Article of Amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XXIV

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XXV

Section 1. In case of the removal of

the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take the office upon confirmation by a majority vote of both houses of Congress.

Section 3. Whenever the President transmits to the President Pro Tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President Pro Tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President Pro Tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President Pro Tempore of the Senate and the Speaker of the House of

Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within 48 hours for that purpose if not in session. If the Congress, within 21 days after receipt of the latter written declaration, or, if Congress is not in session, within 21 days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

ARTICLE XXVI

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.



"The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail, its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter; all his force dares not cross the threshold of the ruined tenement."

This neglected warning was sounded by William Pitt before the British House of Commons addressing the need for **PRIVACY** — the protection of **LIFE, LIBERTY** and **HAPPINESS**. Will it again go unheeded?

PROCLAIM LIBERTY!

Inscribed on our hallowed LIBERTY BELL are these words "PROCLAIM LIBERTY THROUGHOUT ALL THE LAND UNTO ALL THE INHABITANTS THEREOF."

LEV. XXV X

"Government is not reason; it is not eloquence; it is force! Like fire, it is a dangerous servant and a fearful master."

George Washington

"Woe to those who decree unjust statutes and to those who continually record unjust decisions, to deprive the needy of justice, and to rob the poor of My people of their rights. . . "

Isaiah 10:1,2

TAKING THE PLUNGE!

"My people are destroyed for lack of knowledge . . . !"

Hosea 4:6

"The only thing necessary for evil to triumph is for good men to do nothing."

Edmund Burke 1729-1797

"If My people which are called by My name, shall humble themselves, and pray, and seek My face, and turn from their wicked ways; then will I hear from Heaven, and will forgive their sin, and will heal their land."

II Chron. 7:14

"We must obey GOD rather than men."

Acts 5:29

WARNING:

THIS DOCUMENT MAY BE HAZARDOUS TO BAD LAWS. Courts may not welcome or approve of these truths, neither are they to be construed as legal advice. Therefore, to act on these facts is to do so at your own risk or opportunity.

MULTNOMAH COUNTY COMMISSIONERS WEEKLY MEETING - 8/1/96

My name is Dianna Roberts. I have operated an Adult Foster Care Home in Multnomah County since 1985. I am the Director of the Rock of Ages Providers Association.

I'd like to inform you and the viewers of the next television show about **ABUSES OF THE ELDERLY RESIDENTS LIVING IN ADULT FOSTER CARE HOMES BY THE AGING SERVICES DIVISION IN MULTNOMAH COUNTY.**

LIVE CALL-IN TALK SHOW ON "COMMUNITY HOTLINE" MCTV

³⁰
Tuesday, 7:00 p.m., August 6, 1996 Channel 21

REPLAYS

³⁰
Thursday, 5:00 p.m., August 8, 1996 Channel 11
Monday, 9:00 p.m., August 12, 1996 Channel 21

³⁰
Could I ask if any of you Commissioners were able to watch the Community Hotline Program last week? I have a tape for each of you.

On July 11, 1996 you voted not to hear appeals to Adult Care Home License revocations by Multnomah County's Aging Services Division. I believe Tanya Collier was on the right tract, when she reminded each of you that Multnomah County has been delegated this responsibility. For each of you to NOW vote yourselves out of the process is unconscionable.

Last, I have a copy of the Citizens Rule Book for each of you of the United States Constitution. I request that you refer to page 53, Article 14 of the Bill of Rights, before you vote on the New Proposed Administrative Regulations for Adult Foster Care Homes.

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Nor shall any State deprive any person of life, liberty, or property, without the due process of law."



Dianna Roberts

cc: Roger Auerbach, SDSD
Cindy Hannum, SDSD

**Self
insured
Management
Services, inc.**

P.O. Box 19730-171
Portland, OR 97280-0730
(503) 245-9756
Fax (503) 246-1581

July 26, 1996

Dunn, Carney, Allen, Higgins & Tongue
Attorneys at Law
851 SW 6th Avenue, Suite #1500
Pacific First Center
Portland, OR 97204-1357

Attn: Robert Blackmore

RE: Your Client: Dianna Roberts
D/Claim: 2/12/96
Claim #: 010-1700

Dear Mr. Blackmore:

Multnomah County Office of County Counsel has forwarded me your tort claim notice letter of May 20, 1996. Acting as claims administrator for Multnomah County, a self-insured public body, we have begun the process of investigating the circumstances surrounding the allegations outlined in your letter.

As soon as the investigation is completed we will contact your office to discuss this matter further.

Sincerely,



Bob Murch

RM/lb/mur/let

Meeting Date: AUG 1 1996
Agenda No: R-2
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: A Board Order in the Matter of Appointing Multnomah County Planning and Zoning hearings Officers for the FY 1996-97.

BOARD BRIEFING Date Requested:
Amt. of Time Needed:
Requested By:

REGULAR MEETING Date Requested: August 1, 1996
Amt. of Time Needed: 5 Min.

DEPARTMENT: DES
CONTACT: Kathy Busse

DIVISION: Transportation & Land Use Planning
TELEPHONE: 248-3043
BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Kathy Busse

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

A Board Order in the Matter of Appointing Multnomah County Planning and Zoning hearings Officers for the FY 1996-97.

8/5/96 copies to Stuart Farmer

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: _____

K. L. Nicholas

BOARD OF
COUNTY COMMISSIONERS
96 JUL 24 AM 11:54
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION & LAND USE PLANNING DIVISION
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

To: BOARD OF COUNTY COMMISSIONERS

FROM: R. SCOTT PEMBLE

TODAY'S DATE: JULY 18, 1996

REQUESTED PLACEMENT DATE: AUGUST 1, 1996 BOARD MEETING

RE: HEARINGS OFFICER APPOINTMENTS

I. RECOMMENDATION/ACTION REQUESTED:

Request Board adopt an Order appointing Land Use Planning and Zoning Hearings Officers.

II. BACKGROUND/ANALYSIS:

Hearings Officer contracts expired June 30, 1996. New professional service contracts are required for FY 1996/97. A competitive process was initiated last spring by announcing the recruitment for Hearing Officers in the Oregon Bar Association Bulletin and the Oregonian. Thirty people applied to include two of the existing Hearings Officers. A selection committee was convened consisting of a representative from the Planning Commission, County Counsel and Planning office. The resumes of the top six scored candidates were circulated for review. The attached order recommends the appointment of Joan Cambers, J. Richard Forester and Deniece Birdseye Won. All three candidates have prior Hearings Officer experience in the Portland Metro area.

III. FINANCIAL IMPACTS:

The FY 1996/97 Land Use and Transportation Planning section budget includes \$36,000 dollars for Hearings Officer Professional Service contracts. Contracts will be negotiated with each appointment and the combined contract amounts will not exceed \$36,000.

IV. LEGAL ISSUES:

Planning and Zoning Hearings Officers must be appointed by Board Order pursuant to MCC §11.15.8110 and their powers and duties are prescribed in MCC §11.15.8115.



V. CONTROVERSIAL ISSUES:

None.

VI. LINK TO CURRENT COUNTY POLICIES/PRACTICES:

The Multnomah County Zoning Code make provision for Hearing Officers. The Board has funded and appointed Hearings Officers for the past five years.

VII. CITIZEN PARTICIPATION:

At the conclusion of each hearing, hearing participants are given opportunity to evaluate the Hearings Officer's performance. Joan Chambers has been evaluated and has received high marks by hearing participants. Mr. Forester and Ms Won have not been evaluated under this system.

VIII. OTHER GOVERNMENT PARTICIPATION:

Not applicable.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON**

**In the Matter of Multnomah County
Appointing Planning and Zoning
Hearings Officers**

ORDER

WHEREAS, pursuant to MCC 11.15.8105, a Planning and Zoning Hearings Officer is authorized; and

WHEREAS, pursuant to MCC 11.15.8110, a Planning and Zoning Hearings Officer must be appointed by Order of the Board of County Commissioners and shall serve at the pleasure of the Board; and

WHEREAS, the powers and duties of the Planning and Zoning Hearings Officer are prescribed in MCC 11.15.8115; and

WHEREAS, funds have been budgeted and are available for a Hearings Officer,

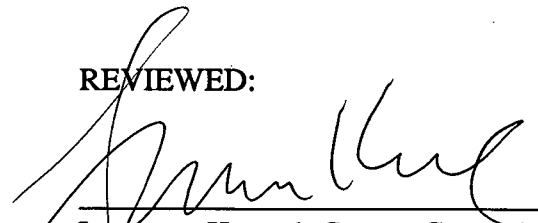
NOW, THEREFORE, By Board order: Joan Chambers, J. Richard Forester and Deniece Birdseye Won are hereby appointed as a Planning and Zoning Hearings Officers, to serve at the pleasure of the Board.

ADOPTED this 1st day of August, 1996

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

By: 
Beverly Stein, Chair
Multnomah County, Oregon

REVIEWED:


Laurence Kressel, County Counsel
For Multnomah County, Oregon

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON**

Appointing Joan Chambers, Elizabeth
L. Fancher and Deniece Birdseye Won
as Multnomah County Planning and
Zoning Hearings Officers)

ORDER
96-132

WHEREAS, pursuant to MCC 11.15.8105, a Planning and Zoning Hearings Officer is authorized; and

WHEREAS, pursuant to MCC 11.15.8110, a Planning and Zoning Hearings Officer must be appointed by Order of the Board of County Commissioners and shall serve at the pleasure of the Board; and

WHEREAS, the powers and duties of the Planning and Zoning Hearings Officer are prescribed in MCC 11.15.8115; and

WHEREAS, funds have been budgeted and are available for a Hearings Officer,

NOW, THEREFORE, By Board order: Joan Chambers, Elizabeth L. Fancher and Deniece Birdseye Won are hereby appointed as Planning and Zoning Hearings Officers, to serve at the pleasure of the Board.

ADOPTED this 1st day of August, 1996



**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

By: Don Saltzman
Dan Saltzman, Vice-Chair

REVIEWED:

for Sandra Kressel
Laurence Kressel, County Counsel
For Multnomah County, Oregon

MEETING DATE: AUG 1 1996

AGENDA # : R-3

ESTIMATED START TIME: 9:35 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Approval of an Ordinance for the City of Portland to Administer Solid Waste and Recycling Collection in Unincorporated Areas of Multnomah County with the Urban Services Boundary and Declaring an Emergency.

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: August 1, 1996

AMOUNT OF TIME NEEDED: 15 minutes

DEPARTMENT: Environmental Services

DIVISION: Director's Office

CONTACT: Lance Duncan

TELEPHONE #: 3278

BLDG/ROOM #: 412/206

PERSON(S) MAKING PRESENTATION: Larry Nicholas, Director

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

8/2/96 copies to ORDINANCE Distribution List
8/5/96 copies to LANCE DUNCAN

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER: _____

Larry K. Nicholas

BOARD OF
COUNTY COMMISSIONERS
96 JUL 18 AM 8:36
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
2115 S.E. MORRISON
PORTLAND, OREGON 97214
(503) 248-5000

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

Staff Report Supplement

To: Board of County Commissioners

From: Larry Nicholas, Director, Department of Environmental Services

Date: July 16, 1996

Subject: Ordinance for the City to Administer Solid Waste and Recycling Collection in
Unincorporated County Inside UGB and Declaring an Emergency

I. Recommendation/Action Requested

Repeal of Ordinance 711, approval of the proposed ordinance.

II. Background/Analysis

This is a routine, housekeeping measure to maintain compliance with an existing IGA between Multnomah County and the City of Portland. Under Oregon Law, (ORS Chapters 459 and 459A) local jurisdictions (including the City of Portland and Multnomah County) are required to ensure the collection of solid waste and provide an opportunity for recycling; specifically, these chapters authorize joint city/county solid waste and recycling collection systems.

Multnomah County has a history of cooperating with the City of Portland in providing for solid waste and recycling collection systems:

- In 1986, we entered into an intergovernmental agreement with the City of Portland in which we transferred our responsibility for solid waste collection and recycling within the urban services boundary to them.
- We also approved their ordinance for solid waste and recycling collection for the unincorporated areas of Multnomah County within the urban services boundary and transferred authority to the City agreed to administer the ordinance within the specified area.
- In 1992, the City amended its ordinance, and we repealed Ordinance 541 and adopted Ordinance 711 to enforce the terms of the new City Ordinance.

On May 29, 1996, the City amended their ordinance to reflect a lowered franchise fee for residential solid waste and recycling. In order for the City to continue administering solid waste and recycling in unincorporated areas of Multnomah County within the urban services boundary, Multnomah County must adopt the City's ordinance as its own.

III. Financial Impact

As the City is responsible for administering recycling and solid waste collection in unincorporated areas of Multnomah County within the urban services boundary, adoption of this ordinance should result in no additional expense to the county. As the ordinance lowers franchise fees, ratepayers within these areas should find their expenses reduced.

IV. Legal Issues

This is a routine, housekeeping measure. Multnomah County is required by the existing IGA to develop and submit to the Board of Commissioners ordinances granting to the City the authority to carry out the intent of the IGA. The proposed ordinance would apply franchise fees equally within all areas under the City of Portland's administration.

V. Controversial Issues

None anticipated.

VI. Link to Current County Policy

Approval of the proposed ordinance is consistent with County Policy as indicated in the intergovernmental agreement.

VII Citizen Participation

None anticipated.

VIII Other Government Participation.

The proposed ordinance has been prepared in cooperation with the City of Portland.



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN, CHAIR
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

M E M O R A N D U M

TO: Larry Nicholas, DES Director (412/206)

FROM: Sandra N. Duffy (106/1530) *Sandy*
Assistant County Counsel

DATE: July 2, 1996

SUBJECT: Ordinance for City to Administer Solid
Waste and Recycling Collection in
Unincorporated County Inside UGB.

COUNTY COUNSEL
LAURENCE KRESSEL

CHIEF ASSISTANT
SANDRA N. DUFFY

ASSISTANTS
J. MICHAEL DOYLE
KATIE GAETJENS
GERALD H. ITKIN
STEVEN J. NEMIROW
HELLE RODE
MATTHEW O. RYAN
JOHN S. THOMAS
JACQUELINE A. WEBER

We received this request to adopt the City's code within unincorporated county inside the UGB. We have prepared an ordinance to do this. Could you be the initiating department to get this before the Board of County Commissioners?

Please let Susan Keil know when it is set to go before the Board. Thank you.

Enclosure

F:\DATA\COUNSEL\WPDATA\ONE\NICHOLAS.MEM\es

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 864

An ordinance for the regulation of solid waste and recycling collection in the unincorporated portion of Multnomah County which falls within the City of Portland urban services boundary, to be administered by the City of Portland, repealing Ordinance No. 711, and declaring an emergency.

Multnomah County ordains as follows:

Section I. Findings

A. State law (ORS Chapters 459 and 459A) requires that local jurisdictions, including the City of Portland and Multnomah County, ensure the collection of solid waste and provide opportunity for recycling; it specifically authorizes joint city/county solid waste and recycling collection systems.

B. In 1986 the City of Portland and Multnomah County entered into an intergovernmental agreement whereby the County agreed by ordinance to adopt the City's solid waste and recycling collection ordinance (Portland City Code Chapter 17.102) for application in the unincorporated portion of Multnomah County which falls within the City of Portland urban services boundary, and the City agreed to administer the ordinance within the specified area.

C. On November 3, 1986, the County carried out its obligation by adoption of Ordinance No. 541. Subsequent amendments to the City solid waste and recycling collection ordinance required the

07/03/96:1

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

County on November 6, 1992, to repeal Ordinance No. 541 and to enact in its place Ordinance No. 711.

D. Further amendments to the City solid waste and recycling collection ordinance require the County now to repeal Ordinance No. 711 and to enact this ordinance in its stead.

Section II. Repeal of Ordinance No. 711

Ordinance No. 711 is hereby repealed.

Section III. Adoption of City Code

Portland City Code Chapter 17.102 (Solid Waste & Recycling Collection), a copy of which is attached hereto as Exhibit A and is incorporated herein by reference, is hereby adopted as an ordinance of Multnomah County, subject to the following modifications:

A. References to "City" or "City of Portland" shall be construed as references to Multnomah County.

B. Pursuant to the terms of the intergovernmental agreement, a copy of which is attached hereto as Exhibit B, The ordinance shall apply only in the unincorporated portion of Multnomah County within the City of Portland urban services boundary.

C. The City shall administer the ordinance only in the specified area of unincorporated Multnomah County.

Section IV. Adoption of City Ordinance

Portland City Ordinance No. 170185 (to revise waste and recycling collection rates and charges) a copy of which is attached as Exhibit C and is incorporated herein by reference, is hereby adopted as an ordinance of Multnomah County, subject to the following modifications:

07/08/96:1

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

A. References to "City" or "City of Portland" shall be construed as references to Multnomah County.

B. Pursuant to the terms of the intergovernmental agreement, a copy of which is attached hereto as Exhibit B, The ordinance shall apply only in the unincorporated portion of Multnomah County within the City of Portland urban services boundary.

C. The City shall administer the ordinance only in the specified area of unincorporated Multnomah County.

Section V. Emergency Clause

This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared, and this ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

Approved this 1st day of August, 1996, being the date of its first reading before the Board of County Commissioners of Multnomah County, Oregon.



MULTNOMAH COUNTY, OREGON

By Don Saltzman
Dan Saltzman, Vice-Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By John S. Thomas
Assistant County Counsel

F:\DATA\COUNSEL\WPDATA\003\ST.ORD\mw

07/03/96:1

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

TITLE 17 PUBLIC IMPROVEMENTS

designated under Chapter 3.12 of this Code.

17.100.050 Penalty for Violation.

Any person violating any of the provisions of this Title shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a period not exceeding 6 months, or by both such fine and imprisonment. In the event that any provision of this Title is violated by a firm or corporation, the officer or officers or person or persons responsible for the violation shall be subject to the penalty herein provided.

Chapter 17.102

SOLID WASTE & RECYCLING COLLECTION

(New Chapter substituted by Ord.
No. 164916 and by Ord. No. 165001,
January 23, 1992.)

Sections:

- 17.102.010 Declaration of Policy.
- 17.102.020 Definitions.
- 17.102.030 Authority of Director to Adopt Rules.
- 17.102.040 Residential Collection Franchise Required.
- 17.102.042 Execeptions to Residential Franchise Requirement.
- 17.102.045 Penalties for Unauthorized Collection of Recyclable Material.
- 17.102.050 Franchise Administration.
- 17.102.060 Franchise Size Limitation.
- 17.102.070 Forfeiture and Replacement.
- 17.102.080 Residential Recycling Service Delivery.
- 17.102.090 Residential Recycling Plans Required.
- 17.102.100 Reserved.
- 17.102.110 Residential Solid Waste and Recycling Rates and Charges.
- 17.102.115 Large Size Container Service to Residential Customers.

- 17.102.120 Commercial Collection Permit Required.
- 17.102.122 Exceptions to Commercial Collection Permit Requirement.
- 17.102.130 Reserved.
- 17.102.140 Commercial Collection Permit Application.
- 17.102.150 Reserved.
- 17.102.155 Commercial Tonnage Fee.
- 17.102.158 Divulging Particulars of Reports Prohibited.
- 17.102.160 Registration Required for Independent Commercial Recyclers.
- 17.102.170 Hazardous Waste Remedial Action Surcharge.
- 17.102.180 Businesses and Multifamily Complexes Required to Recycle.
- 17.102.190 Fees Credited to Refuse Disposal Fund.
- 17.102.200 Fees As A Debt, Enforcement and Collection.
- 17.102.210 Reserved.
- 17.102.220 Franchise System Evaluation.
- 17.102.230 Right of Appeal.
- 17.102.240 Purpose of Illegal Dumping Enforcement.
- 17.102.250 Prohibitions.
- 17.102.260 Penalties.
- 17.102.270 Reward.
- 17.102.280 Persons Authorized to Issue Notice of Civil Penalties.
- 17.102.290 Issuance of Warnings.
- 17.102.300 Notice of Civil Penalty.
- 17.102.310 Appeal to the Code Hearings Officer.
- 17.102.320 Collection of Penalties and Costs.
- 17.102.330 Required Collection of Solid Wastes.

17.102.010 Declaration of Policy.
(Amended by Ord. No. 169103, July 19, 1995.)
It is the policy of the City of Portland to reduce the amount of solid waste generated and disposed by promoting aggressive source

TITLE 17 PUBLIC IMPROVEMENTS

reduction and recycling activities. City policy shall promote the development of environmentally sound practices regarding the collection, processing and end use of solid waste, recyclable material and compostable material. In order to attain these goals and protect public health and the environment, the City shall regulate collection of solid waste, recyclable material and yard debris within the City's Urban Services Boundary. In carrying out this policy, the goals of this Chapter are:

(1) To reduce the amount of solid waste generated, as measured on a per capita basis, by ten percent before 1997.

(2) To achieve a goal of a 60 percent recycling level from the solid waste stream by 1997, including residential and all other sectors.

(3) To ensure the safe and sanitary collection, transportation and recovery of solid waste, recyclable and yard debris materials.

(4) To provide Portland residents and businesses the opportunity to recycle more materials through convenient on-site, curbside and depot collection programs and through the addition of recyclable materials to the curbside collection program as appropriate.

(5) To establish and enforce solid waste, recyclable material and yard debris collection standards to ensure uniform, cost effective and high quality service delivery to all residential customers.

(6) To establish rates for residential waste collection which are fair to the public, encourage waste reduction, and promote safe, efficient collection.

(7) To promote community awareness in order to achieve the highest participation possible in the solid waste and recycling collection system.

(8) To enhance waste reduction and recycling in the multifamily, commercial, institutional and industrial sectors by ensuring that comprehensive recycling systems are provided at every establishment not covered by the residential franchise, and

that owners of the establishments encourage extensive use of those systems by all employees.

(9) To undertake research, studies and demonstration projects on developing more efficient, economical and effective methods of waste reduction, recycling and waste collection.

17.102.020 Definitions. (Amended by Ord. No. 165625, 166318, 166567, 166924, 167236, 168856, 169103; and 169817, Feb. 21, 1996.) For purposes of Chapter 17.102, and rules adopted thereunder, the following terms shall have the following meanings:

(1) "Administrative Rule" mean all rules promulgated under Section 17.102.030 of this Chapter.

(2) "Assessment" means a civil penalty assessed against a franchisee or permittee for an infraction.

(3) "Assigned Territory" means an area within the Urban Services Boundary of the City of Portland in which only a person designated by the City may collect solid waste and recyclable material from residential customers.

(4) "BES" or "Bureau" means the Bureau of Environmental Services of the City of Portland.

(5) "Business" is any commercial entity, including industrial and institutional, but not including multifamily customers.

(6) "Business Entity" means any person engaging in a commercial activity.

(7) "City" means the City of Portland and the area within the City Urban Service Boundary.

(8) "Collect" or collection includes transport or dispose of.

(9) "Commercial" means relating to an entity that is non-residential in nature or, if residential, consists of five or more dwelling units.

(10) "Commercial Collection" means the collection of solid waste and/or recyclable materials from:

(a) A non-residential source;

EXHIBIT A
PAGE 2 OF 29

TITLE 17 PUBLIC IMPROVEMENTS

(b) A multifamily residence of five or more units; or

(c) The self hauling of solid waste from five or more residential units.

(11) "Compensation" means and includes:

(a) Any type of consideration paid for service, including, without limitation, rent lease payments and any other direct or indirect provision of payment of money, goods, services or benefits by owners, tenants, lessees, occupants or similar persons;

(b) The exchange of services between persons; and

(c) The flow of consideration from the person owning or possessing the solid waste or recyclable material to the person providing the service or from the person providing the service to the person owning or possessing the solid waste or recyclable material.

(12) "Customer" means an entity that has contracted for garbage service to be provided by a commercial Permittee in exchange for compensation, excluding residential service covered by a Franchise. Where several businesses share garbage containers and service, "Customer" refers only to the entity that contracts for the service.

(13) "Depot" is an established area designated by an organization engaged in recycling where any person may deposit recyclable materials specified by that organization. Depots may not be mobile in nature.

(14) "Deposit" means to throw, lay down, place, put, or to let fall.

(15) "Director" is the Director of the Bureau of Environmental Services of the City of Portland, Oregon, or his or her duly authorized representative or agent.

(16) "Franchise" means a residential solid waste and recyclable material collection franchise awarded by Ordinance No. 164701, and as amended by subsequent ordinances.

(17) "Franchisee" means a business that has been awarded a franchise by

Ordinance No. 164701, and subsequent amending ordinances, within the Urban Services Boundary of the City of Portland, for the collection of residential solid waste and recyclable material, including yard debris. "Franchisee" includes any employees or other persons authorized to act on behalf of the Franchisee. "Franchisee" has a meaning identical to that of "grantee" as used in the Franchise Agreement. A "Franchisee" holds a single Franchise for service in any and all of its Franchise Territories, including any territories transferred from other Franchisees as approved by the Portland City Council, subsequent to Ordinance 164701.

(18) "Franchise Territory" means an area within the Urban Services Boundary of the City of Portland in which only a City designated hauler may collect residential solid waste and recyclable material, including yard debris, from residential customers. A single Franchisee may serve more than one Franchise Territory.

(19) "Generator" means an entity which uses the Solid Waste and Recycling collection service and containers arranged for by the "Customer".

(20) "Hazardous Waste" means solid waste that may, by itself or in combination with other waste, be infectious, explosive, poisonous, caustic or toxic, or otherwise dangerous or injurious to human, animal or plant life.

(21) "Independent Commercial Recycler" means a person who collects only Recyclable Material from non-Residential sources for the sole purpose of Recycling, and who does not collect Solid Waste.

(22) "Independent Recycler" means a Franchisee having 3,000 or more residential customers in the City as of February 28, 1991.

(23) "Infectious Waste" as defined in ORS 459, includes "Biological Wastes", "Cultures and Stocks", "Pathological waste", and "Sharps".

(24) "Infraction" means a failure to

TITLE 17
PUBLIC IMPROVEMENTS

comply with Portland City Code Chapter 17.102 or the administrative rules promulgated thereunder.

(25) "Metro" means the intergovernmental agency responsible for regional solid waste management and planning in the Portland Metropolitan area.

(26) "Multifamily Complex" or "Multifamily" means any multidwelling building or group of buildings that contain(s) five dwelling units or more on a single tax lot, such as apartments, condominiums, mobile home parks, or houseboat moorages. Multifamily also includes certified or licensed residential care housing, such as adult foster care homes or group homes.

(27) "Permittee" means any person granted a Commercial Collection permit under Section 17.102.120 of this Chapter.

(28) "Person" means any individual, partnership, association, firm, trust, estate, a public or private corporation, a local government unit, a public agency, the state or any other legal entity.

(29) "Property" includes land and waterways.

(30) "Quick Form" is a type of Recycling Plan Form produced by the City, giving a specified list of materials which must be recycled by a specific type of Business.

(31) "Recyclable Material", "Recyclable" and "Recyclables" includes, but is not limited to, newspaper, scrap paper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, container glass, aluminum, tin cans, magazines, aseptic packaging, coated paper milk cartons, steel aerosol cans, plastic bottles, office paper, yard debris and other materials as may be designated by the City.

(32) "Recycling" means the series of activities including collection, separation, and processing, by which products or other materials are recovered from or otherwise diverted from the solid waste stream (1) for use in the form of raw materials in the manufacture of new products other than fuel and (2) in the case of source separated wood

waste which has no material use, for use as separated organics but not composting of mixed waste.

(33) "Recycling Plan Form" means the form provided by the City on which a Customer or Self-hauler makes a commitment to comply with the City's recycling requirement by specifying which materials they will recycle and by whom the materials will be collected.

(34) "Regular Basis" means occurring more than four times in a 365 day period.

(35) "Recycling District" means a business entity formed by franchisees for purposes of recycling collection under the Franchise Agreement, and having an approved plan as set forth in Section 17.102.090.

(36) "Residence" means any dwelling unit in the franchise territory that is a fourplex or smaller where at least 50 percent of the use of the building is residential, regardless of whether it has subscribed for waste collection, or has waste collection in individual cans, carts or containers. The term "residence" does not include any multidwelling building or group of buildings that contain(s) five dwelling units or more on a single tax lot, such as, condominiums, mobile home parks, or houseboat moorages nor does "residence" include certified or licensed residential care housing, such as adult foster care homes or group homes.

(37) "Resident" means any person living in a "Residence".

(38) "Self Haul," when used in reference to Solid Waste and/or Recyclables generated by a Commercial Entity, means the collection and transportation of material from a Commercial entity where an owner or employee or the entity hauls the material rather than hiring a Permittee or Independent Commercial Recycler to perform this function.

(39) "Self Haul" when used in reference to materials from a residential source, means the collection and transportation of a tenants' or homeowners' solid waste and/or recyclable material by the living unit owner or his or her direct employee, where the owner is

TITLE 17 PUBLIC IMPROVEMENTS

not specifically compensated for the collection service.

(40) "Service" means the collection and transportation of solid waste and recyclable material by persons for compensation.

(41) "Solid Waste" has the meaning given in ORS 459.005, but not including the following materials which the ORS definition includes:

(a) Sewage sludge, septic tank and cesspool pumpings or other sludge;

(b) Discarded or abandoned vehicles;

(c) Recyclable material or yard debris which is source separated and set out for recycling purposes.

(42) "Source Separate" means that the person who last used recyclable material separated their recyclable material from solid waste and kept the Recyclable Material separate from Solid Waste.

(43) "Vehicle" includes any motor vehicle or trailer.

17.102.030 Authority of Director to Adopt Rules.

(1) The Director is hereby authorized to adopt rules, procedures and forms to implement the provisions of this chapter.

(2) Adoption of Rules.

(a) Any rule adopted pursuant to this section shall require a public review process. Not less than ten nor more than thirty days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time, and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.

(b) During the public review, a designee of the Director shall hear testimony or receive written comment concerning the proposed rules. The Director shall review the recommendation of his or her designee, taking into consideration the comments received during the public review process and shall

either adopt the proposal, modify or reject it. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the meeting at which the modification is made. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the Office of the Director.

(c) Notwithstanding paragraphs (2) and (3) of this section, an interim rule may be adopted without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

17.102.040 Residential Collection Franchise Required. (Amended by Ord. No. 165625 and 169103, July 19, 1995.)

(1) No person may provide residential solid waste or recyclable material collection, including yard debris, within the Portland Urban Services Boundary without having obtained a franchise from the City, except as provided in 17.102.042 of this Chapter.

(2) Having obtained a franchise for residential solid waste and recyclable material collection from the City, no person shall provide or offer to provide such collection in an area within the Portland Urban Services Boundary other than the assigned territory for which the franchise was issued.

(3) No person shall accumulate, store collect, transport, dispose of or resource recover solid waste or recyclable material except in compliance with this chapter, other city ordinances, and Chapters 459 and 459A, Oregon Revised Statutes, dealing with solid waste management and regulations and amendments promulgated under any of the foregoing.

(4) Nothing in this section shall

TITLE 17
PUBLIC IMPROVEMENTS

prohibit the City from withdrawing certain solid waste or recyclable material services by amendment to this section on the basis of finding that such change is appropriate.

(5) No person other than the City Approved Recycler may remove recyclable material that is set out in or next to a City provided residential yellow recycling bin set out at a Residence. For purpose of this subsection, "Approved Recycler" means a business entity that has received City approval of its recycling plan for an assigned Franchise territory. "Approved Recycler" includes any employees or other persons authorized to act on behalf of the Approved Recycler.

17.102.042 Exceptions to Residential Franchise Requirement.
(Amended by Ord. No. 169103, July 19, 1995).

(1) A franchise is not required for the collection or transportation of residential solid waste and recyclable materials by the following persons:

(a) Persons transporting solid waste or recyclable material collected outside the City;

(b) Organizations which have been granted non-profit tax status by the federal government or who are organized as non-profit corporations in accordance with ORS Chapter 61 and who collect Residential recyclable materials or yard debris without charge to the generator of that recyclable materials or yard debris.

(c) A contractor employed to demolish, construct or remodel a building or structure, including, but not limited to, land clearing operations and construction wastes, when collecting or transporting wastes created in connection with such employment;

(d) Landscapers, gardeners, tree service contractors, janitors or renderers when collecting or transporting wastes created in connection with such employment;

(e) Persons collecting and transporting waste produced by that person, or the waste produced by four or fewer

residences total. For purposes of this Section, solid waste produced by a tenant, licensee, occupant or similar person is produced by that person and not by the landlord;

(f) Persons collecting or transporting only waste tires under a valid waste tire storage or carrier permit pursuant to OAR Chapter 340.

(g) Persons transporting only reusable beverage containers as defined in ORS 459A;

(h) Federal or state agencies that collect, store, transport and dispose of solid waste or those who contract with such agencies to perform the service, but only insofar as the service is performed by or for such agencies; and

(i) Persons exclusively collecting recyclable materials from non-residential sources.

(2) An organization is not required to have a franchise for the acceptance, storage or transportation of recyclable materials if those materials are accepted and stored at a depot or depots which accept recyclable material without a charge to the generator of that recyclable material.

17.102.045 Penalties for Unauthorized Collection of Recyclable Material. (Added by Ord. No. 168855 and 169103, July 19, 1995.)

(1) Penalty Amounts:

(a) Persons found in violation of Sections 17.102.040(5) or 17.102.120 (5) are subject to a civil penalty of up to \$500.

(b) A second violation of these Sections by the same person shall be subject to a civil penalty of up to \$750.

(c) Third and subsequent violations of these Sections shall be subject to civil penalties of up to \$1000.

(d) Civil penalties under these Sections may be assessed for violations per day or per occurrence.

(2) The following criteria shall be considered in determining the amount of any civil penalty to be assessed under this Section:

(a) The nature and extent of the

TITLE 17 PUBLIC IMPROVEMENTS

person's involvement in the violation;

(b) Whether the person was seeking any benefits, economic or otherwise, through the violation;

(c) Whether the violation was isolated and temporary, or repeated and continuous;

(d) The magnitude and seriousness of the violation

(e) The costs of investigation and remedying the violation;

(f) Whether any criminal prosecutions have occurred in regard to the violations; and

(g) Any other relevant, applicable evidence bearing on the nature and seriousness of the violation.

17.102.050 Franchise

Administration. Notwithstanding provisions of Title 3.114.020, the Bureau of Environmental Services shall be responsible for administration of all residential solid waste and recyclable material collection franchises.

17.102.060 Franchise Size Limit.

(1) No franchisee shall service more than 50,000 residential customers.

(2) No franchisee shall be a subsidiary corporation of another franchisee.

17.102.070 Forfeiture and Replacement. (Added by Ord. No. 167236, Dec. 16, 1993.)

(1) In the event that the Director of the Bureau finds grounds for declaring a forfeiture, according to the terms of the franchise awarded by Ordinance No. 164701, and as amended by subsequent ordinances, the Bureau shall make a recommendation for Council action on the matter, following procedures specified in the Bureau's adopted rules.

(2) In preparing for the transfer of a forfeited franchise to another party, the Bureau shall solicit applications from current

franchisees and from other parties who have given a written notice of their interest following a public notification. The Bureau shall determine the applicants' qualifications to assume the franchise responsibilities. The Bureau is authorized then to use a lottery in selecting among qualified applicants. In addition, the Bureau is authorized to conduct an appraisal of the value of the forfeited franchise. The lottery winner(s) shall then be offered the opportunity to purchase the franchise from the City within a specified time period at the appraised value.

(3) In cases where a franchisee abruptly ceases to provide service, and there is insufficient time to conduct an appraisal and permanently transfer a franchise, the Bureau is authorized to recommend that the Council appoint a temporary service provider. If the Council makes such an appointment, it may also guarantee a minimum level of revenue to that company, in order to encourage companies who would not otherwise be willing to assume this responsibility on a short term basis. Such minimum level of revenue would be achieved by the City's supplementing revenues received by the temporary service provider from its temporary customers.

17.102.080 Residential Recycling Service Delivery.

(1) Residential recycling collection shall be performed by either an Independent Recycler or a Recycling District.

17.102.090 Residential Recycling Plans Required.

(1) Independent Recyclers and Recycling Districts must receive City approval of Recycling Collection and Processing Plans prior to initiation of service.

(2) Recycling Collection and Processing Plans shall be submitted on forms provided by the City and shall include, at a minimum, the following information:

(a) Number of residential households

EXHIBIT A
PAGE 7 OF 29 3/31/96

TITLE 17
PUBLIC IMPROVEMENTS

in service area;

(b) Description of recycling collection equipment;

(c) Address and City zoning classification of processing/storage sites;

(d) Description of processing and storage activities;

(e) List of markets where each recyclable material will be sold;

(f) List of the number of staff, their positions and FTE for each;

(g) Address and phone number of office;

(h) Cost of recycling collection and processing equipment, the financial institution used and type of financing obtained; and

(i) Other relevant information deemed necessary by the Bureau.

(3) The Bureau shall review each submitted Recycling Collection and Processing Plan to determine if the plan sets out reasonable means and methods to deliver high quality recycling to City residents, and which are capable of meeting Administrative Rule standards for residential recycling service delivery. Independent Recyclers and Recycling Districts shall be notified in writing by the City as to the acceptability of their plans and any recommended modifications if approval is not given.

(4) Failure to receive City approval of a plan shall result in denial of the City's permission to provide recycling collection service and the appointment of another firm by the City to provide recycling collection service.

17.102.100 Reserved.

17.102.110 Residential Solid Waste and Recycling Rates and Charges. (Amended by Ord. No. 165625, Aug. 1, 1992.) For all service levels of franchised residential service collection, rates and charges shall be as set forth in Figure 6 published at the end of Title 17.

17.102.115 Large Size Container Service to Residential Customers. (Added by Ord. No. 165625 and 169103, Aug. 18, 1995.)

(1) Any residential putrescible waste collected in containers exceeding two yards capacity, by a Commercial Permittee or Franchisee collecting outside the Franchisee's territory, shall be tipped within seven days of the empty container being placed at the residence.

(2) Commercial Permittees are prohibited from providing collection of any putrescible waste on a Regular Basis to residential customers without the express written permission of the Franchisee in whose territory the collection would be occurring.

(3) Franchisees are prohibited from providing containers larger than two yards on a regular basis to residential customers outside their franchise territory.

17.102.120 Commercial Collection Permit Required. (Amended by Ord. No. 169103, July 19, 1995.)

(1) No person shall provide commercial collection of solid waste and recyclable material within the City without having obtained an annual commercial collection permit from the Bureau of Environmental Services, except as provided in Section 17.102.122. Permits shall be issued for the year beginning July 1 and ending June 30.

(2) Permittees must comply with Administrative Rules promulgated under Section 17.102.030, including provision of recycling collection to all who receive collection of solid waste.

(3) Under ORS 459A.070 permittees may charge a person who source separates recyclable material - and makes it available for reuse or recycling - less, but not more, for collection and disposal of solid waste and collection of recyclable material than the collection service charges a person who does not source separate recyclable material.

(4) Any person who provides

EXHIBIT A
PAGE 8 OF 29

3/31/96

TITLE 17 PUBLIC IMPROVEMENTS

commercial collection of solid waste within the City without a current commercial collection permit from BES shall be subject to a civil penalty of up to \$500 per day.

(5) No person who is not authorized by the Customer may remove recyclable material that is set out by the Customer for recycling.

(6) As provided in Section 29.20.140(D) of the City Code, owners of Multifamily rental dwellings may not Self-haul Solid Waste generated by their tenants, but must contract for waste collection services from a Permittee.

17.102.122 Exceptions to Commercial Collection Permit Requirement. (Added by Ord. No. 169103, July 19, 1995.) A commercial collection permit is not required for the collection or transportation of commercial solid waste and recyclable materials by the following persons:

(1) Persons transporting solid waste or recyclable material collected outside the City;

(2) A contractor employed to demolish, construct or remodel a building or structure, including, but not limited to, land clearing operations and construction wastes, when collecting or transporting wastes created in connection with such employment;

(3) Landscapers, gardeners, tree service contractors, janitors or renderers when collecting or transporting wastes created in connection with such employment;

(4) Persons collecting or transporting only waste tires under a valid waste tire storage or carrier permit pursuant to OAR Chapter 340.

(5) Persons transporting only reusable beverage containers as defined in ORS 459A;

(6) Federal or state agencies that collect, store, transport and dispose of solid waste or those who contract with such

agencies to perform the service, but only insofar as the service is performed by or for such agencies; and

(7) Persons exclusively collecting recyclable materials.

17.102.130 Reserved.

17.102.140 Commercial Collection Permit Application. (Amended by Ord. No. 166561 and 169103, July 19, 1995.) Applications for commercial collection permits shall be made to the Bureau of Environmental Services on forms provided by the Bureau. The application shall include:

(1) The name, street and mailing address, and business telephone number of the applicant;

(2) Applicant business ownership information, responsible official and contact person;

(3) City of Portland Business License number;

(4) Motor vehicle registration and PUC number of all solid waste collection vehicles, recycling collection vehicles and drop box transport vehicles to be operated under the permit;

(5) Commercial recycling information which may include:

(a) Description of recycling collection equipment;

(b) Address and City zoning classification of processing/storage sites;

(c) Description of processing and storage activities; and

(d) List of markets where each recyclable material will be sold.

(6) Any other relevant information deemed necessary by the Director.

(7) An application fee of \$60.

17.102.150 Reserved.

17.102.155 Commercial Tonnage

TITLE 17
PUBLIC IMPROVEMENTS

Fee. (Amended by Ord. No. 165625, 166561, 168081; and 169103, July 19, 1995.) Commercial permittees shall, when invoiced quarterly by the Bureau of Environmental Services, pay a tonnage fee to the City. Fees shall be assessed up to \$3.15 per ton of commercial solid waste collected within the City and deposited in disposal facilities authorized by the Metropolitan Service District. Payments shall be made within 30 days of the invoice date of billing. Interest shall be charged on invoices not paid within 30 days of the date of the invoice. Interest shall accrue at 1-1/2% on unpaid balances 30 days after the date of invoice, compounded daily from the due date.

17.102.158 Divulging Particulars of Report Forms Prohibited. (Amended by Ord. No. 168081 and 169103, July 19, 1995.) Except as otherwise required by law, it shall be unlawful for the Bureau or any officer, employee, or agent, to divulge, release, or make known in any manner any information submitted or disclosed to the City under terms of Sections 17.102.155 or 17.102.170. Nothing in this Section shall be construed to prohibit:

(1) The disclosure of the names and addresses of any persons to whom permits have been issued; or

(2) The disclosure of general statistics in a form which would prevent the identification of financial information regarding any individual permittee.

17.102.160 Registration Required for Independent Commercial Recyclers. (Added by Ord. No. 169103, July 19, 1995 effective Jan. 1, 1996).

(1) No person shall provide service as an Independent Commercial Recycler within the City without having registered with the Bureau of Environmental Services, by providing the Bureau with a copy of their City of Portland Business License, or with their Business License number.

(2) Any person who provides service

as an Independent Commercial Recycler within the City without having so registered with the City shall be subject to a civil penalty of up to \$500 per day.

(3) All Independent Commercial Recyclers shall report quarterly to the Bureau on the amounts of recyclables collected in the City, on forms provided by the Bureau.

17.102.170 Hazardous Waste Remedial Action Surcharge. (Amended by Ord. No. 165625, and 161081, Sept. 7, 1994.)

(1) The purpose of this Section is to establish a Hazardous Waste Remedial Action Surcharge (surcharge) to be used for conducting remedial actions related to formerly City operated disposal sites for which the City is liable under the law and to implement the requirements of ORS 459.311. The surcharge will be imposed on all persons who dispose of solid waste collected within the City limits. The surcharge shall be dedicated to paying for remedial action costs. Remedial action costs also includes the cost of relieving debt incurred in conjunction with a remedial action, administrative costs and an increment to cover any delinquencies in collection. This surcharge shall be within the limits established by state law.

(2) Definitions.

(a) "Class of service" means:

(i) The unit of measurement used to define the type of solid waste collection service purchased by customers of solid waste collectors, such as one can per week service, two can per week service, mini-can service, roller-cart service, dumpster service, etc.; and

(ii) The unit of measurement used to define charges for disposal of solid waste at a solid waste disposal site, such as one car load, one pickup truck load, etc.

(b) "Remedial action" means those actions consistent with a permanent remedial action taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of a hazardous substance so that it

TITLE 17 PUBLIC IMPROVEMENTS

does not migrate to cause substantial danger to present or future public health, safety, or the environment. "Remedial action" includes, but is not limited to:

(i) Such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous substances and associated contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, on site treatment or incineration, provision of alternative drinking and household water supplies, and any monitoring reasonably required to assure that such actions protect the public health, safety, welfare and the environment.

(ii) Off site transport and off site storage, treatment, destruction or secure disposition of hazardous substances and associated contaminated materials.

(iii) Such actions as may be necessary to monitor, assess, evaluate or investigate a release or threat of release.

(c) "Remedial action costs" means reasonable costs which are attributable to or associated with a removal or remedial action at a facility, including but not limited to the costs of administration, investigation, legal or enforcement activities, contracts and health studies. Remedial costs also include the cost of retiring debt incurred in conjunction with a remedial action, administrative costs and an increment to cover any delinquencies in collection.

(d) "Solid waste collector" means any person who is subject to a franchise license or permit granted by the City to collect solid waste within the City.

(e) "Solid waste disposal site" means land and facilities used for the disposal, handling or transfer of or resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge

treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by the public or by a solid waste collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility subject to the permit requirements of ORS 468.740; a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site operated by a wrecker issued a certificate under ORS 822.110.

(f) "Surcharge" means a charge added to the current charge.

(3) Amount of surcharge. The surcharge may be based on weight or volume of solid waste and shall be \$0.20 per cubic yard if measured by volume or \$1.50 per ton if measured by weight.

(4) Applicability of surcharge. The surcharge shall apply to solid waste collected or disposed of within the City after January 31, 1991 and shall continue until the applicable remedial action costs have been paid. In the event the City sets uniform solid waste collection rates for waste collected within the City limits, the surcharge shall be included in the rates.

(5) Collection of surcharge.

(a) Each solid waste collector shall bill his or her customers in proportion to the weight or volume of solid waste collected from each customer. Where the City has not set a waste collection rate each solid waste collector shall make reasonable estimates for the average weight or volume of solid waste associated with each class of service provided by that solid waste collector. Customers receiving each class of service shall be billed so that each customer pays the same amount

TITLE 17
PUBLIC IMPROVEMENTS

of remedial action cost surcharge for each unit of solid waste generated, based upon the estimated weight or volume of solid waste associated with that customer's class of service.

(b) Where persons dispose of their waste without the services of a permitted or franchised solid waste collector, each owner of a solid waste disposal site shall make reasonable estimates of the average weight or volume of solid waste associated with each class of service provided to persons disposing of solid waste at that owner's solid waste disposal sites. Persons disposing of solid waste collected within the City limits shall be billed so that each persons pays the same amount for each unit of solid waste disposed of, based upon the estimated weight or volume of solid waste associated with that person's class of service.

(c) Payment of surcharge. Each solid waste collector or owner of a solid waste disposal site, when invoiced by the City for a surcharge, shall remit the amount invoiced within 30 days the City's date of invoice. Interest rates shall be charged on invoice not paid within 30 days of the date of invoice. Interest shall accrue at 1-1/2 percent on the unpaid balanced 30 days after the date of invoice, compounded daily from the due date. The collector of the surcharge may retain five percent of the surcharge to cover administrative costs. The remainder shall be remitted to the City.

(d) Responsibilities of surcharge collector. The collector of the surcharge shall provide such reports and accounting of proceeds of the remedial action costs surcharge as may be required by the Director of the Bureau of Environmental Services. The collector of the surcharge shall not be responsible for any shortage caused by the failure of a customer to pay charges for solid waste collection.

(e) Limits of the surcharge. The surcharge revenues shall be placed in an account dedicated to paying for remedial action costs approved by the Council. The

surcharge shall be within the limits established by state law.

17.102.180 Businesses and Multifamily Complexes Required to Recycle. (Added by Ord. No. 169103, July 19, 1995, effective Jan. 1. 1996).

(1) Requirement to Recycle.

(a) All Businesses within the City shall recycle their recyclable materials in compliance with Administrative Rules established by the Bureau of Environmental Services.

(b) All Multifamily Complexes within the City shall establish recycling systems, for their tenants' use, in compliance with Administrative Rules established by the Bureau of Environmental Services.

(c) For all building projects within the City where the total job cost (including both demolition and construction phases) exceeds \$25,000, the applicant for the Bureau of Buildings permit shall ensure that certain materials generated on the job site are recycled in compliance with Administrative Rules established by the Bureau of Environmental Services.

(2) City monitoring of compliance will be accomplished through Customers' and Self-haulers' completion of Recycling Plan Forms and City review of those forms, as well as through City inspection of onsite recycling and waste systems.

(3) Reporting Requirements. All Independent Commercial Recyclers and all Businesses or Multifamily Complexes which self-haul their recyclables, shall report to the City quarterly on the quantities of recyclables collected in the City, using forms provided by the Bureau.

(4) Any Business or any other Person may sell or exchange at fair market value its own recyclable materials which are source separated for reuse or recycling. This Chapter and any Administrative Rules promulgated hereunder are not intended to limit the ability of any Person to compete openly to provide recycling collection service to businesses

EXHIBIT A

PAGE 12 OF 29 3/31/96

TITLE 17 PUBLIC IMPROVEMENTS

within the City of Portland.

17.102.190 Fees Credited to Refuse Disposal Fund. (Amended by Ord. No. 166724, and 167236; Dec. 16, 1993.)

(1) All fees, civil penalties and interest received by the Bureau of Environmental Services with respect to solid waste collection or disposal shall be deposited with the City Treasurer and credited to the Refuse Disposal Fund.

(2) Such fees, civil penalties and interest and any other fees or charges collected by the Bureau of Environmental Services with respect to solid waste collection and disposal shall be used for administration, implementation and operation of solid waste and recycling programs. The Bureau may spend or apply such fees and charges to implement and administer solid waste and recycling policies approved by the Council.

(3) The proceeds from the City's sale of a forfeited franchise shall be deposited with the City Treasurer and credited to the Refuse Disposal Fund. Such proceeds shall be used to offset the City's costs of the process of replacing a franchisee, including its costs for providing any necessary temporary services, and to offset program costs to the public.

17.102.200 Fees As A Debt, Enforcement and Collection. (Amended by Ord. No. 166561, and 168081, Sept. 7, 1994.)

(1) All fees, penalties and interest imposed by this Chapter shall be a debt due and owing to the City of Portland and may be collected by civil action in the name of the City of Portland. In addition, the City may revoke or deny renewal of any commercial collection permit to permittees who have not paid commercial permit or tonnage fees or infraction assessments by the deadlines provided in this Chapter or in Administrative Rules adopted pursuant to this Chapter.

(2) Fee, penalties and interest shall

be enforced and collected by the Bureau of Environmental Services. The Bureau may waive or reduce any penalties for good cause, according to and consistent with written policies. The Director of the Bureau of Environmental Services may refer collection and enforcement to another City Agency.

17.102.210 [Reserved]

17.102.220 Franchise System Evaluation.

(1) On an annual basis, beginning January 1993, the Bureau shall prepare a report on the status and performance of the franchise collection system for the City Council. The report shall comment on progress toward achievement of the relevant goals stated in Section 17.102.010 of this Chapter, and in Bureau budget documents.

(2) Commencing at least five years prior to the expiration of the initial franchise term, the City Council shall evaluate the franchise system to determine if the system is achieving waste reduction, increased recycling, and cost-effective collection service. Such evaluation shall include an opportunity for public discussion and comment.

17.102.230 Right of Appeal. (Amended by Ord. No. 169103, July 19, 1995.)

Any person receiving a Notice of Assessment shall, within 15 calendar days of issuance of a written Notice of Assessment pay to the City the stated amount of the Assessment or request an appeal hearing a Code Hearings Officer in accordance with procedures set forth in Chapter 22 of the City Code. The filing of an appeal of an Assessment shall stay the effective date of the Assessment until the appeal is determined by the Code Hearings Officer. If, pursuant to said appeal hearing, a payment of Assessment is ordered, such payment must be received by the City or postmarked within 15 calendar days after the order becomes final.

EXHIBIT A

PAGE 13 OF 29

3/31/96

TITLE 17
PUBLIC IMPROVEMENTS

17.102.240 Purpose of Illegal Dumping Enforcement. (Added by Ord. No. 169817, Feb. 21, 1996.)

(a) To reduce the Solid Waste collection costs to residential and commercial customers caused by illegal dumping.

(b) To coordinate with various City Bureaus who find evidence about the identify of illegal dumpers in Solid Wastes collected on private and public property.

(c) To actively cooperate with Metro in carrying out the provisions related to illegal dumping in the Regional Solid Waste Management Plan.

17.102.250 Prohibitions. (Added by Ord. No. 169817, Feb. 21, 1996.)

A. No person shall transport or carry, or direct another person to transport or carry, any solid waste or recyclable material in or on a vehicle unless the solid waste or recyclable material is:

1. Completely covered on all sides and on the top and bottom and the cover is securely fastened to the body of the vehicle; or

2. Contained in the body of the vehicle in such a way as to prevent any part of the solid waste or recyclable material from being deposited upon any property, road, right-of-way or driveway within the City of Portland.

B. No person shall deposit solid waste or recyclable materials, other than in receptacles provided for this purpose, upon the private property of another person without the permission of the owner or upon any public property other than at a Metro-designated facility.

(C) No person shall transport wastes from food processing or food wastes intended for use as animal feed or to be further processed except as provided in Subsection 8.36.070.

17.102.260 Penalties. (Added by Ord. No. 169817, Feb. 21, 1996.)

A. Any person who violates Subsection 17.102.250.A shall be subject to a civil penalty of not more than \$500 for each violation.

B. Any person who violates Subsection 17.102.250.B shall be subject to:

1. A civil penalty of not more than \$1,000 for each violation; and,

2. An award of costs to reimburse the City for actual expenses incurred by the City, limited to the following:

a. The administrative costs of investigation and enforcement; and,

b. Cleanup and disposal costs.

C. Notwithstanding Subsection B of this Section, the minimum penalty for any business entity violating Subsection 17.102.250 by illegally depositing solid waste determined to be in excess of 128 cubic feet shall be \$500. The maximum penalty shall be \$2000.

D. In calculating the amount of any civil penalty to be assessed under this Section, the Director shall consider the following criteria:

1. The extent and nature of the person's involvement in the violation;

2. The benefits, economic, financial, or otherwise, accruing or likely to accrue as a result of the violations;

3. Whether the violations were repeated and continuous, or isolated and temporary;

4. The magnitude and seriousness of the violation;

5. Whether the facts underlying the violation have been considered in a previous proceeding; and

6. Any other factors which the Director deems relevant.

E. The remedies provided by this ordinance are in addition to, not in lieu of, any other remedies available against a person alleged to have violated any provision of this Chapter. The City, or any person or governmental entity, may take any other authorized legal or equitable action necessary to abate a nuisance, impose criminal sanctions or collect damages, regardless of whether an action has been commenced under this Chapter. Violation of Section 17.102.250 is hereby declared to be a nuisance and subject

EXHIBIT A

PAGE 14 OF 29 3/31/96

TITLE 17 PUBLIC IMPROVEMENTS

to abatement or injunction as any other nuisance.

17.102.270 Reward. (Added by Ord. No. 169817, Feb. 21, 1996.)

A. The Director may adopt procedures for issuing rewards for information leading to the identification of persons engaging in illegal dumping. In no case shall the reward exceed \$500.

B. When determining the amount of the reward, the Director shall consider the following:

1. The usefulness of the information provided and the assistance in identifying the alleged violator;
2. The amount of solid waste deposited;
3. The kind of solid waste deposited;
4. Whether the violations were repeated and continuous, or isolated and temporary;
5. The magnitude and seriousness of violation; and
6. Any other factors which the Director deems relevant.

17.102.280 Persons Authorized to Issue Notice of Civil Penalty. (Added by Ord. No. 169817, Feb. 21, 1996.) The Director is hereby authorized to administer and enforce the provisions of this PCC 17.102 through PCC 17.102.330.

17.102.290 Issuance of Warnings. (Added by Ord. No. 169817, Feb. 21, 1996.)

A. The Director may issue a warning of an alleged violation under this Chapter based upon information tending to show a person has violated Section 17.102.250.

B. If issued, a warning notice shall be in writing and shall be delivered to the alleged violator in person or in any other manner reasonably calculated to give notice of

the violation, including but not limited to posting of the warning in a prominent location on the property or by United States first-class mail, postage prepaid.

C. The Director may issue cumulative notices and/or warnings in any sequence to a violator of Section 17.102.250.

17.102.300 Notice of Civil Penalty. (Added by Ord. No. 169817, Feb. 21, 1996.)

A notice of civil penalty shall be used for all violations to be enforced under this Chapter.

17.102.310 Appeal to the Code Hearings Officer. (Added by Ord. No. 169817, Feb. 21, 1996.)

A. The Notice of Civil Penalty shall be effective and final 15 days after the giving of notice. Any person who has been directed by the Director to pay a civil penalty may appeal the Director's action to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of this Code.

B. In any appeal before the Code Hearings Officer, a name found on several items of deposited solid waste shall constitute rebuttable evidence that the person whose name appears on the items has violated Section 17.102.250. The rebuttable presumption created by this subsection exists only when a name on items denotes ownership of the items, such as the name of an addressee on an envelope.

C. In any appeal before the Code Hearings Officer in which the Director has assessed civil penalties under Section 17.102.300, the City must prove by a preponderance of evidence that a person has violated the terms of Section 17.102.250.

17.102.320 Collection of Penalties and Costs. (Added by Ord. No. 169817, Feb. 21, 1996.)

A. Penalties and costs are payable

TITLE 17
PUBLIC IMPROVEMENTS

upon receipt of the final order imposing penalties and costs. Penalties and costs under this Chapter are a debt owing to the City and may be collected in the same manner as any other debt.

B. The City may initiate appropriate legal action in any court of competent jurisdiction to enforce the provisions of any written settlement or final order of the Hearings Officer.

17.102.330 Required Collection of Solid Wastes. (Added by Ord. No. 169817, Feb. 21, 1996.)

A. Any Person who owns and resides in that residence or Business who owns or rents their business property who receives a Notice of Warning or Notice of Civil Penalty under sections 17.102.290 or 17.102.300 or has been assessed a civil penalty under section 17.102.310 shall subscribe to and pay for the regular weekly collection of solid waste service by a refuse collection permittee as defined in Section 17.102 of the Code of the City of Portland. However, any Person who rents residential property shall be subject to the Housing Maintenance Regulations of Title 29 of the City Code.

B. Any Person or Business Entity who is required to provide such refuse collection shall provide for receptacles with a capacity sufficient to prevent the overflow of garbage and rubbish from occurring, into which solid wastes may be emptied for the storage between days of collection.

C. Any Person or Business who fails to subscribe for such solid waste service within 14 days of notice shall be subject to a civil penalty equal to the cost of the required container plus administrative costs.

TITLE 17 PUBLIC IMPROVEMENTS

FIGURE 1 - (Section 17.12.020)

(Deleted by Ord. No. 163420 Sept. 29, 1990)

Permit For	Unit Fee	Minimum Each Permit
(1) Placement of bus shelter or rest station with no advertising use	---	No charge
(2) Community, parade or block party street closures	---	No charge
(3) Seasonal or parade decorations	---	No charge
(4) Placement of public litter receptacle	---	No charge
(5) Street uses established by the City Engineer and City Council to be of civic benefit and non-commercial in nature	---	No charge
(6) Construction or reconstruction of sidewalks and driveways	\$.27/sq. ft.	\$30.00
(7) Construction or reconstruction of curb	\$.37/lin. ft.	\$30.00
(8) Excavation for the construction, reconstruction, repair or abandonment of:		
(a) a main line, duct, conduit, subway, property service, lateral, etc. (Sewer connection more than 100 feet in length shall be deemed a public improvement under permit.)	\$.91/lin. ft.	\$91.00
(b) property service or lateral if not constructed in conjunction with (a) above and plan review not required.	\$51.00	\$51.00

FIGURE 2 - (Section 17.24.020)

(Amended by Ord. No. 166696, 167861, and 168944, effective July 1, 1995.)

TITLE 17 PUBLIC IMPROVEMENTS

Permit For	Unit Fee	Minimum Each Permit
(9) Excavation for construction, reconstruction, repair or abandonment of:		
(a) utility vault or manhole chamber,	--	\$365.00
(b) underground storage tank	--	\$510.00/tank
(c) miscellaneous utility excavations	\$.91/sq. ft.	\$91.00
(10) Placement, replacement, relocation or removal of a pole or private street light	\$30.00	\$30.00
(11) Drilling a test hole	\$91.00	\$91.00
(12) Temporary closure of any street or portion of a street	\$95.00	\$95.00
(13) Material blasting	---	\$166.00
(14) House and building moving:		
(a) Non-refundable permit application, investigation fee and issuance fee	---	\$170.00
(b) Inspection fee		
(15) Advertising benches:		
(a) Permit	---	\$20.00
(b) Annual Permit Renewal Fee	---	\$20.00
(c) Fee for bench removed by City for non- compliance with City Code -- Full cost incurred by the City for removal and storage of Bench.		
(16) Bike Racks		
(a) Permit	\$30.00	\$30.00
(b) Fee for bike rack removed by City for non- compliance with City Code		Full cost incurred by the city for removal and storage of the rack.
(17) Mail Boxes (private, fore 1 and 2 faimily residence)	\$30.00	\$30.00
(18) Sewer connection fee (effective 7-1-83) connection to an existing lateral, or extension of lateral from sewer main to property line; sewer or lateral extension more than 100 feet in length shall be deemed a public improvement under permit	\$50.00	\$50.00

FIGURE 2 CONTINUED - (Section 17.24.020)

TITLE 17 PUBLIC IMPROVEMENTS

Permit For	Unit Fee	Minimum Each Permit
(19) Building Plan Review		
(a) One or two family residential structure.	\$67.00	\$67.00
(b) Structures auxiliary to a one or two family residential dwelling unit submitted on a separate application.	\$67.00	\$67.00
(c) Commercial buildings (any structure other than those listed in A and B above).	\$110.00	\$110.00
(20) Any other excavation, construction, reconstruction, repair, removal, abandonment, placement or use of the street area	---	\$166.00
(21) Penalty fee. If work in the street area is commenced without first securing the proper permit, the fee shall be double that prescribed above, unless the City Engineer determines that it is not reasonably possible to obtain the permit before commencing such work. Payment of the permit fee, however, shall in no way relieve or excuse any permittee from any other penalties imposed on such violations.		
(22) Sewer tap fees. (effective 7-1-83) Tap or roll-in of wye, by City crew (all materials furnished by contractor)	\$80.00	\$80.00
(a) City inspection of Fowler Tap done by contractor	\$20.00	\$20.00
		<u>Deposit*</u>
(23) (Added by Ord. No. 160042 Aug. 20, 1987.) Application fee deposit for streets proposed for rename 10 and under City blocks:		\$ 500.00
Application fee deposit for streets proposed for rename over 10 City blocks:		\$1,000.00

*Auditor shall return any unused portion of deposit to applicant.

FIGURE 2 CONTINUED - (Section 17.24.020)

TITLE 17 PUBLIC IMPROVEMENTS

SEWER USER SERVICE CHARGES AND RATES

	IN-CITY CUSTOMERS Effective Date 7/1/95	OUT-OF-CITY CUSTOMERS Effective Date 7/1/95
RESIDENTIAL DWELLINGS SEWER SERVICE		
	Rate Per 100 Cubic Feet of Water Consumption	Rate Per 100 Cubic Feet of Water Consumption
Sanitary Sewage Volume Rate	\$2.18	\$1.96
	Monthly Charge Per Account	Monthly Charge Per Account
Account Service	3.33	2.99
	Rate Per 1,000 Square Feet Per month	Rate Per 1,000 Square Feet Per Month
Impervious Area	2.19	N/A
	Dollars Per Month Per Single Family Residence	Dollars Per Month Per Single Family Residence
Average Rate	22.36	15.35
Low Income Discount	Discount Per Month	
Single Family Residential Customers Only	3.25	N/A
*Effective January 1, 1995		
COMMERCIAL & INDUSTRIAL	Flat Charge Per Bill	Flat Charge Per Bill
Account Service Charge		
Monthly Accounts	9.62	8.65
Quarterly Accounts	21.97	19.77
Special Meter Charge	19.51	17.55
	Rate Per 100 Cubic Feet Water Consumption	Rate Per 100 Cubic Feet of Water Consumption
Sanitary Sewage Volume Rate	2.302	2.071
Clean Water Rates:		
Discharged directly or indirectly to a combined sewer	1.210	1.089
Discharged to a storm sewer not connected to a combined sewer	0.197	0.177
INDUSTRIAL EXTRA-STRENGTH RATES	Rate Per Pound	Rate Per Pound
Biochemical Oxygen Demand	0.335	0.301
Suspended Solids	0.328	0.295

FIGURE 3 - (Section 17.36.010) (Amended by Ord. No. 166574, 167692; and 168857, May 24, 1995.)

SEWER USER SERVICE CHARGES AND RATES

EXHIBIT A
PAGE 20 OF 29

3/31/96

TITLE 17
PUBLIC IMPROVEMENTS

DRAINAGE SERVICE CHARGE

	Rate Per 1000 Square Feet Per Month	Rate Per 1000 Square Feet Per Month
Drainage Service	2.46	N/A
Account Service Charge - Monthly	3.67	N/A
Account Service Charge - Quarterly	5.85	N/A

FIGURE 3 - (Section 17.36.010) (Amended by Ord. No. 166574, 167692; and 168857, May 24, 1995.)

TITLE 17
PUBLIC IMPROVEMENTS

DWELLING UNIT EQUIVALENCIES

(Amended by Ord. No. 157197, 159085, 163001, 165622, 165654; and 166574, May 27, 1993.)

<u>OCCUPANCY</u>	<u>EQUIVALENT DWELLING UNIT</u>	<u>NUMBER PER</u>
Single Family Home	1	Each
Multiple Family Dwellings	1.25	Units
Motels and Transient Hotels	2	Rental Spaces
High Schools, Colleges and Universities	20	Students
Elementary Schools	40	Students
Full Service Restaurants	6	Seating Spaces
Hospitals and Institutions	2	Beds
Coin Operated Laundromats	1.25	Washers
Offices	2250	Net Square feet
Commercial and Industrial Buildings (Without Industrial Wastes)	9	Employees
All Other Structures/Uses	1000 Cubic Feet Per Month	

FIGURE 4 - (Section)

TITLE 17
PUBLIC IMPROVEMENTS

SEWAGE SYSTEM CONNECTION CHARGES

Effective on July 1, 1995

CONNECTION CHARGE

Per Equivalent Dwelling Unit	\$1,280.00
Trunk Assessment Credit	\$ 319.00
Per Equivalent Dwelling Unit	

LINE CHARGE	\$ 0.529
Per Square Foot	

BRANCH CHARGE	\$ 1,431.00
Per branch used	

For Wye or Tee only	\$ 185.00
---------------------	-----------

STORMWATER DEVELOPMENT CHARGE

Class of Structure	Charge
Single family home	\$ 215.00
Duplex	215.00
Tri-plex	323.00
Four-plex	431.00
Commercial including multiple family dwellings with 5 or more units per 1,000 square feet	89.90

FIGURE 5 - (Amended by Ord. No. 168857, effective 6/23/95)

(Amended by Ord. No. 166574 and 167692, May 25, 1994.)

EXHIBIT A
PAGE 23 OF 29

3/31/96

TITLE 17
PUBLIC IMPROVEMENTS

Portland City Code Chapter 17.102
FIGURE 6

Residential Solid Waste and Recycling Rates and Charges (Page 175) (Effective July 1, 1995)				
	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-curb Surcharge	Excess Distance
SERVICE LEVEL				
Weekly Pickup - Cans				
Minican (20 gal.)	14.50		3.00	1.00
One 32-gallon	17.20		3.00	1.00
Two 32-gallon	26.30		6.00	2.00
Three 32-gallon	32.70		9.00	3.00
Four 32-gallon	38.95		12.00	4.00
Weekly Pickup - Rollcarts				
One 32-40 gallon	18.30			
Two 32-40 gallon	28.75			
Three 32-40 gallon	36.55			
Four 32-40 gallon	43.75			
One 60 gallon	22.85			
Two 60 gallon	33.50			
Three 60 gallon	43.35			
Four 60 gallon	53.80			
One 90 gallon	27.85			
Two 90 gallon	43.20			
Three 90 gallon	58.50			
Four 90 gallon	73.75			
Weekly Pickup - Containers				
One 1.0 cubic yard				
One 1.5 cubic yard	62.20			
One 2.0 cubic yard	85.00			
	108.00			
SPECIAL SERVICES - Yard Debris				
Yard Debris Rollcart (includes cart and every-other-week collection; one-year subscription required)				
60-gallon rollcart	3.45			
90-gallon rollcart	4.15			
Yard Debris -- Extra Can/Bag/Bundle		1.00		
SPECIAL SERVICES - Recycling				
Recycling only, weekly collection (no yard debris)	3.15			

TITLE 17
PUBLIC IMPROVEMENTS

Residential Solid Waste and Recycling Rates and Charges (Page 176) (Effective July 1, 1995)				
	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-curb Surcharge	Excess Distance
SPECIAL SERVICES: Solid Waste				
One 32-gal. can monthly (includes regular recycling and yard debris collection)	9.35		.75	.25
One 32-gal. can on-call (includes one recycling pickup, no yard debris)		6.00	.75	.25
Occasional Extra (can or bag)		4.50	.75	
Clean up containers One 1.0 cu.yd. One 1.5 cu.yd. One 2.0 cu.yd		37.00 54.20 73.75		
Multifamily Special Services Recycling per extra unit (see small multiplex rate sheet) Non-curb can pickup Non-curb rollcart pickup			3.00/can 6.00/cart	1.00/can 1.00/cart
MISCELLANEOUS				
Tires Up to 18" on the rim Up to 18" off the rim		4.75 2.00		
Special Pickup or Callback		7.50		
Roll cart Delivery		10.00		
Terrain Differential (See Figure 6-1) Weekly Solid Waste Monthly Solid Waste Weekly Recycling Only	1.70 1.00 .60			

Residential Solid Waste and Recycling rates and charges include recycling services as outlined in City Administrative Rules. If the need for a type of service arises that is not now foreseen or specifically covered by this rate schedule, then the charge for such service shall be:

1. Uniform and nondiscriminatory between customers of a collector;
2. Commensurate with the rates generally charged in the Portland Metropolitan Area;
3. Subject to approval by the City of Portland, Bureau of Environmental Services Director.

TITLE 17
PUBLIC IMPROVEMENTS

As used in Figure 6, the following terms have the meanings described below:

"Excess distance" is applicable to any collection beyond 75 feet from the curb. This charge is in addition to the "noncurbside surcharge."

"Can service" includes customer-provided containers that do not exceed 34 gallons capacity.

"Clean-up containers" include hauler-provided containers, which are provided as requested by the customer for occasional temporary use.

"Container service" includes hauler-provided containers ranging from 1.0 cubic yards to 2.0 cubic yards.

"Multifamily" means any multidwelling building or combination of buildings on a single tax lot in the residential franchise territory that contains 2 - 4 dwelling units.

"Non-curb surcharge" is the charge for collection service provided beyond curbside.

"Roll cart service" includes hauler-provided containers, with wheels, ranging from 32 gallon to 90 gallon capacity.

"Terrain differential" is applicable to services within the territory designated on Figure 6-1.

Figure 6 Continued

TITLE 17
PUBLIC IMPROVEMENTS

Standard Curbside Monthly Rates -- Small Multiplexes
Effective July 1, 1995

Weekly Collection for:	Duplex	Tri-plex	Four-plex
Single container service, where can/cart/container is shared by residents of 2, 3 or 4 units.			
One shared 32-40 gallon rollcart	20.45	N/A	N/A
One shared 60 gallon rollcart	25.00	27.15	N/A
One shared 90 gallon rollcart	30.00	32.15	34.30
One shared 1 cu.yd. container	64.35	66.50	68.65
One shared 1.5 cu.yd. container	87.15	89.30	91.45
One shared 2 cu.yd. container	110.15	112.30	114.45
Multiple containers. These rates apply where all cans/carts are placed together in a single location. Where unshared cans/carts are located separately, then each is considered a separate account, charged at single-family rate.			
Two 32 gallon cans	28.45	30.60	N/A
Three 32 gallon cans	34.85	37.00	39.15
Four 32 gallon cans	41.10	43.25	45.40
Two 32-40 gallon carts	30.90	33.05	35.20
Three 32-40 gallon carts	38.70	40.85	43.00
Four 32-40 gallon carts	45.90	48.05	50.20
Two 60 gallon carts	35.65	37.80	39.95
Three 60 gallon carts	45.50	47.65	49.80
Four 60 gallon carts	55.95	58.10	60.25
Two 90 gallon carts	45.35	47.50	49.65
Three 90 gallon carts	60.65	62.80	64.95
Four 90 gallon carts	75.90	78.05	80.20

Non-curbside service is available at small multiplexes for cans and rollcarts at an additional monthly charge of \$3 per can and \$6 per rollcart.

EXHIBIT A
PAGE 27 OF 29 3/31/96

TITLE 17
PUBLIC IMPROVEMENTS

The terrain differential charge is applicable per account, rather than per unit, for services within the territory designated on Figure 6-1.

For yard debris services, extras accrue on a per account, rather than per unit, basis.

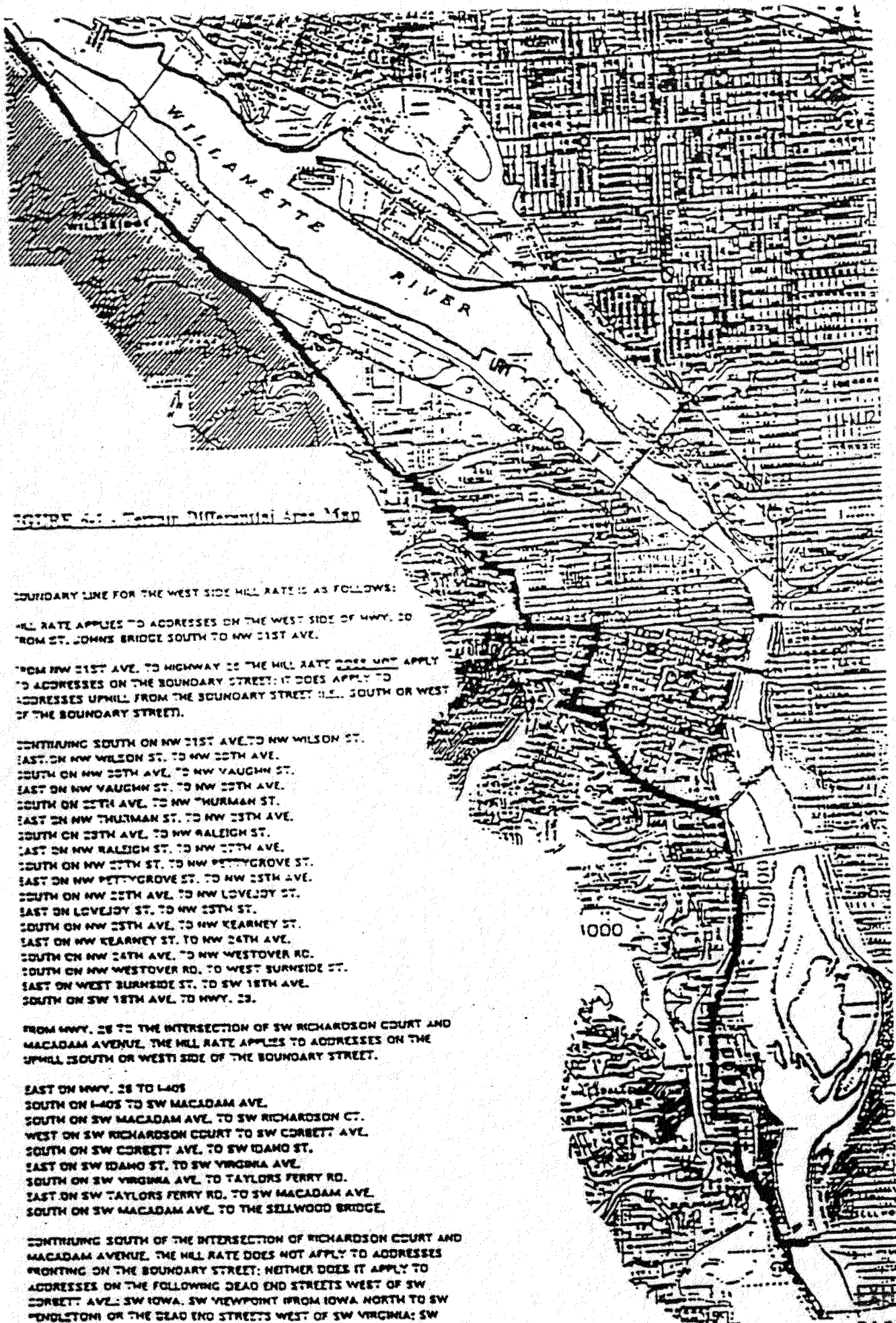


FIGURE 22 - Millage Differential Area Map

BOUNDARY LINE FOR THE WEST SIDE MILL RATE IS AS FOLLOWS:

MILL RATE APPLIES TO ADDRESSES ON THE WEST SIDE OF HWY. 20 FROM ST. JOHNS BRIDGE SOUTH TO NW 21ST AVE.

FROM NW 21ST AVE. TO HIGHWAY 20 THE MILL RATE DOES NOT APPLY TO ADDRESSES ON THE BOUNDARY STREET: IT DOES APPLY TO ADDRESSES UPHILL FROM THE BOUNDARY STREET (I.E., SOUTH OR WEST OF THE BOUNDARY STREET).

CONTINUING SOUTH ON NW 21ST AVE. TO NW WILSON ST.
EAST ON NW WILSON ST. TO NW 20TH AVE.
SOUTH ON NW 20TH AVE. TO NW VAUGHN ST.
EAST ON NW VAUGHN ST. TO NW 19TH AVE.
SOUTH ON 19TH AVE. TO NW THURMAN ST.
EAST ON NW THURMAN ST. TO NW 18TH AVE.
SOUTH ON 18TH AVE. TO NW RALEIGH ST.
EAST ON NW RALEIGH ST. TO NW 17TH AVE.
SOUTH ON NW 17TH ST. TO NW PETTYGROVE ST.
EAST ON NW PETTYGROVE ST. TO NW 16TH AVE.
SOUTH ON NW 16TH AVE. TO NW LOVEJOY ST.
EAST ON LOVEJOY ST. TO NW 15TH ST.
SOUTH ON NW 15TH AVE. TO NW KEARNEY ST.
EAST ON NW KEARNEY ST. TO NW 14TH AVE.
SOUTH ON NW 14TH AVE. TO NW WESTOVER RD.
SOUTH ON NW WESTOVER RD. TO WEST BURNSIDE ST.
EAST ON WEST BURNSIDE ST. TO SW 18TH AVE.
SOUTH ON SW 18TH AVE. TO HWY. 20.

FROM HWY. 20 TO THE INTERSECTION OF SW RICHARDSON COURT AND MACADAM AVENUE, THE MILL RATE APPLIES TO ADDRESSES ON THE UPHILL (SOUTH OR WEST) SIDE OF THE BOUNDARY STREET.

EAST ON HWY. 20 TO 1405
SOUTH ON 1405 TO SW MACADAM AVE.
SOUTH ON SW MACADAM AVE. TO SW RICHARDSON CT.
WEST ON SW RICHARDSON COURT TO SW CORBETT AVE.
SOUTH ON SW CORBETT AVE. TO SW IDAHO ST.
EAST ON SW IDAHO ST. TO SW VIRGINIA AVE.
SOUTH ON SW VIRGINIA AVE. TO TAYLORS FERRY RD.
EAST ON SW TAYLORS FERRY RD. TO SW MACADAM AVE.
SOUTH ON SW MACADAM AVE. TO THE SELLWOOD BRIDGE.

CONTINUING SOUTH OF THE INTERSECTION OF RICHARDSON COURT AND MACADAM AVENUE, THE MILL RATE DOES NOT APPLY TO ADDRESSES FRONTING ON THE BOUNDARY STREET: NEITHER DOES IT APPLY TO ADDRESSES ON THE FOLLOWING DEAD END STREETS WEST OF SW CORBETT AVE.: SW IOWA, SW VIEWPOINT (FROM IOWA NORTH TO SW WHOLESTON) OR THE DEAD END STREETS WEST OF SW VIRGINIA: SW VERMONT, SW FLORIDA, SW CALIFORNIA, SW TEXAS, SW NEVADA, AND SW MILES ST.

OCT 7 1986

INTERGOVERNMENTAL AGREEMENT

TRANSFER OF SOLID WASTE AND RECYCLING
COLLECTION SERVICE RESPONSIBILITIES

The CITY OF PORTLAND and MULTNOMAH COUNTY enter into this Agreement pursuant to the authority granted in Chapters 190 and 459 of the Oregon Revised Statutes. The purpose of this Agreement is to provide an integrated waste management system and to ensure recycling collection service for the unincorporated areas awaiting future annexations.

PARTIES TO THE AGREEMENT

The CITY OF PORTLAND is a municipal corporation organized and existing under the laws and constitution of the State of Oregon and is herein referred to as "the City."

MULTNOMAH COUNTY is a Home Rule political subdivision of the State of Oregon organized and existing under the laws and constitution of the State of Oregon and is herein referred to as "the County."

RECITALS

WHEREAS, local jurisdictions, including the City and the County, must ensure the provision of the opportunity for recycling collection, as stipulated by ORS 459, for all areas inside the metropolitan urban growth boundary; and

WHEREAS, the County has adopted Resolution A which provides for the reduction of urban services delivered by the County; and

WHEREAS, the City has adopted an urban services policy which provides for the assumption by the City of urban service responsibilities in currently urban, unincorporated areas of the County by means of annexation or, on an interim basis, through alternative approaches (Resolution 33317); and

WHEREAS, the City and the County anticipate the City will soon annex substantially all of the urban unincorporated areas of the County within the City's Urban Services Boundary (Exhibit A); and

WHEREAS, the City and the County find that the most cost-effective and rational method for the delivery of urban services in urban, unincorporated areas is through full service City government; and

WHEREAS, the City and the County recognize that the long-term interests of each jurisdiction are best served through the full implementation of the City's urban services policy and the County's Resolution A; and

If the need for a type of service arises that is not now foreseen or specifically covered by this rate schedule, then the charge for such service shall be:

1. Uniform and non-discriminatory between customers of a collector;
2. Commensurate with the rates generally charged in the Portland Metropolitan Area;
3. Subject to the approval by the City of Portland.

As used in this Figure 6 the following terms have the meanings described below.

"Non-curb surcharge" is the charge for collection service provided beyond curbside.

"Excess distance/terrain adjustment" is applicable to any collection beyond seventy-five (75) feet from the curb.

"Container service" includes hauler-provided containers ranging from 1.0 cubic yards to 2.0 cubic yards.

"Can service" includes customer-provided containers that do not exceed 32 gallon capacity.

"Roll cart service" includes hauler-provided containers, with wheels, ranging from 35 gallon to 90 gallon capacity.

"Clean up containers" include hauler-provided containers, as defined above, which are provided as requested by the customer for occasional temporary use.

"Curbside" means a collection location that is within three (3) feet of the edge of the public street. The "street" may be a public alley, if the collector wishes to collect solid waste, recyclables or yard debris from the alley. The three foot rule excludes collection from the house side of a fence or enclosure even if the container is within three feet of the street/alley. For residences on a flag lot, or other private road or driveway, "curbside" shall be the point where the conveyance intersects the public street. Can placement shall not impede sidewalk access or passage.

"Residence" means any dwelling unit in the franchise territory that is in a four-plex or smaller, regardless of whether it has individual can, cart or container service.

"Multifamily" means any multidwelling building in the residential franchise territory that contains 2, 3, or 4 dwelling units.

WHEREAS, there are existing Agreements in effect between the City and the County which transfer the responsibility to the City for the provision of other urban services inside the Portland urban service boundary; and

WHEREAS, rules formulated by the State Department of Environmental Quality pursuant to ORS 459 (OAR 340-60), designate all unincorporated areas inside the City's urban services boundary to be within the Portland wasteshed (defined by OAR 340-60-010) as "an area of the State having a common solid waste disposal system or designated by the Commission as an appropriate area of the State within which to develop a common recycling program"); and

WHEREAS, due to imminent annexation of the unincorporated areas inside the City's urban service boundary, any program by the County to implement recycling collection service would only be an interim measure; and

WHEREAS, because annexations occur in an incremental and scattered manner, the most efficient and effective method for implementing recycling collection service is for the City to assume responsibility at once for all areas inside the urban service boundary; and

WHEREAS, the City has adopted a Recycling Plan that recommends entering into an intergovernmental agreement with the County "that links the two jurisdictions and transfers to the City the administration of and ability to assess fees for recycling collection service for unincorporated areas within the Portland wasteshed"; and

WHEREAS, ORS 190.010 and 190.030 provide for intergovernmental agreements between units of local government, including the City and the County, to allow the performance of functions or activities by one unit of local government for another; and

WHEREAS, ORS 459.065 acknowledges the broad intergovernmental cooperation authority found in ORS 190, and specifically authorizes joint city-county solid waste and recycling collection systems;

NOW, THEREFORE, in consideration of the mutual promises contained herein and pursuant to the provisions of ORS 190.010 - 190.030 and ORS 459.065, the City and County agree as follows:

SECTION 1: PURPOSE

The general purposes of this Agreement are:

- A. To provide for an integrated solid waste management system, and to allow for cooperation between the City and County in the joint effort necessary to achieve such a system.

EXHIBIT B
PAGE 3 of 5

- B. To ensure the provision of uniform and efficient recycling collection service for the entire Portland urban services area.
- C. To provide for an orderly transition of solid waste and recycling collection service responsibilities from the County to the City.
- D. To set forth the terms of the transfer of this urban service function in accordance with City and County Resolutions.

SECTION II: TRANSFER OF FUNCTIONS

A. Effective Date.

Transfer from the County to the City of the responsibilities described herein shall occur on September 18, 1986.

B. Functions Transferred.

1. The City agrees to:

- a. Assume responsibility for providing the "opportunity to recycle," as defined by ORS 459.165, for unincorporated areas inside the urban services boundary. Services will include ensuring the provision of curbside collection as well as a recycling promotion and education program, consistent with the requirements of ORS 459. Assumption of responsibilities is contingent upon Board of County Commissioners adoption of ordinances establishing compatible fee schedules and implementation requirements.
- b. Regulate solid waste collection in the unincorporated areas of Multnomah County inside Portland's urban services boundary, including the assessment and collection of fees to generate all revenue needed for Portland's planning, administration, and operation costs of recycling and solid waste collection programs in such areas.

2. The County agrees to:

- a. Develop and submit to the Board of County Commissioners ordinances granting to the City the additional authorization required to carry out the intent of this Agreement.
- b. Cooperate with the City in the design and implementation of curbside collection service and the recycling promotion and education program within the unincorporated areas.

C. Rights to Fees.

All revenue derived from fees assessed to haulers for operations within the unincorporated areas within the Portland watershed shall accrue to the City, for use in providing solid waste services.

*EXHIBIT B
PAGE 4 of 5*

SECTION III: GENERAL TERMS

A. Separability.

If any section, subsection, clause or phrase of this Agreement is determined by any court or arbitrator of competent jurisdiction, to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remaining Agreement, which shall continue to be in effect.

B. Termination.

This Agreement shall continue indefinitely unless terminated upon six months written notice by either party.

C. Amendments.

This Agreement may be amended by mutual agreement of the parties.

IN WITNESS WHEREOF, the authorized representatives of the City and the County, as parties hereto, acting pursuant to the authority granted to them, have

HEREBY AGREED:

CITY OF PORTLAND

By *Dick Bogle*
Dick Bogle
Commissioner of Public Works

Date: 9/23/86

by *Jewel Lansing*
Jewel Lansing, Auditor

APPROVED AS TO FORM

By *Jeffrey L. Rogers*
Jeffrey L. Rogers
City Attorney

MULTNOMAH COUNTY

By *Dennis Buchanan*
Dennis Buchanan
County Executive

Date: 9/23/86

By *Peter Kastig*
Peter Kastig
Assistant County Counsel

44:recy-agree

EXHIBIT B
PAGE 5 of 5
158991

ORDINANCE NO.

Amend Title 17 of the City Code to revise solid waste and recycling collection rates and charges in accordance with the Extraordinary Rate Review recently completed. (Ordinance, amend Code Chapter 17.102)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 164701, passed October 2, 1991, granted residential solid waste, recycling and yard debris collection franchises in the City of Portland as a way to introduce services, standards and rates to encourage increased recovery of recyclable material from the wastestream.
2. Ordinance No. 164702, passed October 2, 1991, set the original rates for the franchised residential program based on a rate study prepared by the Bureau of Environmental Services.
3. Section 8 of the Franchise Agreement specifies that the City may initiate extraordinary rate review if it has reasonable cause to believe that the current rate schedule results in an average Operating Margin which either exceeds by 1% or more or is 1% or more below the Operating Margin defined in the Agreement. The purpose of this rate review is to evaluate the cost of providing required service, based on actual data on costs and management of operations.
4. Resolution 35489 passed by Council on January 31, 1996 called for an Extraordinary Rate Review in 1996.
5. Rate increases to cover costs of providing garbage and recycling service are partially offset by reductions in fees associated with decreases in the amount of garbage disposed, stable yard debris processing costs, and hauler collection efficiency.
6. Revenues received from the recycling markets for sale of recyclables are forecasted to be at lower levels for the upcoming fiscal year than provided in the current rate schedule.
7. The Mayor's Proposed Fiscal Year 1996-1998 Budget reflects an anticipated reduction in the residential solid waste and recycling franchise fee. Upon completion of the 1996 Extraordinary Rate Review, a 4.0% franchise fee is reflected in the rate schedule to further reduce ratepayer costs. The franchise fee will generate the revenues needed to support budgeted and projected Refuse Disposal Fund activities.

NOW, THEREFORE, the Council directs:

- a. The City Code Chapter 17.102 shall be amended by deleting the old Figure 6 and replacing it with the Figure 6 contained in Exhibit A.

Passed by the Council, May 29, 1996

Commissioner Mike Lindberg
Susan Keil
May 15, 1996

BARBARA CLARK
Auditor of the City of Portland
By

Deputy

(TB - C:\96RATES\RATES96.ORD)

EXHIBIT C
PAGE 1 OF 5

EXHIBIT A

As used in Figure 6 the following terms have the meanings described below:

"Excess distance" is applicable to any collection beyond seventy-five (75) feet from the curb. This charge is in addition to the "non-curb surcharge".

"Can service" includes customer-provided containers that do not exceed 34 gallon capacity.

"Clean up containers" include hauler-provided containers which are provided as requested by the customer for occasional or temporary use.

"Container service" includes hauler-provided containers ranging from 1.0 cubic yards to 2.0 cubic yards.

"Multifamily" means any multidwelling building or a combination of buildings on a single tax lot in the residential franchise territory that contains 2-4 dwelling units.

"Non-curb surcharge" is the charge for collection service provided at a location more distant than curbside.

"Rollcart service" includes hauler-provided containers, with wheels, ranging from 32 gallon to 90 gallon capacity.

"Terrain differential" is applicable to services within the territory designated on Figure 6-1.

[Figure 6-1 is not changed.]

Portland City Code Chapter 17.102

FIGURE 6

Residential Solid Waste and Recycling Rates and Charges (Page 1)				
(Effective July 1, 1996)				
	Monthly Rate, Curbside Pickup		Per Unit or Per Pickup	Non-curb Surcharge
SERVICE LEVEL				Excess Distance
Weekly Pickup - Cans				
Minican (20 gal.)	14.50	<u>14.80</u>		3.00
One 32-gallon	17.20	<u>17.50</u>		3.00
Two 32-gallon		26.30		6.00
Three 32-gallon		32.70		9.00
Four 32-gallon		38.95		12.00
Weekly Pickup - Rollcarts				
One 32-40 gallon	18.30	<u>18.90</u>		
Two 32-40 gallon		28.75		
Three 32-40 gallon		36.55		
Four 32-40 gallon		43.75		
One 60 gallon		22.85		
Two 60 gallon		33.50		
Three 60 gallon		43.35		
Four 60 gallon		53.80		
One 90 gallon		27.85		
Two 90 gallon		43.20		
Three 90 gallon		58.50		
Four 90 gallon		73.75		
Weekly Pickup - Containers				
One 1.0 cubic yard		62.20		
One 1.5 cubic yard		85.00		
One 2.0 cubic yard		108.00		
SPECIAL SERVICES - Yard Debris				
Yard Debris Rollcart (includes cart and every-other-week collection; one-year subscription required)				
60-gallon rollcart		3.45		
90-gallon rollcart		4.15		
Yard Debris -- Extra Can/Bag/Bundle			1.00	
SPECIAL SERVICES - Recycling				
Recycling only, weekly collection (no yard debris)	3.15	<u>4.00</u>		

EXHIBIT C

Residential Solid Waste and Recycling Rates and Charges (Page 2)

(Effective July 1, 1996)

	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-curb Surcharge	Excess Distance
SPECIAL SERVICES: Solid Waste				
One 32-gal. can monthly (includes regular recycling and yard debris collection)	9.35 <u>9.95</u>		.75	.25
One 32-gal. can on-call (includes one recycling pickup; no yard debris) includes garbage pickup only		6.00 <u>5.50</u>	.75	.25
Occasional Extra (can or bag)		4.50	.75	
Clean up containers One 1.0 cu.yd. One 1.5 cu.yd. One 2.0 cu.yd		37.00 54.20 73.75		
Multifamily Special Services Recycling per extra unit (see small multiplex rate sheet) Non-curb can pickup Non-curb rollcart pickup			3.00/can 6.00/cart	1.00/can 1.00/cart
MISCELLANEOUS				
Tires Up to 18" on the rim Up to 18" off the rim		4.75 2.00		
Special Pickup or Callback		7.50		
Roll cart Delivery		10.00		
Terrain Differential (See Figure 6-1) Weekly Solid Waste Monthly Solid Waste Weekly Recycling Only	1.70 1.00 .60			

Residential Solid Waste and Recycling rates and charges include recycling services as outlined in City Administrative Rules. If the need for a type of service arises that is not now foreseen or specifically covered by this rate schedule, then the charge for such service shall be:

1. Uniform and nondiscriminatory between customers of a collector;
2. Commensurate with the rates generally charged in the Portland Metropolitan Area;
3. Subject to approval by the City of Portland, Bureau of Environmental Services Director.

Standard Curbside Monthly Rates -- Small Multiplexes
Effective July 1, 1996

Weekly Collection for:	Duplex		Tri-plex		Four-plex	
Single container service, where can/cart/container is shared by residents of 2, 3 or 4 units.						
One shared 32-40 gallon rollcart	20.45	<u>21.35</u>				
One shared 60 gallon rollcart	25.00	<u>25.30</u>	27.15	<u>27.75</u>		
One shared 90 gallon rollcart	30.00	<u>30.30</u>	32.15	<u>32.75</u>	34.30	<u>35.20</u>
One shared 1 cu.yd. container	64.35	<u>64.65</u>	66.50	<u>67.10</u>	68.65	<u>69.55</u>
One shared 1.5 cu.yd. container	87.15	<u>87.45</u>	89.30	<u>89.90</u>	91.45	<u>92.35</u>
One shared 2 cu.yd. container	110.15	<u>110.45</u>	112.30	<u>112.90</u>	114.45	<u>115.35</u>
Multiple containers. These rates apply where all cans/carts are placed together in a single location. Where unshared cans/carts are located separately, then each is considered a separate account, charged at single-family rate.						
Two 32 gallon cans	28.45	<u>28.75</u>	30.60	<u>31.20</u>		
Three 32 gallon cans	34.85	<u>35.15</u>	37.00	<u>37.60</u>	39.15	<u>40.05</u>
Four 32 gallon cans	41.10	<u>41.40</u>	43.25	<u>43.85</u>	45.40	<u>46.30</u>
Two 32-40 gallon carts	30.90	<u>31.20</u>	33.05	<u>33.65</u>	35.20	<u>36.10</u>
Three 32-40 gallon carts	38.70	<u>39.00</u>	40.85	<u>41.45</u>	43.00	<u>43.90</u>
Four 32-40 gallon carts	45.90	<u>46.20</u>	48.05	<u>48.65</u>	50.20	<u>51.10</u>
Two 60 gallon carts	35.65	<u>35.95</u>	37.80	<u>38.40</u>	39.95	<u>40.85</u>
Three 60 gallon carts	45.50	<u>45.80</u>	47.65	<u>48.25</u>	49.80	<u>50.70</u>
Four 60 gallon carts	55.95	<u>56.25</u>	58.10	<u>58.70</u>	60.25	<u>61.15</u>
Two 90 gallon carts	45.35	<u>45.65</u>	47.50	<u>48.10</u>	49.65	<u>50.55</u>
Three 90 gallon carts	60.65	<u>60.95</u>	62.80	<u>63.40</u>	64.95	<u>65.85</u>
Four 90 gallon carts	75.90	<u>76.20</u>	78.05	<u>78.65</u>	80.20	<u>81.10</u>

Non-curbside service is available at small multiplexes for cans and rollcarts at an additional monthly charge of \$3 per can and \$6 per rollcart.

The terrain differential charge is applicable per account, rather than per unit, for services within the territory designated on Figure 6-1.

For yard debris services, extras accrue on a per account, rather than per unit, basis.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: COMMUNITY AND FAMILY SERVICES

DIVISION: N/A

CONTACT: KATHY TINKLE / MARY LI

PHONE: 3691

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: SUSAN CLARK / KATHY TINKLE

SUGGESTED AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification CFS#1 Requests \$449,376 from County General Fund Contingency to replace lost funding for the Youth Investment Service System (formerly Level 7) to be appropriated as pass through contracts to community providers.

BOARD OF
COUNTY COMMISSIONERS
96 JUL 23 AM 9:19
MULTNOMAH COUNTY
OREGON

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This modification requests \$449,376 from County General Fund contingency to fund existing Youth Investment System services previously supported by Title XX. Reductions in Title XX funding resulted in a significant shortfall impacting shelter, case management and other support services to the Level 7 population. These funds will be used to support direct services through contracts with a variety of non-profit providers.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Increases County General Fund Support
Decreases Youth Investment/Level 7

\$449,376
(\$449,376)

TOTAL \$0

4. CONTINGENCY STATUS [to be completed by Budget & Planning]

Fund Contingency BEFORE THIS MODIFICATION (as of _____):

\$ _____

(Specify Fund)

AFTER THIS MODIFICATION:

\$ _____

Originated By:

Date:

Plan / Budget Analyst:

Date:

Department Director:

Date:

Employee Services:

Date:

Board Approval:

Date:

CFS#1

TRANS EB GM

TRANS DATE: _____

ACCTING PERIOD: _____

[illegible]

CFS#1

TRANS EB GM

TRANS DATE: _____

ACCTING PERIOD: _____

[illegible]

REQUEST FOR GENERAL FUND CONTINGENCY TRANSFER

1. Attachment to Bud Mod No. CFS # 1 2. Amount requested from General Fund Contingency: \$ 449,376

3. Summary of request:

Funds are requested to replace lost Title XX funds that resulted in a significant shortfall impacting shelter, case management and other support services to the Level 7 population. These funds will be contracted to several non-profit providers. A budget note in the FY 96/97 Adopted County Budget anticipates this request. This request is for on-going funding of \$449,376.

4. Has the expenditure for which this transfer is sought been included in any budget request during the past five years? NO If so, when? _____
If so, what were the circumstances of its denial?

5. Why was this expenditure not included in the annual budget process?

A portion of the original shortfall was included in the FY 96/97 Adopted Budget. The entire expenditure was not included due to federal budget delays, notification from the State, and an unsuccessful request to the legislative Emergency Board for State funds. BCC discussion and instruction to the Department during budget sessions was to hold this request until the E board made its decision.

6. What efforts have been made to identify funds from another source within the Department to cover this expenditure? Why are no other Departmental sources of funds available?

Administrative funds in the Child Youth and Family Program have been reduced and used to support direct services.

7. Describe any new revenue that this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

This request will not produce any new revenue and no anticipated payback to the general fund is anticipated. Although, we do plan to present a request to the January session of the E Board to request a possible \$71,729 adjustment/increase. If that increase is received, a like amount will be repaid to the general fund contingency.

8. This request is for a (Quarterly _____) (Emergency XX) review.

9. For emergency requests only: Describe in detail on an additional sheet the costs or risks that would be incurred by waiting for the next quarterly review, in justification of the emergency nature of this request.

10. Attach any additional information or comments which you feel would be helpful.

Critical services will be immediately eliminated without consideration and funding of this emergency request. At current level of funding, services penetration rate is 20% of all young people eligible and in need of this service.

Signature of Department Head / Elected Official

Date



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

M E M O R A N D U M

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *LPoe/slc*
Department of Community and Family Services

DATE: July 22, 1996

SUBJ: Contingency Request/Budget Modification DCFS #1

I. RECOMMENDATION/ACTION REQUESTED: The Department of Community and Family Services recommends the approval of Budget Modification DCFS #1. This modification requests a transfer from County General Fund contingency in the amount of \$449,376 to support Youth Investment System services previously supported by Title XX.

II. BACKGROUND/ANALYSIS: This budget modification requests County General Fund contingency to replace lost Title XX funding that resulted in a significant shortfall impacting shelter, case management and other support services to the Level 7 population. Funding will be contracted to several non-profit providers. A budget note in the FY 96/97 Adopted County budget anticipates this request.

III. FINANCIAL IMPACT: Budget Modification DCFS #1 requests \$449,376 from County General Fund contingency to fund existing Youth Investment System services previously supported by Title XX. This request does not produce any new revenue and no anticipated payback to the general fund is anticipated. This request is for on-going funding of \$449,376.

IV. LEGAL ISSUES: N/A

V. CONTROVERSIAL ISSUES: N/A

VI. LINK TO CURRENT COUNTY POLICY: N/A

VII. CITIZEN PARTICIPATION: N/A

VIII. OTHER GOVERNMENT PARTICIPATION: N/A

MEETING DATE: AUG 01 1996

AGENDA #: R-5

ESTIMATED START TIME: 9:45 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: An Ordinance to Amend the Zoning Code and the Building and Specialty Code by Revising the Definition of Slope Hazard Map and Declaring an Emergency

BOARD BRIEFING: _____
 DATE REQUESTED: _____
 REQUESTED BY: _____
 AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: August 1, 1996
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Nondepartmental DIVISION: Commissioner Sharron Kelley

CONTACT: Robert Trachtenberg TELEPHONE #: 248-5213
BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Robert Trachtenberg

ACTION REQUESTED

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

An Ordinance to Amend the Zoning Code and the Building an Specialty Code by Revising the Definition of Slope Hazard Map and Declaring an Emergency

8/1/96 copy to Co Kelley; 8/2/96 Copies to Orono
Distribution SIGNATURES REQUIRED:

ELECTED OFFICIAL: Sharon Kelly

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

BOARD OF
COUNTY COMMISSIONERS
96 JUL 25 PM 12:43
MUL TNOHMAH COUNTY
OREGON

TO: Board of County Commissioners

FROM: Commissioner Sharron Kelley

RE: An Ordinance to Amend the Zoning Code and the Building an Specialty Code by Revising the Definition of Slope Hazard Map and Declaring an Emergency

DATE: July 25, 1996

AGENDA DATE: August 1, 1996

I. Recommendation/Action Requested

Approval of Ordinance with immediate effective date..

II. Background/Analysis

Multnomah County is in receipt of a geotechnical report dated May 31, 1996 concerning the Dodson-Warrendale debris flows during the February floods. The division of Land Use Planning and County Counsel have completed their initial review of the issues raised in this report.

There is evidence the February debris flows occurred at an estimated 25 to 65 fps. The report also concludes that measures to block or divert debris flows in the Dodson alluvial fan would be extremely costly. These measures are also certain to be prohibited under current gorge regulations. The report advised that although no injuries occurred during the most recent slide, similar events in other sparsely populated areas have killed people. Although the incidence of debris flows in recent history has been very infrequent, because of the potential for loss of life and property damage from such events, Multnomah County has determined to amend its Geologic and Slope Hazard Maps to include this area.

The official recognition of this area as a known landslide area has the effect of prohibiting the approval a development permit unless a Certified Engineering Geologist or Geotechnical Engineer certifies that the site is suitable for the proposed development and the other requirements of the special code are met.

Adoption of this ordinance is also intended satisfy SBA requirements for relocation assistance and assist the eligibility of the pending applications from area residents.

III. Financial Impact

Adoption of this ordinance will support individual and county efforts to obtain funds for relocation assistance and reduce development applications from this area.

IV. Legal Issues

Hillside Development Permits are regulated under sections 11.15.6700-11.15.6735 of the Multnomah County Code and may be required with 200 feet of known landslide areas on County maps. SBA relocation assistance is limited to properties that suffered damage or are located in designated hazard areas.

V. Controversial Issues

There is opposition to regulations that make development approvals more expensive and difficult to obtain, and which may impact or be perceived to impact resale value.

VI. Link to Current County Policies

Multnomah County is seeking to obtain funding to assist Dodson-Warrendale residents who wish to relocate. In addition, the County is seeking to assure that present and future residents are fully informed about landslide risks.

VII. Citizen Participation

Three meetings were held in Dodson-Warrendale on the landslide risks. County staff did not discover the code regulations on development within 200 feet of a known landslide (MCC 11.15.6725) until after those meetings.

VIII. Other Government Participation

County staff have met on these issues with staff from the Small Business Administration, Oregon Emergency Management, DOGAMI, ODOT, United States Forest Service, Columbia River Gorge Commission, the Offices of Senators Wyden and Hatfield, and FEMA.

ORDINANCE FACT SHEET

Ordinance Title: An Ordinance to Amend the Zoning Code and the Building an Specialty Code by Revising the Definition of Slope Hazard Map and Declaring an Emergency

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

Multnomah County is in receipt of a geotechnical report dated May 31, 1996 concerning the Dodson-Warrendale debris flows during the February floods. The division of Land Use Planning and County Counsel have completed their initial review of the issues raised in this report.

There is evidence the February debris flows occurred at an estimated 25 to 65 fps. The report also concludes that measures to block or divert debris flows in the Dodson alluvial fan would be extremely costly. These measures are also certain to be prohibited under current gorge regulations. The report advised that although no injuries occurred during the most recent slide, similar events in other sparsely populated areas have killed people. Although the incidence of debris flows in recent history has been very infrequent, because of the potential for loss of life and property damage from such events, Multnomah County has determined to amend its Geologic and Slope Hazard Maps to include this area. The official recognition of this area as a known landslide area has the effect of prohibiting the approval a development permit unless a Certified Engineering Geologist or Geotechnical Engineer certifies that the site is suitable for the proposed development and the other requirements of the special code are met. Adoption of this ordinance is also intended satisfy SBA requirements for relocation assistance and assist the eligibility of the pending applications from area residents.

What other local jurisdictions have enacted similar legislation?

Unknown.

What has been the experience in other areas with this type of legislation?

Unknown.

What is the fiscal impact, if any? None

(Please use other side if you need more space)

SIGNATURES

Person Filling Out Form 

Planning & Budget (if fiscal impact) _____

Department Manager/Elected Official 

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

(Underlined language is new)
Bracketed language is deleted.

ORDINANCE NO. 865

An ordinance amending the Multnomah County Zoning Code and the Grading
Erosion Control Code to redefine certain terms, and declaring an emergency.

Multnomah County ordains as follows:

Section I. Purposes

(A) There is a need to allow for prompt correction of slope hazard maps promptly
as hazard and potential landslide areas come to the attention of the Division of
Land Use Planning.

(B) Maintaining updated maps of hazard areas will help to assure that any
development near known landslide areas is consistent with geotechnical safety
recommendations.

(C) This ordinance carries out these purposes by redefining certain terms in the
County Code so as to allow administrative updating of the maps regulating
development in hazard areas. This will add needed flexibility to current
regulations.

Section II. Amendment

MCC 11.15.6735(R) is amended to read as follows:

(R) Slope Hazard Map - A series of maps maintained and updated from
time to time by [(Figures 1A. through 6A.) prepared by Shannon &

Wilson, Inc., dated September, 1978, and on file in] the Office of the

Director, Department of Environmental Services;

Section III. Amendment

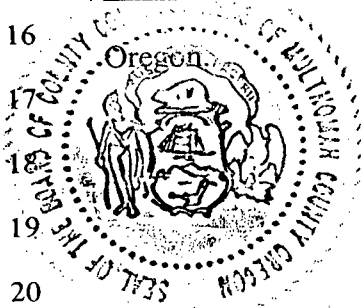
MCC 9.40.050(R) is amended to read as follows:

(O) Slope Hazard Map - A series of maps maintained and updated from time to time by [(Figures 1A. through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in] the Office of the Director, Department of Environmental Services;

This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

Approved this 1st day of August, 1996 being the date of its

first reading before the Board of County Commissioners of Multnomah County,



MULTNOMAH COUNTY, OREGON

By Dan Saltzman
Dan Saltzman, Vice-Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By Laurence Kressel
Laurence Kressel

MEETING DATE: AUG 1 1996

AGENDA NO: R-6

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PCRB Exemption Request for Edgefield Children's Center CM/GC

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: August 1, 1996

Amount of Time Needed: 30 minutes

DEPARTMENT DES DIVISION Facilities Management

CONTACT F. Wayne George/Franna Hathaway TELEPHONE # 248-3322 / 248-5111

BLDG/ROOM# 421/3rd

PERSON (S) MAKING PRESENTATION: F. Wayne George

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Request for Exemption to use the Construction Management/General Contractor (CM/GC)
Process for the Edgefield Children's Center Campus Development Project.
7/25/96 copies of notice & application to Dave Boyer, Franna Hathaway, F. Wayne George & SIGNATURE REQUIRED: PCRB list
8/1/96 copies of notice & order to Dave Boyer, Franna Hathaway, F. Wayne George & PCRB list
ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: [Signature]

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 JUL 22 PM 3:33

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any questions: Call the Office of the Board Clerk 248-3277/248-5222

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM:  Franna Hathaway, Purchasing Manager

TODAY'S DATE: July 17, 1996

REQUESTED PLACEMENT DATE: August 1, 1996

SUBJECT: Request for Exemption from the formal competitive bid process to purchase Construction Manager/General Contractor (CM/GC) services for the Edgefield Children's Center Campus Development Project.

I. Recommendation/Action Requested:

The Department of Environmental Services, Facilities Management Division has requested an exemption from the formal competitive bid process to purchase Construction Manager/General Contractor (CM/GC) services for the Edgefield Children's Center Campus Development Project. They will acquire these services through the formal Request for Proposal (RFP) process.

II. Background/Analysis:

The Edgefield Children's Center is housed in the old Multnomah County tuberculosis sanitarium built in the 1900's. Additional buildings were constructed as needed over the years. Currently all buildings are outgrown, outdated and in need of repair.

Edgefield Children's Center is expanding its current 5.3 acre campus to a 20 acre Regional Children's Campus. The programs client base has grown from serving 70 children in 1994 to currently serving over 900 children. It is estimated that by the year 2002 they will serve 1,800 children per year.

In order to alleviate the overcrowding problems and keep up with the increased client flow, fast track construction must be employed. The CM/GC process provides the best means of managing fast track construction with a guaranteed completion date and guaranteed maximum price for the construction. By using the CM/GC process over the conventional design-bid-built they will be able to occupy the new residential facility at least 4-6 months earlier.

The uniqueness of this project is the in-kind contributions. The CM/GC will be able to work with the architect to ensure that any donation of building materials and equipment can be worked into the design from the beginning of the project, thus not having to make changes and alterations to plans later in the process.

III. Financial Impact:

The CM/GC process provides the best means of managing fast track construction with a guaranteed completion date and guaranteed maximum price for the construction. By using the CM/GC process over the conventional design-bid-built they will be able to occupy the new residential facility at least 4-6 months earlier. The total budget for this project \$5,072,675. Edgefield Children's Center is currently fund raising through Capital Campaign efforts for a portion of the budget. The County will issue revenue bonds for the Edgefield Children's Center in the amount of \$3,155,000. Edgefield will enter into a lease agreement and repay the County over a 15 year period.

IV. Legal Issues:

Oregon Revised Statutes (ORS), allow for the use of the CM/GC contracting process authorized by the local contract review board (ORS 279.015) in cases where it will not diminish competition or promote favoritism and will provide for cost savings.

V. Controversial Issues:

N/A

VI. Link to Current County Policies:

Current County policies require formal competitive bidding for public works contracts exceeding \$25,000. Although this project falls into this category, State Statutes and PCRB Rules division 10.086 allow for exemption to use the formal Request for Proposal (RFP) process to hire a CM/GC as an alternative selection process.

VII. Citizen Participation

N/A

VIII. Other Government Participation:

N/A



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

MEMORANDUM

To: Franna Hathaway

From: Mark Gustafson *MTA*

Lou E. Nicholas

Date: June 27, 1996

Re: RECOMMENDATION TO USE A CONSTRUCTION MANAGER/
GENERAL CONTRACTOR (CM/GC) FOR THE EDGEFIELD CHILDREN'S
CENTER CAMPUS DEVELOPMENT PROJECT.

BACKGROUND

Edgefield Children's Center is housed in the old Multnomah County tuberculosis sanitarium built in the 1900's. Additional buildings were constructed as needed over the years, but currently all buildings are outgrown, outdated, and in need of repair.

Edgefield Children's Center is growing rapidly and plans to expand its current 5.3 acre campus to a 20 acre Regional Children's Campus which will include state-of-the-art facilities for housing residential and outpatient treatment centers for troubled children. The project site is located at 2408 SW Halsey, Troutdale, Oregon.

Currently the programs client base has grown over the years from 70 children served per year to over 900 in 1994. They project that by the year 2002 they will serve 1,800 children per year.

The project will consist of all new construction with the exception of the brick administration building and will be a planned development with a variety of institutional uses. This Regional Children's Campus will be developed on 20 acres located in the City limits of Troutdale. The current plans for the site development is a total square footage of 27,275 square feet. The two main buildings that comprise this square footage are for the development of a secure residential building and a community/outpatient building that will also house some administrative offices. The project will also include renovations to the brick building that currently exists on the campus. An additional 14,000 square foot Family Fitness Center is contingent upon a major donor and is not part of the proposal. The total budget for this project is \$5,072,675. Edgefield Children's Center is currently fund raising through Capital Campaign efforts for a portion of the budget.

Multnomah County will loan Edgefield Children's Center \$3,155,000 for the remainder.

FINDINGS

Due to site limitations, time constraints, safety and security issues, it is recommended that we contract with a single general contractor for the project under what is known as a Construction Manager/General Contractor (CM/GC) format. By hiring a general contractor under the CM/GC process during the early stages of development to work with the architects and owners, this will promote collaboration, save money and produce a higher quality project. This process removes the uncertainty surrounding the ultimate cost of competitively bid projects. In addition the uniqueness of this project is that the program is expecting at least \$100,000 in in-kind contributions of building materials, a CM/GC will provide the best assurance that these contributions of materials will be utilized in the best manor possible. Also it is expected that cash contributions will continue during the course of construction.

Oregon Revised Statutes (ORS), which addresses issues related to not diminishing competition, favoritism and cost savings, allow the use of CM/GC contracting. ORS 279.015 (2) permits local contract review boards to, "where appropriate, direct the use of alternate contracting and purchasing practices that take into account market realities and modern or innovative contracting and purchasing methods, which are also consistent with the public policy of encouraging competition."

1. The use of the CM/GC process will result in substantial cost savings to the County.
In order to alleviate the over crowding problems and keep up with the increased client flow, fast track construction must be employed. The CM/GC process provides the best means of managing fast track construction with a guaranteed completion date and guaranteed maximum price for the construction. By using the CM/GC process over the conventional design-bid-built we will be able to occupy the new residential facility which is desperately needed, at least 4-6 months earlier than if this project was design-bid-built.
2. The proposed project will be partially funded with in-kind contributions, the CM/GC process insures that these contributions will be utilized to the fullest extent possible.
The GMP establishes a maximum price in the early stages of design. The CM/GC should obtain a complete understanding of the County and Edgefield Children's Centers needs, the architects design intent, the peculiarities of the existing building site and the scope of the project by participating in the design development phase. The uniqueness of this project is the in-kind contributions. The CM/GC will be able to work with the architect to ensure that any donation of building materials and equipment can be worked into the design from the beginning of the project, thus not having to make changes and alterations to plans later in the process. With the benefit of this knowledge, the CM/GC will be able to guarantee a Maximum price the County will pay to construct a building to that design.

page 3, CMGC

Conversely, under the price-based method, bids are developed without the benefit of bidders participating in the design. At the close of bid, let alone at the end of the design phase, there is no assurance that any of the bids will be within the project budget and that our best interest will be kept in mind in using donated materials and equipment.

CONCLUSIONS

Because of site limitations, time constraints, the complexity of utilizing in-kind contributions, the phasing of construction and safety issues, there are a number of reasons to use the CM/GC contracting process.

The CM/GC general contractor will be selected through the County's RFP process to encourage competitiveness and fairness.

Competition will not be impaired in that much of this project will be competitively bid through the use of sub-contractors through the CMGC.

Based on this project's background, the findings of fact, and conclusions we request an exemption so that Facilities and Property Management can purchase a construction manager/general contractor, (CM/GC) services for the expansion of the Edgefield Children's Center campus.

c: Larry Nicholas
F. Wayne George
Jim Emerson
Dave Boyer
Jan Thompson
John Thomas



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

NOTICE OF HEARING

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, will consider an application on Thursday, August 1, 1996, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, in the Matter of Exempting from the Competitive Bid Process for Contracting with a Construction Manager/General Contractor (CM/GC) for the Edgefield Children's Center Campus Development Project.

A copy of the application is attached.

For additional information, please contact Franna Hathaway, Multnomah County Purchasing Section, 248-5111.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD**

Deborah L. Bogstad
Office of the Board Clerk

enclosure

cc: *Dave Boyer*
Franna Hathaway
F. Wayne George

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of Exempting from the)
competitive bid process for contracting)
with a Construction Manager/General)
Contractor (CM/GC) for the Edgefield)
Children's Center Campus Development)
Project)

A P P L I C A T I O N

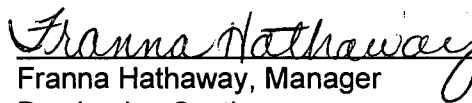
This application to the Public Contract Review Board (PCRB) on behalf of a request from the Department of Environmental Services, Facilities Management Division, in accordance with the PCRB Administrative Rules AR 10.086 and AR 10.140 adopted under the provisions of ORS 279.015 (2) and (4), for an order exempting a contract for a CM/GC for the Edgefield Children's Center Campus Development Project from competitive bidding.

A Request for Proposal (RFP) process shall be used to select the CM/GC for this project. The total budget for this project is \$5,072,675. The CM/GC contract will guarantee a maximum price with a full performance/payment bond for the work. A majority of the work will be performed by subcontractors selected through the competitive bid process.

This exemption request is due to the following: Due to site limitations, time constraints, the complexity of utilizing in-kind contributions, the phasing of construction, safety and security issues, using the CM/GC process will result in occupying the new residential facility at least 4-6 months earlier. The uniqueness of this project is that the program is expecting at least \$100,000 of in-kind contributions of building materials, and it is expected that cash contributions will continue during the course of the construction. The CM/GC and the architect will be able to ensure any donation of building materials and equipment can be worked into the design from the beginning of the project.

The CM/GC will be selected through a formal Request for Proposal (RFP) process which will allow for competition and will not promote favoritism.

The Purchasing Section recommends approval of the exemption from competitive bidding to be replaced by the competitive RFP process for contracting for CM/GC services for the Edgefield Children's Center Campus Development Project.


Franna Hathaway, Manager
Purchasing Section



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

NOTICE OF APPROVAL

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, considered an application on Thursday, August 1, 1996, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, and approved Order 96-133 in the Matter of Exempting from the Competitive Bid Process for Contracting with a Construction Manager/General Contractor (CM/GC) for the Edgefield Children's Center Campus Development Project.

A copy of the Order is attached.

**BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD**

*Deborah L. Bogstad
Office of the Board Clerk*

enclosure

*cc: Dave Boyer
Franna Hathaway
F. Wayne George*

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of Exempting from the)
competitive bid process for contracting)
with a Construction Manager/General)
Contractor (CM/GC) for the Edgefield)
Children's Center Campus Development)
Project)

ORDER
96-133

The above entitled matter is before the Board of County Commissioners, acting in its capacity as the Multnomah County Public Contract Review Board, to consider a request from the Department of Environmental Services, Facilities Management under Multnomah County PCRB Rule AR 10.086 and AR 10.140, to exempt from the competitive bid process for contracting with a CM/GC for the Edgefield Children's Center Campus Development Project.

It appearing to the Board that the recommendation for exemption, as it appears in the order, is based upon the fact that the complex nature of the construction and remodeling project at the Edgefield Children's Center Campus can best be accomplished by the use of the Request for Proposal (RFP) process in place of the competitive bid process to contract for a CM/GC, based on a memorandum from Mark Gustafson, June 27, 1996 and the staff report of Franna Hathaway, July 17, 1996.

It appearing to the Board that this request for an exemption is in accord with the requirements of the Multnomah County Public Contract Review Board Administrative Rules AR 10.086, 10.140, 20.060 and 30.010; it is therefore

ORDERED that the exemption is hereby approved as it represents

Dated this 1st day of August, 1996.



LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By

Laurence Kressel

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD:

By

Dan Saltzman, Vice-Chair