

# ANNOTATED MINUTES

Tuesday, March 6, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

## PLANNING ITEMS

*Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Gretchen Kafoury and Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present.*

1. Public Hearing Regarding Proposed Changes in the County's Local Review Order to the Economic, Social, Environmental and Energy (ESEE) Analysis Designations for Mineral and Aggregate Sites #4 (Angell Bros. Quarry) and #8 (Howard Canyon). (Continued from February 20, 1990)
  
2. Public Hearing Regarding Proposed Changes in the County's Local Review Order to the Economic, Social, Environmental and Energy (ESEE) Analysis Relating to a Proposed Alternate Site Designation for Howard Canyon. (Continued from February 20, 1990)

**PLANNING DIRECTOR LORNA STICKEL REVIEWED HER FEBRUARY 28 MEMO REGARDING THE AGGREGATE SITE DESIGNATIONS, AND DISCUSSED ADDITIONAL MATERIAL FROM ATTORNEY PAUL HRIBERNICK. COUNTY COUNSEL LAURENCE KRESSEL EXPLANATION OF PROCESS FOR TODAY, AND IN RESPONSE TO HIS REQUEST FOR BOARD DISCLOSURE OF EX PARTE CONTACTS, COMMISSIONER KAFOURY ADVISED SHE MET WITH LOU SCOTT, MOLLY O'REILLY AND NORA RICHES REGARDING ANGELL BROTHERS; COMMISSIONERS KELLEY AND ANDERSON SUBMITTED WRITTEN MATERIALS THEY RECEIVED IN THEIR OFFICES INTO THE RECORD; AND COMMISSIONERS BAUMAN AND McCOY ADVISED THEY HAVE HAD NO EX PARTE CONTACT SINCE THE LAST MEETING. IT WAS DETERMINED THAT TESTIMONY REGARDING THE HOWARD CANYON SITE WOULD BE HEARD**

FIRST. KAREN THOMAS, RONALD K. RENKEN, PAM PEEBLES AND SUSAN FRY TESTIMONY IN OPPOSITION TO QUARRY EXPANSION. ATTORNEY PAUL HRIBERNICK TESTIMONY IN SUPPORT HOWARD CANYON QUARRY EXPANSION AND RESPONSE TO BOARD QUESTIONS. MS. STICKEL AND PLANNER GARY CLIFFORD RESPONSE TO BOARD QUESTIONS. MICHAEL GAMA, PATRICIA GIVEN AND ROBERT PAETH TESTIMONY IN OPPOSITION TO QUARRY EXPANSION. PETER FRY, LEWIS SCOTT AND ATTORNEY ED SULLIVAN TESTIMONY IN REGARDING 3B AND 3C DESIGNATIONS OF THE HOWARD CANYON SITE. MR. SULLIVAN REQUESTED SUFFICIENT TIME TO RESPOND TO THE MATERIALS MR. HRIBERNICK SUBMITTED TODAY. FOLLOWING FIVE MINUTE RECESS AND BOARD DISCUSSION WITH MR. SULLIVAN, MR. HRIBERNICK, MR. GAMA AND MS. STICKEL, BOARD CONSENSUS THAT ATTORNEYS FOR PROPONENTS AND OPPONENTS OF HOWARD CANYON ISSUE HAVE ONE WEEK TO PROVIDE WRITTEN RESPONSE TO MATERIALS AND/OR TESTIMONY SUBMITTED TODAY AND TO PREPARE AND SUBMIT PROPOSED FINDINGS. BOARD DETERMINATION ON HOWARD CANYON QUARRY ISSUE SCHEDULED FOR 9:30 AM, TUESDAY, MARCH 27, 1990 TESTIMONY REGARDING THE ANGELL BROTHERS SITE COMMENCED. ANDREW JORDON AND ROBERT PRICE TESTIFIED IN SUPPORT OF QUARRY EXPANSION AND A 3C DESIGNATION. MOLLY O'REILLY, CAROL CANNING, CHRIS WRENCH, DANIEL JANZER, LEWIS SCOTT AND BARBARA WALKER TESTIFIED IN SUPPORT OF A COMPROMISE BETWEEN QUARRY EXPANSION AND WILDLIFE CORRIDOR PROTECTION. SKIP ANDERSON AND DON ANDERSON OF DAVID EVANS AND ASSOCIATES TESTIMONY IN SUPPORT OF QUARRY EXPANSION AND IN SUPPORT OF A COMPROMISE WITH REASONABLE BALANCES. FOLLOWING BOARD DISCUSSION WITH MR. JORDON, MS. CANNING,

**MS. STICKEL, MR. SCOTT, BOARD CONSENSUS THAT MS. STICKEL COORDINATE A MEETING BETWEEN PLANNING, ANGELL BROTHERS AND WILDLIFE CORRIDOR MEMBERS TO NEGOTIATE A MUTUALLY ACCEPTABLE COMPROMISE. ANGELL BROTHERS TO REQUEST AND RECEIVE A TIME EXTENSION ON CONDITIONAL USE PERMIT. BOARD DETERMINATION ON ANGELL BROTHERS QUARRY ISSUE SCHEDULED FOR 9:30 AM, TUESDAY, MARCH 27, 1990.**

*There being no further business, the meeting was adjourned at 12:30 p.m.*

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Tuesday, March 6, 1990 - 1:30 PM  
Multnomah County Courthouse, Room 602

**INFORMAL**

1. Update Board on the Ambulance Service Area State Rules Process and Progress of the EMS Regionalization Concept. Presented by Joe Acker and Dr. Gary Oxman
2. Briefing on Issues Related to Columbia River Gorge. Presented by Sharon Timko, Mark Hess, Dick Benner, Chris Rogers and Lorna Stickel
3. Informal Review of Formal Agenda of March 8, 1990

**CALIFORNIA CHIEF ASSISTANT ATTORNEY GENERAL RICHARD IGLEHART REVIEWED HISTORY OF LEGISLATIVE PROCESS WHICH LED TO CALIFORNIA'S BAN ON MOST ASSAULT WEAPONS AND RESPONDED TO QUESTIONS OF THE BOARD.**

**DISCUSSION OF R-2 (McCOY) AND R-3 (BAUMAN/ANDERSON) ORDINANCES. FRED NEAL AND BILL VANDEVER DISCUSSED EFFORTS MADE TOWARDS ATTAINING MUNICIPAL UNIFORMITY IN IMPLEMENTATION OF KATZ BILL AND BACKGROUND CHECK FEES.**

**COMMISSIONER BAUMAN SUGGESTED THAT BOARD CONSIDER R-3 FIRST ON THURSDAY AND IF UNABLE TO OBTAIN THREE VOTES, THEN CONSIDER R-2.**

**R-4 CONTAINS EMERGENCY ADOPTION CLAUSE AND WILL BE CONSIDERED FOR POSSIBLE ADOPTION ON THURSDAY.**

**CITIZEN INVOLVEMENT COMMITTEE DIRECTOR JOHN LEGRY GAVE UPDATE ON PREPARATION OF QUESTIONNAIRE BEING SENT OUT TO ASSIST WITH LONG RANGE PLANNING FOR SERVICES WITHIN MULTNOMAH COUNTY (RESOLUTION A). SURVEY RESULTS SHOULD BE AVAILABLE FOR BOARD REVIEW IN APRIL.**

**DISCUSSION ON NEED FOR LANGUAGE CLARIFICATION OF R 9 PRIOR TO THURSDAY.**

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Wednesday, March 7, 1990 - 8:00 PM  
Fairview City Hall  
300 Harrison Street, Fairview, Oregon

**MULTNOMAH COUNTY/CITY OF FAIRVIEW JOINT MEETING**

**AGENDA**

1. Gun Regulations
2. East County Needs
3. Urban Services

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Thursday, March 8, 1990 - 8:30 AM  
Multnomah County Courthouse, Room 602

**EXECUTIVE SESSION**

Executive Session Regarding Real Property Transactions [Allowed Under ORS 192.660(1)(e)]

**EXECUTIVE SESSION HELD. NO DECISIONS  
MADE.**

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Thursday, March 8, 1990, - 9:00 AM  
Multnomah County Courthouse, Room 602

**FORMAL AGENDA**

*Chair Gladys McCoy convened the meeting at 9:15 a.m., with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present.*

**CHAIR McCOY ADVISED THE TESTIMONY ON THE FIREARM ORDINANCES WOULD BE LIMITED TO A TOTAL OF ONE HOUR, AND SPOKE TO THE ISSUES ADDRESSED IN THE McCOY PROPOSED ORDINANCE (R-2) AND THE BAUMAN/ANDERSON ORDINANCE (R-3).**

**ORDINANCES NON DEPARTMENTAL**

R-3 First Reading An Ordinance Prohibiting Possession of a Loaded Firearm and Discharge of a Firearm in a Public Place, Regulating Possession of Assault Weapons in Public Places, Establishing a Firearms Safety Training Course, and Imposing Fees

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER BAUMAN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF FIRST READING AND THAT THE SECOND READING BE HELD AT 9:30 AM ON THURSDAY, MARCH 22, 1990. DR. ELLIOT WEINER TESTIFIED IN SUPPORT, STATING HE IS WILLING TO SEE A RESTRICTION ON FIREARMS FOR THE GREATER GOOD. AUGIE ENRIQUEZ TESTIFIED IN OPPOSITION, STATING IT CONTAINS CONSTITUTIONAL VIOLATIONS AND SPECIFIC FLAWS. MR. ENRIQUEZ SUBMITTED A WRITTEN STATEMENT AND VIDEO CASSETTE OF PREVIOUS HEARINGS AND ASKED THE AUDIENCE TO JOIN HIM IN WALKING OUT OF THE HEARING AND ATTENDING A POLITICAL RALLY IN THE PARK**

ACROSS THE STREET. GERALDINE NEWHALL TESTIFIED IN SUPPORT AND CONGRATULATED THE BOARD FOR ADDRESSING THE ISSUE. IRVING OTT TESTIFIED IN OPPOSITION, ADVISING GUNS SHOULD BE TAKEN AWAY FROM CRIMINALS, NOT LAW ABIDING CITIZENS. DAVID DeMARKEY TESTIFIED IN SUPPORT, ADVISING HE SUPPORTS THE BOARD'S VISION, CITING THE SUCCESS OF CALIFORNIA'S GUN REGULATIONS. STEPHEN DONNELL TESTIFIED IN OPPOSITION, ADVISING IT IS UNENFORCEABLE AND THAT WE NEED TO ENFORCE CURRENT LAWS, NOT CREATE NEW ONES. DANNA SCHAEFFER TESTIFIED IN SUPPORT, AND ADVISED SHE LIKES THE IDEA OF MULTNOMAH COUNTY BEING FIRST WITH A GUN CONTROL ORDINANCE. LEO MEYSING TESTIFIED IN OPPOSITION, ADVISING THE BOARD IS OPPRESSING THE CITIZENS OF MULTNOMAH COUNTY WITH TOO MANY LAWS WHICH CREATES CONTEMPT FOR THE LAW. MARC GOLDBERG TESTIFIED IN SUPPORT, THANKED COMMISSIONERS BAUMAN AND ANDERSON FOR SPONSORING IT AND COMMISSIONER KAFOURY FOR SUPPORTING IT, AND ASKED COMMISSIONERS KELLEY AND McCOY TO ALSO SUPPORT IT. HAROLD BANGS TESTIFIED IN OPPOSITION, ADVISING THE JUSTICE SYSTEM IS A FARCE AND CRIMINALS ARE NOT OBEYING PRESENT LAWS. NANCY WHITAKER TESTIFIED IN SUPPORT AND ADVISED THE BOARD OF HER PERSONAL EXPERIENCE AS THE VICTIM OF A SHOOTING WITH AN AUTOMATIC WEAPON. JOHN NICHOLS TESTIFIED IN OPPOSITION, STATING THE KATZ BILL IS SUFFICIENT. TOM CROPPER TESTIFIED IN SUPPORT, ADVISING HE FAVORS AN INDIVIDUAL'S RIGHT TO DEFEND HIMSELF, BUT NOT TO BEAR ARMS. RICH COWGER TESTIFIED IN OPPOSITION. JULIE STERLING TESTIFIED IN SUPPORT. WARD STEVENS TESTIFIED IN OPPOSITION, ADVISING HE FEELS THE BOARD IS NOT LISTING TO THE MAJORITY OF ITS CITIZENS. JOHN SAEMANN

TESTIFIED IN SUPPORT, ADVISING HE SEES NOTHING WRONG WITH REGISTERING AND LICENSING A LETHAL WEAPON. JOHN BERGESON TESTIFIED IN OPPOSITION, ADVISING MORE PEOPLE WILL BE DISRESPECTFUL OF THE LAW. CHARENNDI VAN-SI TESTIFIED IN SUPPORT ON BEHALF OF THE SE ASIAN COMMUNITY. PETER BOUCHER TESTIFIED IN OPPOSITION, ADVISING GUN CONTROL IS JUST A BAND-AID SOLUTION. MARY ANN BUCHANAN TESTIFIED IN SUPPORT. JAMES CRAWFORD TESTIFIED IN OPPOSITION, ADVISING GUN CONTROL LAWS DO NOT RESTRICT CRIME. JOHN STAPP TESTIFIED IN SUPPORT, ADVISING HE APPRECIATES THE OPPORTUNITY FOR DEBATE ON THE ISSUE. CHARLES OAKES TESTIFIED IN OPPOSITION, AND EXPRESSED CONCERN WITH A CITIZEN'S ABILITY TO PROTECT HIMSELF WHEN HIS WEAPON IS APART AND UNLOADED IN HIS TRUNK. DOLORES FOGGIO TESTIFIED IN SUPPORT ON BEHALF OF THE OREGON EMERGENCY NURSES ASSOCIATION. MARCEL BENDSHADLER TESTIFIED IN OPPOSITION, ADVISING ASSAULT WEAPONS ARE ALREADY ADDRESSED UNDER FEDERAL LAW. SUSAN GARRETT TESTIFIED IN SUPPORT, ADVISING IT IS IMPORTANT TO START REGULATING WEAPONS AT THE LOCAL LEVEL. LOUISE WEIDLICH TESTIFIED IN OPPOSITION, ADVISING SHE FEELS IT IS A BAND-AID APPROACH. RABBI EMANUEL ROSE TESTIFIED IN SUPPORT, ADVISING IT IS IMPORTANT THAT PARTICIPANTS IN SOCIETY REALIZE THEIR RESPONSIBILITIES. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KAFOURY, A TECHNICAL AMENDMENT TO PAGE 6 WAS APPROVED, WITH COMMISSIONERS ANDERSON, KAFOURY AND BAUMAN VOTING AYE, AND COMMISSIONERS KELLEY AND McCOY ABSTAINING. COMMISSIONER KELLEY PRESENTED HER POSITION STATEMENT IN OPPOSITION TO THE PROPOSED ORDINANCE. COMMISSIONERS

**ANDERSON, KAFOURY AND BAUMAN PRESENTED THEIR POSITION STATEMENTS IN SUPPORT OF THE PROPOSED ORDINANCE. CHAIR McCOY PRESENTED HER POSITION STATEMENT, ADVISING IF IT WERE A RESOLUTION SHE WOULD SUPPORT IT, BUT FEELS IT IS NOT GOOD PUBLIC POLICY TO ADOPT AN UNENFORCEABLE ORDINANCE. FIRST READING APPROVED, AS AMENDED, WITH COMMISSIONERS ANDERSON, KAFOURY AND BAUMAN VOTING AYE, AND COMMISSIONERS KELLEY AND McCOY VOTING NO. SECOND READING, 9:30 AM, THURSDAY, MARCH 22, 1990.**

R-2 First Reading an Ordinance Prohibiting Possession of a Loaded Firearm and Discharge of a Firearm in a Public Place, and Imposing Fees for Concealed Handgun Licenses and Background Security Checks Required by State Law

**NICK ALBRECHT TESTIFIED IN OPPOSITION, QUESTIONING THE STATISTICS GIVEN TODAY AND THANKING THE BOARD ON BEHALF OF THE HARD CORE CRIMINALS WHO WERE AFRAID OF ARMED CITIZENS. GREGORY HEIDEN TESTIFIED IN OPPOSITION, ADVISING IT IS WELL INTENTIONED BUT ILL CONCEIVED, UNCONSTITUTIONAL AND A GROSS MISCARRIAGE OF JUSTICE, AND WILL NOT SOLVE THE PROBLEM. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER ANDERSON, R-2 WAS UNANIMOUSLY TABLED.**

#### **DEPARTMENT OF JUSTICE SERVICES**

C-1 Liquor License Applications Submitted by Sheriff's Office with Recommendation that Same be Approved as Follows:  
a) Package Store Renewal for the Jackpot Food Mart, 28210 SE Orient Drive, Gresham

**UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER ANDERSON, C-1 WAS UNANIMOUSLY APPROVED.**

## ORDINANCES DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 First Reading an Ordinance in the Matter of Amending the Multnomah County Code Chapter 5.10 by Adding New Provisions Setting Fees for Services of the County Surveyor as Authorized by State Statutes

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ANDERSON MOVED AND COMMISSIONER KAFOURY SECONDED, APPROVAL OF FIRST READING AND ADOPTION. CHAIR McCOY EXPLANATION OF REASON FOR EMERGENCY CLAUSE. NO ONE WISHED TO TESTIFY. ORDINANCE 645 UNANIMOUSLY APPROVED, WITH EMERGENCY CLAUSE.**

## DEPARTMENT OF HUMAN SERVICES

- R-5 In the Matter of Ratification of an Intergovernmental Agreement Change Order #1 with Oregon Health Sciences University and the Mental and Emotional Disabilities Program Office, to Decrease Community Support Services Four (4) Slots Totaling (\$4,762) Due to Medicaid Funds Exceeding Agreement Limitations in FY 1988/89

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER KAFOURY, R-5 WAS UNANIMOUSLY APPROVED.**

## DEPARTMENT OF JUSTICE SERVICES

- R-6 Proclamation in the Matter of Proclaiming the Week of April 22 28, 1990 as OREGON CRIME VICTIMS RIGHTS WEEK in Multnomah County

**UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER KELLEY, PROCLAMATION 90-38 WAS UNANIMOUSLY APPROVED.**

## NON DEPARTMENTAL

- R-7 In the Matter of Ratification of an Intergovernmental Agreement with Oregon Department of Transportation (ODOT) Highway Division to Provide Inmate Worker Crew on Individual Project Basis Upon the

Availability of Inmates, for the Purpose of Maintenance and Other  
Duties on ODOT Property in Multnomah County

**UPON MOTION OF COMMISSIONER KAFOURY,  
SECONDED BY COMMISSIONER ANDERSON, R-7  
WAS UNANIMOUSLY APPROVED.**

R-8 Budget Modification Non #6 to Transfer \$4,274 in Salary Savings from  
the Chair's Office to Citizen Involvement. Increases to Full Time the  
Legislative/Administrative Secretary from February 1 through June 30,  
1990

**UPON MOTION OF COMMISSIONER KAFOURY,  
SECONDED BY COMMISSIONER ANDERSON, R-8  
WAS UNANIMOUSLY APPROVED.**

R-9 Resolution in the Matter of Considering Approval of Event Sponsors  
Charging Admission for Use of the Public Right of Way for a Special  
Event

**FOLLOWING EXPLANATION AND  
CLARIFICATION AND UPON MOTION OF  
COMMISSIONER ANDERSON, SECONDED BY  
COMMISSIONER KAFOURY, SUBSTITUTE  
RESOLUTION 90-39 WAS UNANIMOUSLY  
APPROVED.**

*There being no further business, the meeting was adjourned at 11:15*

*a.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*

Deborah L. Bogstad



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

AGENDA OF  
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
FOR THE WEEK OF  
March 5 - 9, 1990

- Tuesday, March 6, 1990 - 9:30 AM - Planning Items . . . Page 2
- Tuesday, March 6, 1990 - 1:30 PM - Informal Meeting . . Page 3
- Wednesday, March 7, 1990 - 9:30 AM - Policy Development  
Committee . . . . Page 4
- Wednesday, March 7, 1990 - 8:00 PM - Joint Meeting . . Page 5  
Fairview City Council
- Thursday, March 8, 1990 - 8:30 AM - Executive Session . Page 6
- Thursday, March 8, 1990 - 9:00 AM - Formal. . . . . Page 7

\*\*\* NOTE: TIME CHANGE OF EXECUTIVE SESSION & FORMAL MEETING\*\*\*

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers
- Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, March 6, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

**PLANNING ITEMS**

1. Public Hearing regarding proposed changes in the County's Local Review Order to the Economic, Social, Environmental and Energy (ESEE) analysis designations for Mineral and Aggregate Sites #4 (Angell Bros. Quarry) and #8 (Howard Canyon). (Continued from February 20, 1990)
  
2. Public Hearing regarding proposed changes in the County's Local Review Order to the Economic, Social, Environmental and Energy (ESEE) analysis relating to a proposed alternate site designation for Howard Canyon. (Continued from February 20, 1990)

Tuesday, March 6, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

**INFORMAL**

1. Update Board on the Ambulance Service Area State Rules Process and progress of the EMS Regionalization concept. Presented by Joe Acker and Dr. Gary Oxman
2. Briefing on issues related to Columbia River Gorge. Presented by Sharon Timko
3. Informal Review of Formal Agenda of March 8, 1990

**PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS**

Wednesday, March 7, 1990

9:30 AM - Noon

Policy Development Committee

Justice Center, 14th Floor - Conference Room B

Tentative agenda is as follows:

CIP Committee Recommendations

1. JDH Financing  
Method - Dave Boyer  
Timing - Duane Zussy
2. Development of Additional Court Rooms in  
Courthouse - Jim Emerson
3. District Attorney Expansion to Portland  
Building - Jim Emerson
4. Interim Space Arrangements  
BCC and County Counsel - Jim Emerson
5. Long Term - County Gov. Center downtown  
Potential site guidance for further analysis

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
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RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

The Multnomah County Board of Commissioners will hold a joint meeting with the Fairview City Council on:

Wednesday, March 7, 1990 - 8:00 PM  
Fairview City Hall  
300 Harrison Street  
Fairview, Oregon

The agenda for discussion is as follows:

1. Gun Regulations
2. East County Needs
3. Urban Services

For additional information, please telephone the office of the Chair of Multnomah County at 248-3308.

Thursday, March 8, 1990 - 8:30 AM

**EXECUTIVE SESSION**

Executive Session regarding real property transactions  
[allowed under ORS 192.660(1)(e)]

\* \* \* \* \*

Thursday, March 8, 1990, 9:00 AM

Multnomah County Courthouse, Room 602

**Formal Agenda**

CONSENT CALENDAR

DEPARTMENT OF JUSTICE SERVICES

- C-1 Liquor License applications submitted by Sheriff's Office with recommendation that same be approved as follows:
  - a) Package Store - Renewal for the Jackpot Food Mart, 28210 S.E. Orient Drive, Gresham

REGULAR AGENDA

ORDINANCES - NON-DEPARTMENTAL

- R-2 First Reading - An Ordinance prohibiting possession of a loaded firearm and discharge of a firearm in a public place, and imposing fees for concealed handgun licenses and background security checks required by state law
- R-3 First Reading - An Ordinance prohibiting possession of a loaded firearm and discharge of a firearm in a public place, regulating possession of assault weapons in public place, establishing a firearms safety training course, and imposing fees

ORDINANCES - DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 First Reading - An Ordinance in the matter of amending the Multnomah County Code Chapter 5.10 by adding new provisions setting fees for services of the County Surveyor as authorized by state statutes

DEPARTMENT OF HUMAN SERVICES

- R-5 In the Matter of ratification of an Intergovernmental Agreement - Change Order #1 - with Oregon Health Sciences University and the Mental and Emotional Disabilities Program Office, to decrease Community

Support Services four (4) slots totalling (\$4,762) due to Medicaid funds exceeding agreement limitations in FY 1988/89

DEPARTMENT OF JUSTICE SERVICES

R-6 Proclamation in the Matter of Proclaiming the week of April 22-28, 1990 as OREGON CRIME VICTIMS RIGHTS WEEK in Multnomah County

NON-DEPARTMENTAL

R-7 In the matter of ratification of an Intergovernmental Agreement with Oregon Department of Transportation (ODOT) Highway Division to provide inmate worker crew on individual project basis upon the availability of inmates, for the purpose of maintenance and other duties on ODOT property in Multnomah County

R-8 Budget Modification Non #6 to transfer \$4,274 in salary savings from the Chair's office to Citizen Involvement. Increases to full time the Legislative/Administrative Secretary from February 1 thru June 30, 1990

R-9 Resolution in the Matter of considering approval of event sponsors charging admission for use of the public right-of-way for a special event

0700C.58-64

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date MAR 7 1990  
Agenda No. \_\_\_\_\_

REQUEST FOR PLACEMENT ON THE AGENDA  
Joint Fairview-Multnomah County  
Subject: Meeting

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only \_\_\_\_\_  
(Date)

DEPARTMENT Nondepartmental DIVISION Board of County Commissioners

CONTACT Fred Neal TELEPHONE X-3308

\*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD \_\_\_\_\_

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Joint meeting of Fairview City Council and Multnomah County Board of Commissioners, 8:00 p.m. Wednesday March 7, 1990 at Fairview City Hall, 300 Harrison Street, Fairview, Oregon.

Informal discussion of issues of mutual concern: 1) gun regulations 2) East County Needs 3) Urban services

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY  PRELIMINARY APPROVAL  POLICY DIRECTION  APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 1 hour

IMPACT:

PERSONNEL  
 FISCAL/BUDGETARY  
 General Fund  
 Other \_\_\_\_\_

BOARD OF  
COUNTY COMMISSIONERS  
1990 MAR - 1 AM 10:30  
MULTNOMAH COUNTY  
OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: *Madys McLaughlin*

BUDGET / PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

FAIRVIEW CITY COUNCIL MEETING

Fairview City Hall  
300 Harrison

March 7, 1990  
7:30 PM

A G E N D A

- |       |  |     |          |
|-------|--|-----|----------|
| I.    | CALL TO ORDER<br>ROLL CALL   |     | 7:30 PM  |
| II.   | CONSENT AGENDA<br>A. Minutes - February 21, 1990   |     |          |
| III.  | CITIZENS WISHING TO SPEAK<br>ON NON-AGENDA ITEMS   |     | 7:35 PM  |
| IV.   | PUBLIC HEARING<br>Community Development Block Grant  | (I) | 7:45 PM  |
| V.    | COUNCIL BUSINESS   |     |          |
|       | A. AWARD BID<br>Playground Equipment   | (A) | 7:50 PM  |
|       | B. ACCEPT PROPOSAL<br>Collection Agency  | (A) | 7:55 PM  |
|       | C. JOINT MEETING<br>with Multnomah County Commissioners<br>Discussion Items: Roads, Guns &<br>Urban Services | (I) | 8:00 PM  |
|       | D. ORDINANCE<br>Flood Plain Regulations  | (A) | 9:00 PM  |
| VI.   | CITY ADMINISTRATOR REPORT  |     | 9:25 PM  |
| VII.  | MAYOR/COMMITTEE REPORTS &<br>COUNCIL CONCERNS  |     | 9:40 PM  |
| VIII. | PAYMENT OF BILLS   |     |          |
| IX.   | ADJOURNMENT  |     | 10:10 PM |

(A) Action Requested

(I) Information Only

## INTERGOVERNMENTAL AGREEMENT

This intergovernmental Agreement is between Multnomah County and the City of \_\_\_\_\_ (hereinafter "City") pursuant to ORS chapter 190.

### RECITALS

WHEREAS, the 1989 Oregon Legislature enacted laws (1989 Oregon Laws, Chapter 839) to restrict access to firearms and authorized local governments to regulate the possession of firearms and ammunition in public places; and

WHEREAS, the legislature also imposed the following responsibilities on local law enforcement authorities:

- (1) Conduct criminal and mental health background checks on purchasers of handguns from federally licensed dealers;
- (2) Notify dealers by certified mail of disqualified handgun purchasers;
- (3) Conduct background checks of purchasers of long guns for study purposes;

- (4) Submit monthly reports to the Oregon State Police regarding concealed weapons permits issued and denied; notify Oregon State Police of disqualifications for handgun and long gun purchases;
- (5) Review applications for concealed weapons permits; document reasons for denial; and

WHEREAS, it is in the public interest that the costs of carrying out these responsibilities be borne by the purchasers of firearms rather than by the general public; and

WHEREAS, it is also in the public interest that a coordinated, countywide approach be taken in carrying out the duties imposed by the above-referenced 1989 legislation; and

WHEREAS, the parties agree that a single agency should be designated to conduct the background checks required by the state law and that a uniform fee should be charged;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS;

Section 1. Agreement

1. The Multnomah County Sheriff is authorized to conduct

the background checks required by state law for firearm purchases taking place within the boundaries of the city;

2. The fee set for background checks under County Ordinance No. \_\_\_\_\_, section IV shall be charged and collected by the Multnomah County Sheriff for the services undertaken pursuant to paragraph 1. The city consents to application of the aforementioned portion of the county ordinance within city limits.

3. It is understood that the fee referred to above is intended to cover the actual costs of conducting the required background checks. The Sheriff shall report annually to the parties on the sufficiency of the fee to accomplish that purpose.

4. The Sheriff is authorized to take such legal action as may be necessary and appropriate to assure collection of the above-mentioned fee. The Multnomah County County Counsel is authorized to provide legal representation when necessary.

#### Section 2. Term of Agreement

This agreement shall take effect upon approval by the parties and shall continue until terminated by written notice.

Any such notice shall be given no less than \_\_\_\_\_ days  
prior to the date of termination.

[signature and date lines for county chair, sheriff and  
authorized city reps.]

1ATTY.81/mw

2/15/90/1

# DRAFT

Page 1 of 8

1                   BEFORE THE BOARD OF COUNTY COMMISSIONERS

2                                 FOR MULTNOMAH COUNTY, OREGON

3   ORDINANCE NO. \_\_\_\_\_

4  
5             An ordinance prohibiting possession of a loaded firearm and  
6 discharge of a firearm in a public place, and imposing fees for  
7 concealed handgun licenses and background security checks  
8 required by state law.

9             Multnomah County ordains as follows:

10  
11     Section I.   Findings

12             A.    The proliferation of firearms poses a present and  
13 serious threat to the health, safety and security of the  
14 residents of Multnomah County.

15             B.    Nationally, approximately 1,200 people are killed each  
16 year in accidental shootings, including 365 children. For  
17 every child killed through the negligent use of firearms, 10  
18 are injured.

19             C.    In Multnomah County, approximately two persons per  
20 week are killed from the intentional or accidental use of  
21 firearms.

22             D.    The Oregon Courts have recognized that the  
23 constitutional right to bear arms is not absolute; the  
24 constitution allows government to enact reasonable regulations,  
25 such as regulations over the manner of possessing firearms.

26             E.    The Oregon Court of Appeals specifically upheld the

1 constitutional of Portland's ordinance making it unlawful  
2 for any person to carry a loaded firearm in a public place  
3 (State v. Boyce, 61 Or App 662, 658 P2d 577 (1983), rev den,  
4 295 Or 122).

5 F. The 1989 Oregon Legislature enacted laws (1989 Oregon  
6 Laws, Chapter 839) to restrict access to firearms and  
7 authorized local governments to regulate the possession of  
8 firearms and ammunition in public places.

9 G. Although the City of Portland presently bans  
10 possession of loaded firearms in public places and the  
11 discharge of firearms in public, those restrictions do not  
12 apply in unincorporated parts of Multnomah County. The  
13 restrictions are reasonable and should apply in the  
14 unincorporated area.

15 H. The Board has considered public testimony concerning  
16 the need to restrict assault weapons and other firearms and has  
17 determined that the subject calls for a coordinated approach  
18 supported by all municipalities in the County. Developing such  
19 a coordinated approach will take time. Pending development of  
20 a consensus among local governments, the more limited measures  
21 reflected in this ordinance should be adopted.

22 I. The 1989 legislature also imposed the following  
23 administrative responsibilities on the Multnomah County  
24 Sheriff's Department:

25 (1) Conduct criminal and mental health background  
26 checks on purchasers of handguns from federally licensed

1 dealers.

2 (2) Notify dealers by certified mail of disqualified  
3 handgun purchasers.

4 (3) Conduct background checks of purchasers of long  
5 guns for study purposes.

6 (4) Submit monthly reports to the Oregon State Police  
7 regarding concealed weapons permits issued and denied;  
8 notify Oregon State Police of disqualifications for handgun  
9 and long gun purchases.

10 (5) Review an increased number of applications for  
11 concealed weapons permits; document reasons for denial.

12 J. It is in the best interest of the citizens of the  
13 County that the costs of performing these responsibilities be  
14 borne by purchasers of guns in the County. The fees in this  
15 ordinance are intended to cover only the costs imposed on the  
16 County by such purchasers.

17

18 Section II. Definitions

19 A. "Concealed handgun license" is as defined in ORS  
20 166.290.

21 B. "Firearm" is as defined in ORS 166.210 and means a  
22 weapon, by whatever name known, which is designed to expel a  
23 projectile by the action of smokeless powder and which is  
24 readily capable of use as a weapon.

25 C. "Public place" is as defined in ORS 161.015(9) and  
26 means a place to which the general public has access and

1 includes, but is not limited to, hallways, lobbies, and other  
2 parts of apartment houses and hotels not constituting rooms or  
3 apartments designed for actual residence, and highways,  
4 streets, schools, places of amusement, parks, playgrounds, and  
5 premises used in connection with public passenger  
6 transportation.

7

8 Section III. Carrying and Discharge of Firearms

9 A. It is unlawful for any person to carry a firearm,  
10 loaded or unloaded, in a park, public building, or school.

11 B. It is unlawful for any person in a public place to  
12 carry a firearm upon the person, or in a vehicle under the  
13 person's control or in which the person is an occupant, unless  
14 all ammunition has been removed from the chamber and from the  
15 cylinder, clip, or magazine. A person who violates this  
16 section is subject to penalty even if the person did not know  
17 that ammunition was in the cylinder, chamber, clip or magazine.

18 C. It is unlawful for any person to fire or discharge a  
19 firearm in a public place.

20 D. In a public place, it is unlawful for any person  
21 carrying a firearm upon the person, or in a vehicle under the  
22 person's control or in which the person is an occupant, to  
23 refuse to permit a peace officer to inspect that firearm after  
24 the peace officer has identified himself as such.

25 E. The prohibitions in Subsections (A), (B), and (C) of  
26 this Section do not apply to a peace officer acting within the

1 scope of duty; to any government employee authorized or  
2 required by employment or office to carry or use firearms; or  
3 to any person having a valid concealed handgun license issued  
4 to the person by lawful authority.

5 F. The prohibition in Subsection (C) of this section does  
6 not apply to:

7 (1) Any person justified in using deadly physical  
8 force under the provisions of ORS 161.195 to 161.275;

9 (2) Any person who, for the purpose of shooting  
10 practice, discharges a firearm at a target upon an  
11 established target range, provided that the range meets all  
12 applicable laws;

13 (3) A person conducting an athletic contest who fires  
14 blank ammunition toward the sky;

15 (4) Members of the armed forces firing blank  
16 ammunition at military ceremonies;

17 (5) Persons authorized by permit of the Sheriff to  
18 discharge blank ammunition for a lawful purpose; or

19 (6) Hunter safety instructors of the Oregon State  
20 Game Commission or their pupils who are engaged in hunter  
21 safety training classes sponsored by the Commission;

22 (7) Any person who discharges a firearm outside the  
23 urban growth boundary while hunting in accord with state  
24 law or while shooting at targets, when such activity is  
25 permitted by applicable land use regulations and would not  
26 endanger persons or property.

1 Section IV. Fees

2 MCC 5.10.420 (M) is amended to read as follows:

3 (M) (1) Concealed handgun license [weapon  
4 permit] [10.00] . . . . . \$38.00

5 (2) Duplication of concealed handgun license. \$10.00

6 (3) Renewal of concealed handgun license . . . \$25.00

7 (4) Dealer fee for background check of  
8 purchaser of a firearm. (1989 Oregon  
9 Laws Ch. 839) . . . . . \$\_\_\_\_\_

10 (5) The fee required under subsection (M)(4) shall be the  
11 obligation of the firearm dealer and shall be charged  
12 with respect to requests for background checks  
13 received by the sheriff on or after the effective date  
14 of Ordinance No. \_\_\_\_\_ . The sheriff shall pursue  
15 all appropriate legal remedies upon failure of a  
16 dealer to submit a required fee, but shall not refuse  
17 to conduct a background check for that reason. The  
18 fee shall be annually reviewed by the Sheriff, who  
19 shall report to the Board on the sufficiency of the  
20 fee to cover the costs of conducting the required  
21 checks.

22  
23 Section V. Penalties

24 A. Violation of Section III of this ordinance shall be  
25 punishable by a fine up to \$500 and forfeiture of the weapon.

26 B. If, after investigation or adjudication, it is

1 determined the weapon was not possessed, carried or used  
2 unlawfully, it shall be released to the owner if the owner  
3 files a written claim with the Multnomah County Sheriff's  
4 Office.

5 C. If there is a question as to ownership or right to  
6 possession, the weapon shall be released as ordered by the  
7 court in a proceeding initiated under ORS 133.633 to 133.663 by  
8 any person claiming ownership or right to possession.

9

10 Section VI. Severability Clause

11 If any section, subsection, sentence, clause, phrase or  
12 portion of this ordinance is for any reason held invalid or  
13 unconstitutional, that portion shall be considered a separate,  
14 distinct and independent provision, and the holdings shall not  
15 affect the validity of the remaining portions of this ordinance.

16

17 Section VII. Adoption

18 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1990,

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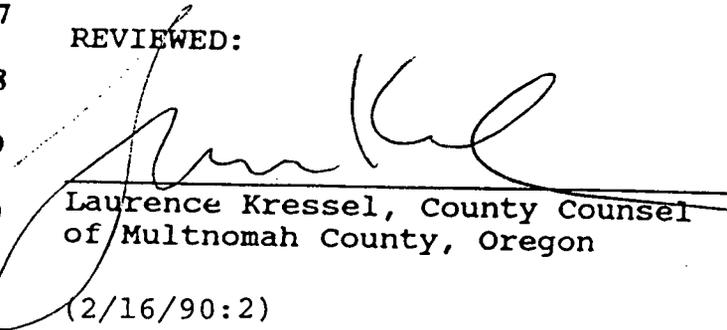
1 being the date of its \_\_\_\_\_ reading before the Board of  
2 County Commissioners of Multnomah County.

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(SEAL)

By \_\_\_\_\_  
Gladys McCoy, Chair  
Multnomah County, Oregon

REVIEWED:

  
\_\_\_\_\_  
Laurence Kressel, County Counsel  
of Multnomah County, Oregon

(2/16/90:2)

1ATTY.68/mw

# DRAFT

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. \_\_\_\_\_

An ordinance prohibiting possession of a loaded firearm and discharge of a firearm in a public place, regulating possession of assault weapons in public places, establishing a firearms safety training course, and imposing fees.

Multnomah County ordains as follows:

Section I. Findings

A. The proliferation of firearms poses a present and serious threat to the health, safety and security of the residents of Multnomah County.

B. Nationally, approximately 1,200 people are killed each year in accidental shootings, including 365 children. For every child killed through the negligent use of firearms, 10 are injured.

C. In Multnomah County, approximately two persons per week are killed from the intentional or accidental use of firearms.

D. The Oregon Courts have recognized that the constitutional right to bear arms does not cover all firearms and is not absolute. Advanced weapons designed for military use are not covered by the constitution (State v. Kessler). Additionally, with regard to arms that are covered by the state

1 constitution, government can enact reasonable regulations, such  
2 as regulations over the manner of possessing such arms (State  
3 v. Delgado).

4 E. The Oregon Court of Appeals specifically upheld the  
5 constitutionality of Portland's ordinance making it unlawful  
6 for any person to carry a loaded firearm in a public place  
7 (State v. Boyce, 61 Or App 662, 658 P2d 577 (1983), rev den,  
8 295 Or 122).

9 F. The 1989 Oregon Legislature enacted laws (Or Laws  
10 1989, ch. 839) to restrict access to firearms and authorized  
11 local governments to regulate the possession of firearms and  
12 ammunition in public places.

13 G. Although the City of Portland presently bans  
14 possession of loaded firearms in public places and the  
15 discharge of firearms in public, those restrictions do not  
16 apply in unincorporated parts of Multnomah County. The  
17 restrictions are reasonable and should apply in the  
18 unincorporated area.

19 H. Assault weapons are identified as such herein because  
20 their design, high rate of fire and capacity to cause injury  
21 render them a substantial danger to human life and safety,  
22 outweighing any function as a legitimate sports or recreational  
23 firearm.

24 I. The proliferation and use of assault weapons pose a  
25 present and serious threat to the health, safety and security  
26 of the residents of Multnomah County.

Page

1 J. A recent study has shown that while assault weapons  
2 account for one million of the estimated 200 million firearms  
3 in America, they were used in one of every ten crimes that  
4 resulted in a firearms trace last year. The increasing and  
5 disproportionate use of assault weapons for criminal purposes  
6 endangers both the public and law enforcement personnel.

7 K. Recognizing that assault weapons pose a threat to  
8 public safety, and with the recommendation from the Bureau of  
9 Alcohol, Tobacco and Firearms that assault weapons serve no  
10 legitimate sporting or recreational purpose, President Bush  
11 stopped the importation of certain assault weapons.

12 L. According to the Report and Recommendation of the  
13 Bureau of Alcohol, Tobacco and Firearms, dated July 6, 1989,  
14 the following characteristics accurately describe assault  
15 weapons and distinguish them from traditional sporting rifles:  
16 (1) they are semi-automatic versions of machineguns; (2) they  
17 have a large magazine capacity; and (3) they have other  
18 military features (such as folding/telescoping stocks,  
19 well-defined pistol grips, ability to accept bayonet, and flash  
20 suppressors).

21 M. Law enforcement organizations including The National  
22 Sheriffs' Association, the International Association of Chiefs  
23 of Police, the National Association of Police Organizations,  
24 the Police Executive Research Forum, and the Fraternal Order of  
25 Police have called for a national ban on the production and  
26 sale of assault weapons.

Page

1 N. The 1989 legislature imposed the following  
2 administrative responsibilities on the Multnomah County  
3 Sheriff's Department:

4 (1) Conduct criminal and mental health background  
5 checks on purchasers of handguns from federally licensed  
6 dealers.

7 (2) Notify dealers by certified mail of disqualified  
8 handgun purchasers.

9 (3) Conduct background checks of purchasers of long  
10 guns for study purposes.

11 (4) Submit monthly reports to the Oregon State Police  
12 regarding concealed weapons permits issued and denied;  
13 notify Oregon State Police of disqualifications for handgun  
14 and long gun purchases.

15 (5) Review an increased number of applications for  
16 concealed weapons permits; document reasons for denial.

17 O. It is in the best interest of the citizens of the  
18 County that the costs of performing these responsibilities be  
19 borne by purchasers of guns in the County. The fees in this  
20 ordinance are intended to cover the costs imposed on the County  
21 by such purchasers.

22 P. There is a need for firearms training to ensure safe  
23 and informed firearms use and storage.

24  
25 Section II. Definitions

26 A. As used in this ordinance, "assault weapon" means:

Page

1 (1) All of the following semi-automatic rifles:

2 Avtomat Kalashnikov (AK), all models,  
3 Beretta AR-70 and BM-59,  
4 Calico M 100 and M 900,  
5 Colt AR-15 and CAR-15,  
6 Daewoo Max-1 and Max-2,  
7 Fabrique Nationale FN-FAL, FN-LAR and FNC,  
8 FAMAS MAS-223,  
9 Galil AR and ARM,  
10 Heckler & Koch HK-91, HK-93, HK-94 and PSG-1,  
11 Sigarms 57 AMT and 500 Series,  
12 Springfield Armory G-3, SAR-48 and BM-59 Alpine,  
13 Sterling MK-6,  
14 Steyr AUG,  
15 Uzi Carbine and Mini Carbine,  
16 Valmet M-76 and M-78

17 (2) All of the following semi-automatic pistols:

18 Calico 100-P  
19 Encom MK-IV,  
20 Homes MP-83,  
21 Intratec TEC-9,  
22 Iver Johnson Enforcer,  
23 MAC-10 and MAC-11,  
24 Scarab Skorpion,  
25 Sterling MK-7,  
26 Uzi pistol,

(3) All of the following shotguns:

Franchi SPAS-12 and LAW-12,  
Striker-12 and Street Sweeper

(4) Any copy of a firearm listed in subsections (1),  
(2) or (3) by the same or other manufacturers, including,  
but not limited to, commercial manufacturers and private  
individuals, which is identical or has slight modifications  
or enhancements such as a folding or retractable stock,  
different sights, case deflector for left-handed shooters,  
shorter barrel, stock of different composition, larger  
ammunition capacity, different caliber, or bayonet mount.

Page

1 B. "Assault weapon", as used in this chapter, does not  
2 include any of the following:

3 (1) Any firearm modified to render it permanently  
4 inoperative.

5 (2) Any rifle or pistol designed or modified to  
6 render it permanently not a semi-automatic firearm.

7 (3) Any handgun that is a revolver or conventional  
8 semi-automatic pistol of no more than 20 rounds.

9 (4) Any weapons which do not use fixed ammunition,  
10 weapons which were manufactured in or prior to 1898,  
11 manually operated bolt action weapons, lever action  
12 weapons, slide action weapons, single-shot weapons,  
13 multiple-barrel weapons, revolving cylinder weapons,  
14 semi-automatic weapons which use exclusively Mannlicher-  
15 style clips, semi-automatic weapons manufactured prior to  
16 1954, rim-fire weapons that employ a tubular magazine.

17 C. Annually, the Multnomah County Sheriff shall review  
18 this section and recommend to the Board of County Commissioners  
19 whether any weapons should be added to or deleted from this  
20 section. The Board of County Commissioners may itself initiate  
21 review of the list.

22 D. "Handgun" is as defined in ORS 166.210 and means any  
23 conventional pistol or revolver using a fixed cartridge  
24 containing a propellant charge, primer and projectile, and  
25 designed to be aimed or fired otherwise than from the shoulder  
26 and which fires a single shot for each pressure on the trigger

Page

1 device.

2 E. "Concealed handgun license" is as defined in  
3 ORS 166.290.

4 F. "Firearm" is as defined in ORS 166.210 and means a  
5 weapon, by whatever name known, which is designed to expel a  
6 projectile by the action of smokeless powder and which is  
7 readily capable of use as a weapon.

8 G. "Public place" is as defined in ORS 161.015(9) and  
9 means a place to which the general public has access and  
10 includes, but is not limited to, hallways, lobbies, and other  
11 parts of apartment houses and hotels not constituting rooms or  
12 apartments designed for actual residence, and highways,  
13 streets, schools, places of amusement, parks, playgrounds, and  
14 premises used in connection with public passenger  
15 transportation.

16

17 Section III. Carrying and Discharge of Firearms

18 A. It is unlawful for any person to carry a firearm,  
19 loaded or unloaded, in a park, public building, or school.

20 B. It is unlawful for any person in a public place to  
21 carry a firearm upon the person, or in a vehicle under the  
22 person's control or in which the person is an occupant, unless  
23 all ammunition has been removed from the chamber and from the  
24 cylinder, clip, or magazine. A person who violates this  
25 section is subject to penalty even if the person did not know  
26 that ammunition was in the cylinder, chamber, clip or magazine.

Page

1 C. It is unlawful for any person to fire or discharge a  
2 firearm in a public place.

3 D. In a public place, it is unlawful for any person  
4 carrying a firearm upon the person, or in a vehicle under the  
5 person's control or in which the person is an occupant, to  
6 refuse to permit a peace officer to inspect that firearm after  
7 the peace officer has identified him or herself as such.

8 E. The prohibitions in Subsections A, B, and C of this  
9 Section do not apply to a peace officer acting within the scope  
10 of duty or to any government employee authorized or required by  
11 employment or office to carry or use firearms.

12 F. The prohibitions of A and B do not apply to any person  
13 having a valid permit issued to the person by lawful authority  
14 to carry firearms.

15 G. The prohibition in Subsection (C) of this section does  
16 not apply to:

17 (1) Any person justified in using deadly physical  
18 force under the provisions of ORS 161.195 to 161.275;

19 (2) Any person who, for the purpose of shooting  
20 practice, discharges a firearm at a target upon an  
21 established target range, provided that the range meets all  
22 applicable laws;

23 (3) A person conducting an athletic contest who fires  
24 blank ammunition toward the sky;

25 (4) Members of the armed forces firing blank  
26 ammunition at military ceremonies;

Page

1 (5) Persons authorized by permit of the Sheriff to  
2 discharge blank ammunition for a lawful purpose; or

3 (6) Hunter safety instructors of the Oregon State  
4 Game Commission or their pupils who are engaged in hunter  
5 safety training classes sponsored by the Commission;

6 (7) Any person who discharges a firearm outside the  
7 urban growth boundary while hunting in accord with state  
8 law or while shooting at targets, when such activity is  
9 permitted by applicable land use regulations and would not  
10 endanger persons or property.

11  
12 Section IV. Assault Weapons

13 A. Restrictions.

14 (1) Notwithstanding the provisions in Section III of  
15 this ordinance, no person shall possess an assault weapon  
16 in a public place. This restriction is subject to the  
17 exceptions in paragraphs (2) and (3) of this section.

18 (2) The prohibition in paragraph (1) of this section  
19 does not apply when the assault weapon is transported:

20 (a) with all ammunition removed from the chamber  
21 and from the cylinder, clip or magazine,

22 (b) disassembled into its major component parts,  
23 and

24 (c) locked in a gun case and, if in a vehicle,  
25 in the trunk of the vehicle or, if the vehicle has no  
26 trunk, in an area of the vehicle least accessible to

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1 the occupants of the vehicle.

2 (3) The prohibition in paragraph (1) of this section  
3 does not apply to law enforcement personnel, members of the  
4 Armed Forces of the United States, or the organized militia  
5 or National Guard of this or any other state, to the extent  
6 that any such person is authorized to possess a weapon and  
7 is acting within the scope of his or her duties.

8 (4) No person shall possess for purposes of sale an  
9 assault weapon in the Exposition Center.

10  
11 Section V. Fees

12 MCC 5.10.420 (M) is amended to read as follows:

- 13 (M) (1) Concealed handgun license [weapon  
14 permit] [10.00] . . . . . \$38.00
- 15 (2) Duplication of concealed handgun license. \$10.00
- 16 (3) Renewal of concealed handgun license . . . \$25.00
- 17 (4) Dealer fee for background check of  
18 purchaser of a firearm. (Or Laws 1989,  
19 ch. 839). . . . . \$15.00
- 20 (5) The sheriff's office may charge a safety and education  
21 course fee up to \$10.00.
- 22 (6) The fee required under subsection (M)(4) shall be the  
23 obligation of the firearm dealer and shall be charged  
24 with respect to requests for background checks  
25 received by the sheriff on or after the effective date  
26 of Ordinance No. \_\_\_\_\_. The sheriff shall pursue

Page

1 all appropriate legal remedies upon failure of a  
2 dealer to submit a required fee, but shall not refuse  
3 to conduct a background check for that reason. The  
4 fee shall be annually reviewed by the Sheriff, who  
5 shall report to the Board on the sufficiency of the  
6 fee to cover the costs of conducting the required  
7 checks.

8  
9 Section VI. Use of Fees

10 The fees collected under Section V of this ordinance shall  
11 be placed in an account dedicated exclusively to covering the  
12 costs of firearms regulation. Funds in the account shall be  
13 expended for the following: (1) background checks required by  
14 state law; (2) concealed weapons license investigations; and  
15 (3) gun safety and education and enforcement of gun laws.

16  
17 Section VII. Safety and Education Course

18 A. By July 1, 1990, the Multnomah County Sheriff's Office  
19 shall develop a firearms safety and education course to be  
20 available to any Multnomah County resident. The Sheriff may  
21 develop the course in conjunction with nationally or state  
22 recognized entities that foster education about firearms.

23 B. The course shall emphasize safe firearm use and  
24 storage; laws regarding gun possession, use and transfer; the  
25 gravity of harms guns may cause; methods of protecting firearms  
26 from theft; and other topics as the Sheriff deems appropriate.

Page

1 The course shall reasonably accommodate citizens who do not  
2 speak English, and handicapped citizens.

3 C. A person who successfully completes the course shall  
4 receive a training certificate.

5 D. The Sheriff may certify firearms safety and education  
6 courses offered by other organizations and may issue training  
7 certificates to course participants.

8 E. The certificate shall be issued only by the Multnomah  
9 County Sheriff's Office. It shall contain a photo  
10 identification and signature of the participant, a notation of  
11 the type of gun, handgun or long gun, for which the participant  
12 was trained, and other information as the Sheriff deems  
13 pertinent.

14  
15 F. By January 1, 1991, the sheriff shall inform the Board  
16 of the progress of the firearms safety and education course  
17 with emphasis on the number of people certified and costs for  
18 the program. The Board will review this section to determine  
19 whether to make the course mandatory.

20  
21 Section VIII. Penalties

22 A. Violation of this ordinance shall be punishable by a  
23 fine up to \$500 and forfeiture of the weapon.

24 B. If, after investigation or adjudication, it is  
25 determined the weapon was not possessed, carried or used  
26 unlawfully, it shall be released to the owner if the owner

Page

1 files a written claim with the Multnomah County Sheriff's  
2 Office.

3 C. If there is a question as to ownership or right to  
4 possession, the weapon shall be released as ordered by the  
5 court in a proceeding initiated under ORS 133.633 to 133.663 by  
6 any person claiming ownership or right to possession.

7  
8 Section IX. Severability Clause

9 If any section, subsection, sentence, clause, phrase or  
10 portion of this ordinance is for any reason held invalid or  
11 unconstitutional, that portion shall be considered a separate,  
12 distinct and independent provision, and the holdings shall not  
13 affect the validity of the remaining portions of this ordinance.

14  
15 Section X. Effective Date

16 This Ordinance, being necessary for the health, safety, and  
17 general welfare of the people of Multnomah County, shall take  
18 effect on the thirtieth (30th) day after its adoption, pursuant  
19 to Section 5.50 of the Charter of Multnomah County, provided,

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1 however, that Section IV hereof shall take effect July 1, 1990,  
2  
3 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1990,  
4 being the date of its \_\_\_\_\_ reading before the Board of  
5 County Commissioners of Multnomah County.

6  
7 (SEAL)

8 By \_\_\_\_\_  
9 Gladys McCoy, Chair  
Multnomah County, Oregon

10 REVIEWED:

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12 \_\_\_\_\_  
13 Laurence Kressel, County Counsel  
of Multnomah County, Oregon  
14 (03/01/90:2)

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