

**ANNOTATED MINUTES**

Tuesday, August 25, 1992 - 9:30 AM  
Multnomah County Courthouse, Room 602

**PLANNING ITEMS**

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

The Following Decisions of the Planning and Zoning Hearings Officer are Reported to the Board for Review and Affirmation:

P-1 CU 10-92  
SEC 19-92 July 6, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Requested Conditional Use Approval for a Non-Farm Single Family Dwelling in the EFU Zoning District; and APPROVE Requested SEC Permit for the Design and Location of the Residence and Out-Building, Subject to Conditions, for Property Located at 33101 NE MERSHON ROAD

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.**

P-2 CS 11-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Community Service Designation for Boundary Expansion and Building Additions and Site Work, for Property Located at 11505 SW SUMMERVILLE AVENUE

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.**

P-3 CS 12-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Change in Zone Designation from LR-10, FF to LR-10, FF, C-S, Community Service, to Allow the use of the Existing Single Family Residence for a "Not for Profit" Organization (God's Kids Caring) , for Property Located at 12920 SE HOLGATE BLVD.

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.**

P-4 CS 13-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Change in Zone Designation for LR-7 to LR-7, C-S, Community Service, to Allow Expanded Facilities for the Lynch Baptist Church, for Property Located at 3130 SE 148TH AVENUE

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.

P-5 CU 13-92  
SEC 20-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Conditional Use Request for Commercial Uses in the RC District and Requested SEC Permit for Proposed Commercial Uses, for Property Located at 35905-35381 EAST CROWN POINT HIGHWAY

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.

P-6 CU 15-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS Conditional Use Request to Allow Conversion of a Single Family Residence to an Insurance Agent's Office in the MR-3 Zoning District, for Property Located at 16521 SE POWELL BLVD.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.

P-7 MC 2-92  
LD 25-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS a Tentative Plan for a Type I Land Division, a Partition Resulting in Two Lots and Use of Easements as the Means of Access to the New Lot Instead of Providing Frontage on a Dedicated Street, for Property Located at 7025 NW SUMMITVIEW COURT

PLANNING STAFF WAS NOT PRESENT AT THIS TIME. THE APPLICANT ADVISED THAT HE FILED A NOTICE OF REVIEW. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER BAUMAN, IT WAS UNANIMOUSLY APPROVED THAT A PUBLIC HEARING, ON THE RECORD, WITH TESTIMONY LIMITED TO 10 MINUTES PER SIDE, BE SCHEDULED FOR 9:30 AM, TUESDAY, SEPTEMBER 22, 1992.

P-8 HDP 3-92a August 3, 1992 Decision DENYING an Appeal of the Appellant and Upholding the Planning Director Decision, APPROVING HDP 3-92, SUBJECT TO CONDITIONS, a Hillside Development Permit for Proposed Terracing, Grading and Fill Work for Property Located at 12040 NW TUALATIN AVENUE

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER BAUMAN, THE DECISION WAS UNANIMOUSLY AFFIRMED.

P-9 PRE 3-92 FINAL ORDER in the Matter of the Review of the Hearings Officer Decision on PRE 3-92

PLANNING STAFF ARRIVED LATE AND DID NOT EXPLAIN THE FINAL ORDER. APPLICANT, LYNNE CHAUNCEY REQUESTED CLARIFICATION OF THE THREE CRITERIA INCLUDED IN THIS FINAL ORDER. STAFF WAS NOT ABLE TO ANSWER THESE QUESTIONS. CHAIR McCOY REQUESTED PLANNING STAFF WITH COUNTY COUNSEL TO MEET IN CONFERENCE WITH MS. CHAUNCEY FOR CLARIFICATION OF THIS MATTER. COUNTY COUNSEL ADVISED THAT MS. CHAUNCEY NOT BE PERMITTED TO REBUT THE FINAL ORDER ANY FURTHER DUE TO THE APPELLANT NOT BEING PRESENT. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, ORDER 92-157 WAS APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN, HANSEN AND McCOY VOTING AYE AND COMMISSIONER KELLEY VOTING NO.

P-10 SEC 6-91a  
HDP 4-91a Reconsideration of Scope of Review for a Notice of Review Hearing, Scheduled for September 22, 1992

PRESENTATION AND RESPONSE TO BOARD QUESTIONS BY MARK HESS AND PETER LIVINGSTON. THEY ALSO EXPLAINED THE HISTORY OF THIS ITEM AND HOW THE CLASSIFICATION OF THE STREAM RELATES TO IT.

MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, TO EXPAND THE SCOPE OF REVIEW ON SEPTEMBER 22, 1992, FAILED WITH COMMISSIONER KELLEY VOTING AYE AND COMMISSIONERS ANDERSON, BAUMAN, HANSEN AND McCOY VOTING NO.

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, IT WAS UNANIMOUSLY APPROVED THAT A HEARING BE HELD, THIS DATE, WITH TESTIMONY LIMITED TO 5 MINUTES PER SIDE, TO DETERMINE THE SCOPE OF INFORMATION AND REVIEW TO BE ALLOWED AT THE SEPTEMBER 22, 1992 HEARING.

FOLLOWING THE HEARING, THE BOARD APPROVED A MOTION TO EXPAND THE SCOPE OF REVIEW TO INCLUDE ADDITIONAL EVIDENCE AND TESTIMONY RELATING TO THE STREAM CLASSIFICATION OF THOMPSON CREEK, AT THE SEPTEMBER 22, 1992 HEARING, WITH COMMISSIONERS ANDERSON, HANSEN AND McCOY VOTING AYE AND COMMISSIONERS BAUMAN AND KELLEY VOTING NO.

P-11 CU 11-92 HEARING, ON THE RECORD PLUS ADDITIONAL TESTIMONY, WITH ADDITIONAL TESTIMONY TO BE RESTRICTED TO THE PHYSICAL CONSTRAINTS OF THE SITE RELATIVE TO THE PLACEMENT OF THE DWELLING, 10 MINUTES PER SIDE, in the Matter of an Appeal of a July 6, 1992 Planning and Zoning Hearings Officer Decision APPROVING, SUBJECT TO CONDITIONS, Development of a Non-Resource Related Single Family Dwelling on 7.80 Acre Lot of Record in the MUF-19, Multiple Use Forest Zoning District, for Property Located at 43640 E LARCH MOUNTAIN ROAD - 20 MINUTES REQUESTED

PLANNER BOB HALL PRESENTED THE STAFF REPORT AND RESPONDED TO BOARD QUESTIONS. ATTORNEY

DALE BURKHOLDER TESTIFIED IN OPPOSITION TO THE CONDITIONS PLACED ON THE JULY 6, 1992 HEARINGS OFFICER DECISION AND RESPONDED TO BOARD QUESTIONS. DONALD HORN TESTIFIED IN SUPPORT OF THE JULY 6, 1992 HEARINGS OFFICER DECISION AND IN OPPOSITION TO APPLICANTS' TESTIMONY, AND RESPONDED TO BOARD QUESTIONS. STAFF DISCUSSION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER BAUMAN MOVED, SECONDED BY COMMISSIONER ANDERSON, TO UPHOLD THE HEARINGS OFFICER DECISION. FOLLOWING DISCUSSION, MOTION APPROVED WITH COMMISSIONERS ANDERSON, BAUMAN, HANSEN AND McCOY VOTING AYE AND COMMISSIONER KELLEY VOTING NO. CHAIR McCOY DIRECTED STAFF TO PROVIDE SLIDES FOR FUTURE LAND USE HEARINGS BEFORE THE BOARD.

P-12 Second Reading and Possible Adoption of an ORDINANCE Amending the Bikeways Plan Map of the Comprehensive Framework Plan Policy 33C (Continued from August 18, 1992)

ORDINANCE READ BY TITLE ONLY. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, ORDINANCE NO. 730 WAS UNANIMOUSLY APPROVED.

P-13 RESOLUTION in the Matter of the Implementation of the East Multnomah County Bikeway Plan (Continued from August 18, 1992) (FOR CONSIDERATION WITH BIKEWAYS PLAN MAP ORDINANCE)

**FOLLOWING BOARD DISCUSSION AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER BAUMAN, RESOLUTION 92-158 AS AMENDED, WAS UNANIMOUSLY APPROVED.**

There being no further business, the meeting was adjourned at 11:18 a.m.

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Carrie Anne Parkerson

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Tuesday, August 25, 1992 - 11:00 AM  
Multnomah County Courthouse, Room 602

**AGENDA REVIEW**

B-1 Review of Agenda for Regular Meeting of August 27, 1992

**R-7 Request \*11:00 AM TIME CERTAIN for Review of this Item.**

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Thursday, August 27, 1992 - 9:30 AM  
Multnomah County Courthouse, Room 602

**REGULAR MEETING**

Chair Gladys McCoy convened the meeting at 9:30 AM, with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present.

**CONSENT CALENDAR**

**FOLLOWING MOTION BY SHARRON KELLEY, SECONDED BY GARY HANSEN, THE CONSENT CALENDAR (ITEMS C-1 AND C-2) WAS UNANIMOUSLY APPROVED.**

JUSTICE SERVICES

SHERIFF'S OFFICE

C-1 In the Matter of a Package Store/Change of Ownership Liquor License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for GILL'S JACKPOT FOOD MART, Formerly Known as Mor Jackpot Food Mart, at 28210 SE ORIENT DRIVE, GRESHAM

**APPROVED.**

C-2 In the Matter of a Package Store/Change of Ownership Liquor License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for The Chinook Grocery and Gift, at 2609 NE CORBETT HILL ROAD, CORBETT

**APPROVED.**

REGULAR AGENDA

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

R-1 Ten and Fifteen Year Multnomah County Employee Recognition Presentation (9:30 AM TIME CERTAIN - 30 MINUTES REQUESTED)

**AWARDS PRESENTED.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 NOTICE OF INTENT Requesting Approval for Multnomah County, Parks Division to Apply for a \$25,845 Grant from the Metropolitan Service District for Wetland Enhancement at Beggars Tick Wildlife Refuge

**FOLLOWING MOTION BY PAULINE ANDERSON, SECONDED BY SHARRON KELLEY, ITEM R-2 WAS UNANIMOUSLY APPROVED.**

R-3 ORDER in the Matter of the Sale of Property Acquired by Multnomah County Through the Foreclosure of Liens for Delinquent Taxes

**FOLLOWING MOTION BY SHARRON KELLEY, SECONDED BY GARY HANSEN, ITEM R-3 (ORDER 92-159) WAS UNANIMOUSLY APPROVED.**

R-4 ORDER in the Matter of the Sale of County Real Property and Easement Upon County Real Property at N. Marine Drive and Force Avenue, Portland, Oregon to the Oregon Department of Transportation

**PUBLIC TESTIMONY HEARD. FOLLOWING MOTION BY GARY HANSEN, SECONDED BY SHARRON KELLEY, ITEM R-4 (ORDER 92-160) WAS UNANIMOUSLY APPROVED.**

R-5 PUBLIC HEARING to Consider the Request by Various Public Non-Profit Agencies to Transfer the 8 Properties on the Attached Exhibit A Under the Provisions of Multnomah County Ordinance No. 672

**PUBLIC TESTIMONY HEARD. FOLLOWING MOTION BY SHARRON KELLEY, SECONDED BY GARY HANSEN, ITEM R-5 (ORDER 92-161) WAS UNANIMOUSLY APPROVED.**

R-6 Second Reading and Possible Adoption of an ORDINANCE Relating to Animal Control, Creating a Notice of Infraction Procedure, Expanded Hearing and Appeal Process, and Penalties for Violations of Animal Control Regulations and Amending Chapter 8.10 of the Multnomah County Code (Continued from Thursday, July 30, 1992)

**ORDINANCE READ BY TITLE ONLY. STAFF PRESENTED AND EXPLAINED AN AMENDED ORDINANCE. MOTION TO ACCEPT ORDINANCE REVISIONS AND FOR SUBSTITUTION OF REVISED ORDINANCE MADE BY RICK BAUMAN, SECONDED BY SHARRON KELLEY. AMENDED ORDINANCE WAS UNANIMOUSLY APPROVED. PUBLIC TESTIMONY HEARD. MOTION TO CONTINUE SECOND READING MADE BY SHARRON KELLEY, SECONDED BY GARY HANSEN. MOTION TO CONTINUE SECOND READING WAS UNANIMOUSLY APPROVED. CONTINUED SECOND READING SCHEDULED FOR THURSDAY, SEPTEMBER 3, 1992.**

NON-DEPARTMENTAL

R-7 RESOLUTION in the Matter of Developing County Integrated Community Service Districts and a Family Support System

**FOLLOWING MOTION BY SHARRON KELLEY, SECONDED BY GARY HANSEN, ITEM R-7 (RESOLUTION 92-162) WAS UNANIMOUSLY APPROVED.**

R-8 Second Reading and Possible Adoption of an ORDINANCE Relating to the Imposition of an Excise Tax on the Provision of Utility Services; Providing for Administration and Collection; Dedicating the Revenues to a Special Fund for Library Purposes; and Related Matters

ORDINANCE READ BY TITLE ONLY. RICH BAUMAN MADE A MOTION TO AMEND PAGE 2, SECTION C, 3, LINE 16, TO READ: PROCEEDS FROM TRANSMISSION OR TRANSPORTATION SERVICES; MOTION SECONDED BY PAULINE ANDERSON. MOTION WAS APPROVED WITH SHARRON KELLEY AND GARY HANSEN VOTING NO. PUBLIC TESTIMONY HEARD. RICK BAUMAN MOVED TO APPROVE AMENDED ORDINANCE, SECONDED BY PAULINE ANDERSON, ITEM R-8 (ORDINANCE NO. 731) WAS APPROVED, WITH COMMISSIONER KELLEY AND COMMISSIONER HANSEN VOTING NO.

There being no further business, the meeting was adjourned.

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Carrie Anne Parkerson

✓  
**PLEASE PRINT LEGIBLY!**

MEETING DATE 8-27-92

NAME Rob D. Walker

ADDRESS 12717 SE Kelly

**STREET**  
Portland OR 97236

**CITY** **ZIP CODE**

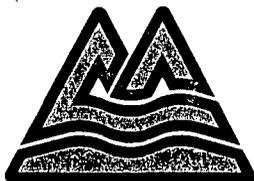
I WISH TO SPEAK ON AGENDA ITEM # R-3

SUPPORT X **OPPOSE**  
**SUBMIT TO BOARD CLERK**

BOARD OF COUNTY COMMISSIONERS  
 FORMAL BOARD MEETING  
 RESULTS

MEETING DATE: 8-27-92

Agenda Item #	Motion	Second	APP/NOT APP
<u>C-1</u>	<u>SK</u>	<u>GH</u>	<u>APP</u>
<u>C-2</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>R-1</u>	<u>Awards Presented by Sara Martin -</u>		
<u>R-2</u>	<u>PA</u>	<u>SK</u>	<u>APP</u>
<u>R-3</u>	<u>SK</u>	<u>GH</u>	<u>APP</u>
<u>R-4</u>	<u>GH</u>	<u>SK</u>	<u>APP</u>
<u>R-5</u>	<u>SK</u>	<u>GH</u>	<u>APP</u>
<u>R-6</u>	<u>Ernst to Accept Conditions for Substitution</u>		
	<u>RB</u>	<u>SK</u>	<u>APP</u>
	<u>RB</u>	<u>SK</u>	<u>APP</u>
	<u>SK</u>	<u>GH</u>	<u>APP 9-3-92</u>
<u>R-7</u>			
<u>R-8</u>	<u>RB</u>	<u>PA</u>	<u>SK?</u> <u>GH</u> } <u>NO</u>
	<u>RB Amended Language</u>	<u>PA</u>	



# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277 • 248-5222

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

*August 24 - 28, 1992*

*Tuesday, August 25, 1992 - 9:30 AM - Planning Items . . . .Page 2*

*Tuesday, August 25, 1992 - 11:00 AM - Agenda Review . . . .Page 3  
(OR IMMEDIATELY FOLLOWING PLANNING)*

*Thursday, August 27, 1992 - 9:30 AM - Regular Meeting . . .Page 3*

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

*Thursday, 10:00 PM, Channel 11 for East and West side subscribers*

*Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers*

*Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers*

*Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers*

**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.**

PLANNING ITEMS

The Following Decisions of the Planning and Zoning Hearings Officer are Reported to the Board for Review and Affirmation:

- P-1 CU 10-92  
SEC 19-92 July 6, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Requested Conditional Use Approval for a Non-Farm Single Family Dwelling in the EFU Zoning District; and APPROVE Requested SEC Permit for the Design and Location of the Residence and Out-Building, Subject to Conditions, for Property Located at 33101 NE MERSHON ROAD
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- P-6 CU 15-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS Conditional Use Request to Allow Conversion of a Single Family Residence to an Insurance Agent's Office in the MR-3 Zoning District, for Property Located at 16521 SE POWELL BLVD.
- P-7 MC 2-92  
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- P-9 PRE 3-92 FINAL ORDER in the Matter of the Review of the Hearings Officer Decision on PRE 3-92
- P-10 SEC 6-91a  
HDP 4-91a Reconsideration of Scope of Review for a Notice of Review Hearing, Scheduled for September 22, 1992
- P-11 CU 11-92 HEARING, ON THE RECORD PLUS ADDITIONAL TESTIMONY, WITH ADDITIONAL TESTIMONY TO BE RESTRICTED TO THE PHYSICAL CONSTRAINTS OF THE SITE RELATIVE TO THE PLACEMENT OF THE DWELLING, 10 MINUTES PER SIDE, in the Matter of an Appeal of a July 6, 1992 Planning and Zoning Hearings Officer Decision APPROVING, SUBJECT TO CONDITIONS, Development of a Non-Resource Related Single Family Dwelling on 7.80 Acre Lot of Record in the MUF-19, Multiple Use Forest Zoning District, for Property Located at 43640 E LARCH MOUNTAIN ROAD - 20 MINUTES REQUESTED
- P-12 Second Reading and Possible Adoption of an ORDINANCE Amending the Bikeways Plan Map of the Comprehensive Framework Plan Policy 33C (Continued from August 18, 1992)
- P-13 RESOLUTION in the Matter of the Implementation of the East Multnomah County Bikeway Plan (Continued from August 18, 1992) (FOR CONSIDERATION WITH BIKEWAYS PLAN MAP ORDINANCE)

Tuesday, August 25, 1992 - 11:00 AM  
(\*OR IMMEDIATELY FOLLOWING PLANNING)

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-1 Review of Agenda for Regular Meeting of August 27, 1992

R-7 Request \*11:00 AM TIME CERTAIN for Review of this Item

Thursday, August 27, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 In the Matter of a Package Store/Change of Ownership Liquor License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for GILL'S JACKPOT FOOD MART, Formerly Known as Mor Jackpot Food Mart, at 28210 SE ORIENT DRIVE, GRESHAM

C-2 In the Matter of a Package Store/Change of Ownership Liquor License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for The Chinook Grocery and Gift, at 2609 NE CORBETT HILL ROAD, CORBETT

*App*

REGULAR AGENDA

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

R-1 Ten and Fifteen Year Multnomah County Employee Recognition Presentation (9:30 AM TIME CERTAIN - 30 MINUTES REQUESTED)

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 NOTICE OF INTENT Requesting Approval for Multnomah County, Parks Division to Apply for a \$25,845 Grant from the Metropolitan Service District for Wetland Enhancement at Beggars Tick Wildlife Refuge

*App*

R-3 ORDER in the Matter of the Sale of Property Acquired by Multnomah County Through the Foreclosure of Liens for Delinquent Taxes

*App*

R-4 ORDER in the Matter of the Sale of County Real Property and Easement Upon County Real Property at N. Marine Drive and Force Avenue, Portland, Oregon to the Oregon Department of Transportation

*App*

R-5 PUBLIC HEARING to Consider the Request by Various Public Non-Profit Agencies to Transfer the 8 Properties on the Attached Exhibit A Under the Provisions of Multnomah County Ordinance No. 672

*App*

R-6 Second Reading and Possible Adoption of an ORDINANCE Relating to Animal Control, Creating a Notice of Infraction Procedure, Expanded Hearing and Appeal Process, and Penalties for Violations of Animal Control Regulations and Amending Chapter 8.10 of the Multnomah County Code (Continued from Thursday, July 30, 1992)

*Ordin. Amended  
Approved  
Continued 2nd  
Reading 9-3-92*

NON-DEPARTMENTAL

R-7 RESOLUTION in the Matter of Developing County Integrated Community Service Districts and a Family Support System

*App.*

R-8 Second Reading and Possible Adoption of an ORDINANCE Relating to the Imposition of an Excise Tax on the Provision of Utility Services; Providing for Administration and Collection; Dedicating the Revenues to a Special Fund for Library Purposes; and Related Matters

*Amend. Ordin.  
Approved  
2nd Reading*

DATE SUBMITTED: August 13, 1992

(For Clerk's Use)  
Meeting Date AUG 27 1992  
Agenda No. C-1

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

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

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

DEPARTMENT Sheriff's Office

DIVISION \_\_\_\_\_

CONTACT Sergeant Kathy Ferrell

TELEPHONE 251-2431

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Kathy Ferrell

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

Attached is the package store/change of ownership liquor license application for Gill's Jackpot Food Mart, formerly known as Mor Jackpot Food Mart, at 28210 SE Orient Drive, Gresham, Oregon 97080. The applicants, Harjinder and Sukhwinder Gill, have no criminal record, and a check with Assessment and Taxation found no taxes owed on this account.

ACTION REQUESTED:

INFORMATION ONLY  PRELIMINARY APPROVAL  POLICY DIRECTION  APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

GENERAL FUND

Other \_\_\_\_\_

BOARD OF  
COUNTY COMMISSIONERS  
MULTI-COUNTY  
OREGON  
1992 AUG 14 PM 2:42

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: Sgt. K. Ferrell

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.

KF/lsm/902-AINT

*Sent Orig. to Sgt. Ferrell 9-2-92*

0510 CCA  
0122 W

APPLICATION

STATE OF OREGON  
OREGON LIQUOR CONTROL COMMISSION

Return To:

GENERAL INFORMATION

A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

(THIS SPACE IS FOR OLCC OFFICE USE)

Application is being made for:

- DISPENSER, CLASS A
- DISPENSER, CLASS B
- DISPENSER, CLASS C
- PACKAGE STORE - P
- RESTAURANT
- RETAIL MALT BEVERAGE
- SEASONAL DISPENSER
- WHOLESALE MALT BEVERAGE & WINE
- WINERY
- Add Partner
- Additional Privilege
- Change Location
- Change Ownership
- Change of Privilege
- Greater Privilege
- Lesser Privilege
- New Outlet
- Other c/en

APPLICATION RECEIVED

OTHER:

Receipt # 2987  
\$37.50  
Larry Jordan

MAY 29 1992

OREGON LIQUOR CONTROL COMMISSION  
REGULATORY DIVISION

(THIS SPACE IS FOR CITY OR COUNTY USE)

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY

COURT OF Multnomah County  
(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED X

DATE August 27, 1992 DENIED \_\_\_\_\_

BY Gladys McLean  
(Signature)

TITLE Multnomah County Chair

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:

- 1) HARJINDER GILL
- 2) SUKHWINDER GILL
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Present Trade Name MOR JALPOT FOOD MART

3. New Trade Name GILL'S JALPOT FOOD MART Year filed ~~1991~~ with Corporation Commissioner

4. Premises address 28210 ORIENT DR. SE GRESHAM (Number, Street, Rural Route) (City) (County) OREGON (State) 97080 (Zip)

5. Business mailing address SAME AS ABOVE (P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)

6. Was premises previously licensed by OLCC? Yes  No \_\_\_\_\_ Year 1990

7. If yes, to whom: \_\_\_\_\_ Type of license: PS-P

8. Will you have a manager: Yes \_\_\_\_\_ No  Name \_\_\_\_\_ (Manager must fill out individual History)

9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes \_\_\_\_\_ No

10. What is the local governing body where your premises is located? GRESHAM (Name of City or County)

11. OLCC representative making investigation may contact: HARJINDER GILL (Name)  
9900 - SE LAWNFIELD AVE (Address) CLACKAMAS, OR 97015 (H) 659-0193 (B) 663-2931 (Tel. No. — home, business, message)

CAUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

DATE 29-05-92

Applicant(s) Signature  
(In case of corporation, duly authorized officer thereof)

- 1) Harjinder Gill
- 2) Sukhwinder Gill
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_

DATE SUBMITTED: August 13, 1992

(For Clerk's Use)  
Meeting Date AUG 27 1992  
Agenda No. C-2

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

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

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

DEPARTMENT Sheriff's Office DIVISION \_\_\_\_\_

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2431

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Kathy Ferrell

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

Attached is the package store/change of ownership liquor license application for The Chinook Grocery and Gift at 2609 NE Corbett Hill Road, Corbett, Oregon 97019. The applicants, T. R. and Renee North, have no criminal record, and a check with Assessment and Taxation shows no taxes owed on this account.

ACTION REQUESTED:

( ) INFORMATION ONLY ( ) PRELIMINARY APPROVAL ( ) POLICY DIRECTION (xx) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

( ) FISCAL/BUDGETARY

( ) GENERAL FUND

Other \_\_\_\_\_

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 AUG 14 PM 2:42

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: Sgt. K. Ferrell

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.

KE/lsm/902-AINT  
Sent Orig. to Sgt. Ferrell 9-2-92

700 CC 4  
in record of 12/92

APPLICATION

STATE OF OREGON  
OREGON LIQUOR CONTROL COMMISSION

Return To:

GENERAL INFORMATION

A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

(THIS SPACE IS FOR OLCC OFFICE USE)

(THIS SPACE IS FOR CITY OR COUNTY USE)

Application is being made for:

- DISPENSER, CLASS A
- DISPENSER, CLASS B
- DISPENSER, CLASS C
- PACKAGE STORE
- RESTAURANT
- RETAIL MALT BEVERAGE
- SEASONAL DISPENSER
- WHOLESALE MALT BEVERAGE & WINE
- WINERY
- OTHER: \_\_\_\_\_

- Add Partner
- Additional Privilege
- Change Location
- Change Ownership
- Change of Privilege
- Greater Privilege
- Lesser Privilege
- New Outlet
- Other

*pd in full 25 Jan 92*

APPLICATION RECEIVED  
# 6320  
JUL 29 1992  
OREGON LIQUOR CONTROL COMMISSION  
REGULATORY DIVISION

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY

COURT OF Multnomah County  
(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED X

DATE August 27, 1992 DENIED \_\_\_\_\_

BY Gladys McCoy  
(Signature)

TITLE Multnomah County Chair

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:

- 1) TR NORTH
- 2) \_\_\_\_\_
- 3) RENEE J NORTH
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Present Trade Name Chinook Grocery & Gift

3. New Trade Name SAME Year filed N/A  
with Corporation Commissioner

4. Premises address 2609 NE Corbett Hill Rd. Corbett Mult. Oregon 97019  
(Number, Street, Rural Route) (City) (County) (State) (Zip)

5. Business mailing address SAME  
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)

6. Was premises previously licensed by OLCC? Yes X No \_\_\_\_\_ Year 1992

7. If yes, to whom: William North Type of license: PS

8. Will you have a manager: Yes \_\_\_\_\_ No X Name \_\_\_\_\_  
(Manager must fill out Individual History)

9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes \_\_\_\_\_ No X

10. What is the local governing body where your premises is located? Multnomah County  
(Name of City or County)

11. OLCC representative making investigation may contact: Renee North (Name)  
2609 Corbett Hill Rd. Corbett (Address) 695-2511 (Tel. No. - home, business, message) 695-2640 #m.

CAUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

DATE 6-14-92

Applicant(s) Signature  
(In case of corporation, duly authorized officer thereof)

- 1) TR North
- 2) Renee North
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_

Meeting Date AUG 27 1992

Agenda No.: R-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Notice of Intent - Metro Greenspaces Grant Program

BCC Informal August 25, 1992 BCC Formal August 27, 1992  
(date) (date)

DEPARTMENT Environmental Services DIVISION Parks Division

CONTACT Charles Ciecko/Dan Kromer TELEPHONE 248-5050

PERSON(S) MAKING PRESENTATION Charles Ciecko or Dan Kromer

ACTION REQUESTED:

/ / INFORMATIONAL ONLY / / POLICY DIRECTION /X/ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: YES

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Notice of Intent to apply for a \$25,845 grant from the Metropolitan Service District for Wetland Enhancement at Beggars Tick Wildlife Refuge. The funding for this project is from METRO's Greenspace Program. The 50 percent match requirement for this grant by the County will be a combination of in-kind and hard-match money. The components of the grant proposal are recommended management actions from the Beggars Tick Wildlife Refuge Management Plan adopted by the Board in 1991.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER cc. [Signature]

(All accompanying documents must have required signatures)

3706V/4933p

*Sent Copy of NOI to Charles Ciecko on 8-28-92.  
9-2-92*

REC'D  
COUNTY CLERK  
CLERK OF  
COUNTY CLERK  
1992 AUG 12 AM 11:31  
MULTNOMAH COUNTY  
OREGON

APPENDIX A

DATE: August 25, 1992

TO: BOARD OF COUNTY COMMISSIONERS

DEPARTMENT AND CONTACT PERSON: Charles Ciecko/Dan Kromer, Parks Services Div.  
GRANTOR AGENCY: Metropolitan Service District  
BEGINNING DATE OF GRANT: September 30, 1992  
PROJECT TITLE: Beggars Tick Wildlife Refuge Enhancement Project  
PROJECT DESCRIPTION/GOALS:

This grant proposal is for funding through the Metropolitan Service District's Greenspace Program for wetland enhancement at Beggars Tick Wildlife Refuge.

The project will entail the removal of unwanted fill material at the southeast end of the refuge along with planting native species in and around the excavation site. The proposal also calls for fencing, trail and viewpoint, construction and development of a small parking area.

PROJECT ESTIMATED BUDGET	Direct/Indirect
FEDERAL SHARE:	\$ <u>25,845</u> / _____
STATE SHARE:	\$ _____ / _____
COUNTY SHARE:	\$ <u>26,154</u> / _____
TOTAL:	\$ <u>51,999</u> / _____

EXPLANATION OF LOCAL SHARE: (Explain indirect costs, hard-match, in-kind, etc.)

County share will be a combination of hard-match currently included in the 92-93 Budget and in-kind from volunteers and budgeted staff time.

SPECIFY REPORTING AND/OR BILLING REQUIREMENTS OF GRANTOR AND WHO REPORTS FINANCE \_\_\_\_\_ DEPARTMENT XX. IF DEPT. REPORTS, INDICATE REASON.

GRANT DURATION AND FUTURE RATIO: (Indicate amount of county match per year.)

One-time allocation

ADVANCE REQUESTED XX YES \_\_\_\_\_ NO. IF NOT, INDICATE REASON.

RECEIPT OF FUNDS WILL BE DEPOSITED TO PO BOX \_\_\_\_\_ OR WIRED DIRECTLY \_\_\_\_\_. IF NOT, INDICATE REASON.

0935p

4933p

TOTAL

(Use appropriate County classification with yearly costs.)

**EXPLAIN MATERIALS AND SERVICES AND CAPITAL EXPENDITURES WITH TOTAL DOLLAR AMOUNTS**

\$26,154 from the 92-93 Parks Budget will be used to match this project. Appropriations will be spent on materials and contracted services.

**COMMENTS**

GRANT MANAGER

Amie K. Kramer 8/25/92  
Signature Date

BUDGET DIVISION

Shawn M. Loefer 8/13/92  
Signature Date

FINANCE DIVISION

Paul G. Boyer 8/13/92  
Signature Date

PERSONNEL DIVISION

David J. Zerkley 8-12-92  
Signature Date

DEPARTMENT DIRECTOR

cc. Paul Johnson 8-11-92  
Signature Date

0935p/4933p

4933p

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # K-2 DATE 8-27-92  
Carri A. Peterson  
BOARD CLERK

# 1. PROJECT DESCRIPTION

Beggars-Tick Wildlife Refuge is a twenty-acre wetland which has been designated as the first Portland metropolitan wildlife refuge. Located in Southeast Portland (Multnomah County, Township 1S, Range 2E and Section 15 ) within the 100 year floodplain of Johnson Creek, it is bounded on the east by S. E. 111th Ave; on the south by the former Portland Traction Company Belrose Line, now referred to as the Springwater Trail; on the west by various industrial businesses; and on the north by residential and light industrial properties. See attached map.

Beggars-Tick Marsh was purchased in the 1960s by Multnomah County along with several other pieces of land for flood control. The proposed flood control district, however, was never formed. In 1983, the Army Corps of Engineers and the Oregon Department of Fish and Wildlife notified the County that Beggars-Tick Marsh possessed unique wetland and wildlife habitat values. The area then came under the umbrella of the Clean Water Act and other federal and state legislation which defined land use. Subsequently, Beggars-Tick Marsh was designated as open space placed under a Significant Environmental Concern Overlay, and zoned Urban Low Density Residential.

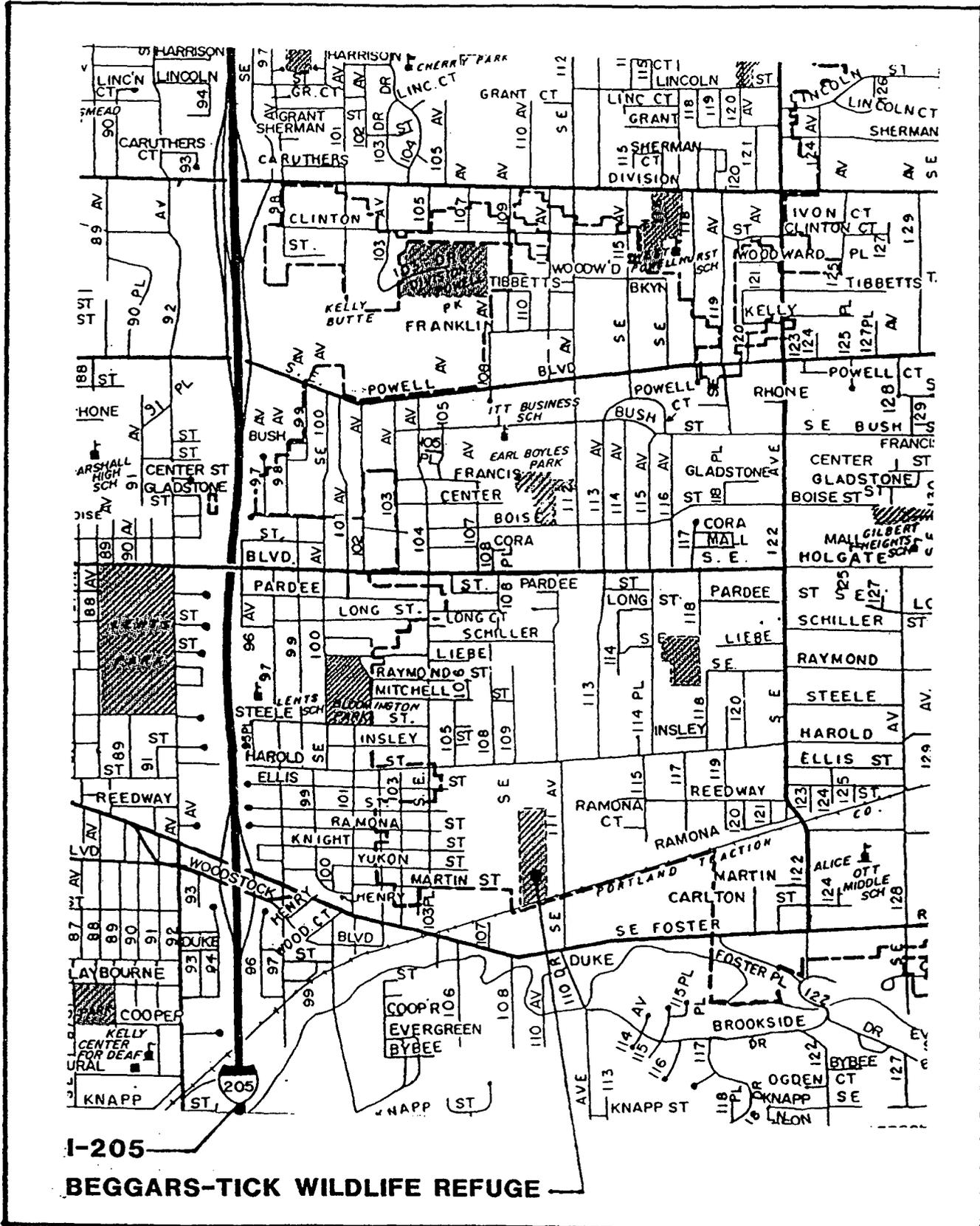
The project proposal is for the enhancement of the twenty acre wetland site, provision of limited pedestrian access for wetland viewing and education and protection from vehicular access.

Subjected to previous off-road vehicle activity and dumping of construction debris such as boulders, gypsum board, small to large chunks of concrete and asphalt along the south, southwest and northeast perimeter, the site is proposed to be enhanced by recontouring the area to restore the wetland areas to their previous condition and filling upland areas to create viewing points. A five foot wide bark and/or gravel trail on the northeast corner and along the southern perimeter will provide limited pedestrian access to the area for wetland and wildlife viewing. A fence will be installed along the southern perimeter and a portion of the eastern perimeter to prevent vehicular access. Native wetland and upland vegetation will be planted in the disturbed areas. A trailhead with gravel parking lot and entrance sign identifying the Refuge is proposed at the southeast corner of the project. Boundary signs will be installed also identifying the Refuge. Additional signs within the Refuge will include rules for the use of the Refuge and educational information.

The project is consistent with the objectives of the Metropolitan Greenspace Program by proposing enhancement of the wetland to its previous condition that would not be possible without sufficient funds, providing limited pedestrian access to increase public awareness of an urban wetland area while protecting the site from vehicular access, and using the assistance of other agencies and volunteer groups to help in the planting and maintenance of native plant materials. The project also achieves the Parks Services Division's mission of acting as an advocate for the protection and preservation of natural areas and open space in the Metropolitan area.

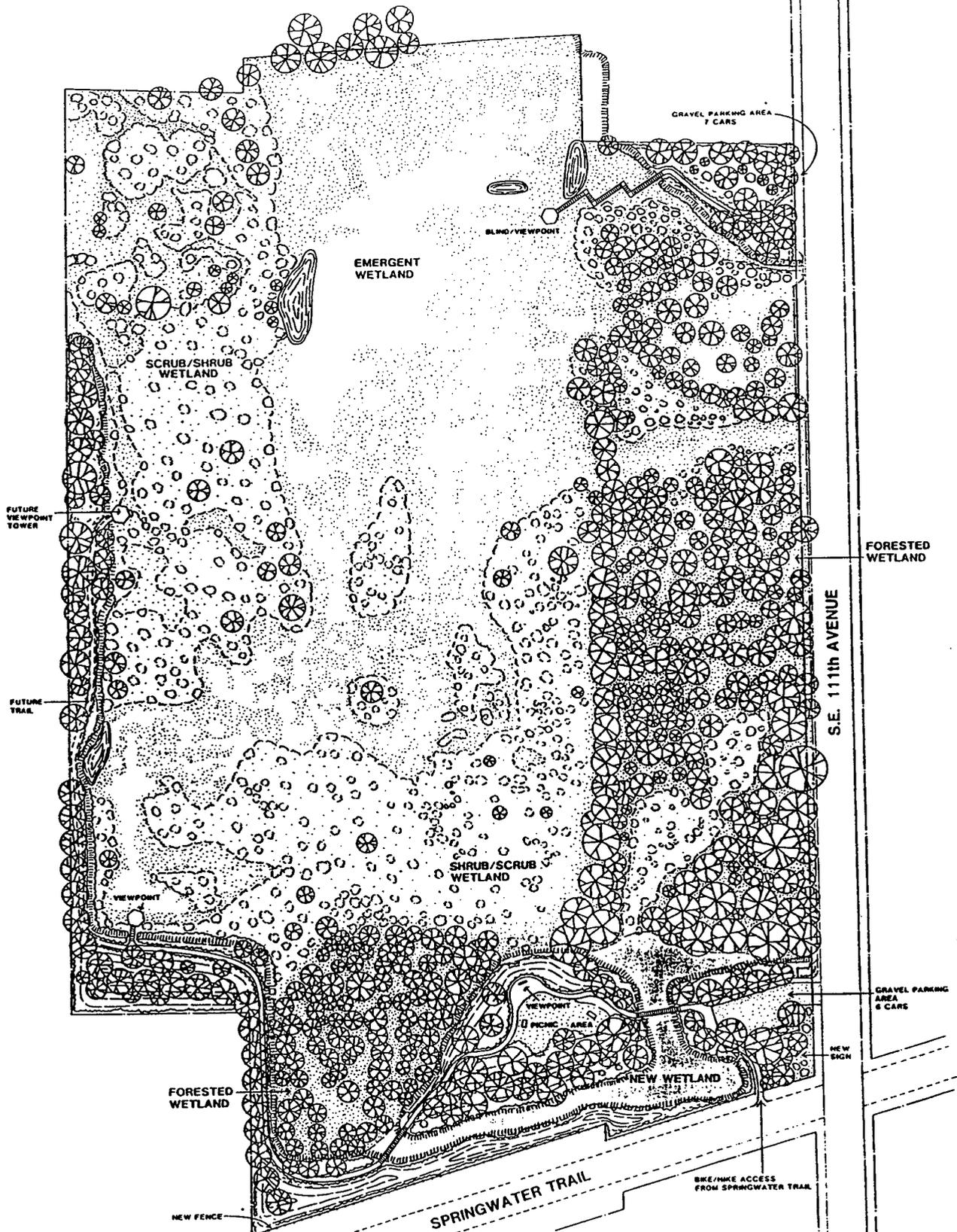
Development of limited access to the Refuge will provide an opportunity to increase public awareness and appreciation of wetland habitats, the uniqueness of this particular area and its importance in the urban setting. Signage at the entrance will provide wetland interpretive information and will also include information about the Metropolitan Greenspace Program.

# VICINITY MAP BEGGARS-TICK WILDLIFE REFUGE



**I-205**  
**BEGGARS-TICK WILDLIFE REFUGE**

**PORTLAND, OREGON**



**BEGGARS-TICK  
WILDLIFE REFUGE**

MULTNOMAH COUNTY  
PARKS SERVICES DIVISION



0 25 50 100 150

## 2. ENVIRONMENTAL IMPACTS

The topography of the project site is relatively flat at approximately 210 feet above sea level. The south, southwest and northeast perimeter of the refuge site has been filled elevating these areas five to eight feet.

The Refuge, located within the 100 year floodplain of Johnson Creek, is approximately 20.5 acres of marsh and uplands. It has five major habitat types: 1. Scrub/Shrub Wetland, 2. Filled/Disturbed, 3. Emergent Wetland, 4. Forested Wetland and 5. Year Round Open Water.

White settlers attracted to the area by the water source of Johnson Creek, its tributaries, and the availability of game animals developed the area for agriculture. By the mid-1940s the area was urbanized to approximately the extent it is today. Use of the refuge site for agriculture ceased somewhere between 1963 and 1984. Past and ongoing changes in the general area of the Refuge continue to influence the value of Beggars-Tick as a functioning wetland for flood control and wildlife habitat.

There are four water sources for the Refuge—a perennial channelized stream which originates about 3,000 feet east of the refuge, storm water run-off that enters the refuge by several means including two culverts on 111th Avenue, direct rainfall and groundwater movement through native soils and fills. The stream, which originates on the former Zenger dairy farm is the major water source for the refuge providing approximately 70% of total inflows into the marsh.

Beggars-Tick Refuge lies in a watershed generally defined by Powell Butte to the east; Kelly Butte to the northwest; an unnamed hillcrest to the southwest; an extension of this unnamed hillcrest and Foster Road to the south; and a weak topographic divide to the northeast. Water drains from northeast to southwest generally following the topographic divides in the watershed. However, both surface and groundwater may cross those divides. The watershed has been historically subject to flooding from Johnson Creek.

The hydrologic functions of this watershed have been greatly changed by land development. Wetlands within this watershed have been filled thereby decreasing the flood storage volume of the watershed and increasing the effects of flooding. Beggars-Tick Refuge functions as a storm water retention area to a greater degree now than historically due to the loss of other wetlands.

The varied habitat within the Refuge allows a wide range of vegetation. This includes willow and black hawthorn thickets. The fill area off 111th supports wild carrot, bull thistle, canada thistle, sweet fennel, chicory, everlasting pea, fireweed, teasel, bindweed, bedstraw, buttercup, white clover, red clover, Klamath weed, curly dock, Himalyan blackberry, evergreen blackberry, vetch, and scotch broom. Tree species include black cottonwood, black locust and willows. Shrub-scrub marsh areas include Beggars-tick, Douglas spirea, rose, reed canarygrass, soft rush, creeping bent grass, pale jewelweed, cattail, smartweed, duckweed and duckweed fern.

Waterfowl include mallard, american wigeon, northern pintail, green-winged teal, northern

shoveler and bufflehead. Passerines include song sparrow, black-capped chickadee, rufous-sided towhee, common bushtit, american robin, cedar waxwing and pine siskin. Great blue heron, green-backed heron and belted kingfisher, barn and violet-green sparrows housefinches and american goldfinches , rufous hummingbirds, yellow, nashville, black-throated, gray, yellow-rumped and orange warblers, marsh wrens, redwinged blackbirds, rails, ring-necked pheasant are also present. Sharp-shinned hawks have been observed hunting in the area.

There is a large and diverse insect population including at least six species of dragon-flies and three different damselflies.

Muskrat regularly den on the site. *Gambusia Affinis* is the only fish species currently known to exist at Beggars-Tick which was introduced to the Refuge for mosquito control.

The south, southwest and northeast perimeter of the refuge site has been used as a construction dump site and is filled with boulders, gypsum board, small to large chunks of concrete and asphalt, dump deposits of wasted asphalt and other domestic wastes such as tires and glass.

The Refuge is bounded on the east by S. E. 111th Ave; on the south by the former Portland Traction Company Belrose Line, now referred to as the Springwater Trail; on the west by various industrial businesses; and on the north by residential and light industrial properties. Squeezed by development from all sides, Beggars-Tick is a rediscovered wetland. Its varied and rich habitat provides a unique wetland and wildlife experience within the metropolitan area.

The Refuge is designated as open space placed under a Significant Environmental Concern Overlay, and zoned Urban Low Density Residential. County ownership and its wildlife refuge designation guarantees protection of the project site.

Multnomah County Parks Services Division has assumed the long term management of the Refuge and maintenance of its environmental integrity utilizing volunteer resources where possible. (See attached Management Plan). The David Douglas High School Ecology Club has adopted the Refuge for its local project area and is helping with the clean up of garbage that has been illegally dumped and will be installing proposed native plant materials.

Environmental impacts on the project:

1. Land use - The site has been designated as a wildlife refuge. Limited pedestrian access will be provided for wildlife viewing and education.
2. Wildlife habitat will be enhanced as fill areas are recontoured to increase wetland areas.
3. Native trees, shrubs and grasses will be planted in the disturbed areas.
4. Recontouring will remove construction debris from the wetland area and planting along the banks will control erosion.
5. Mineral Resources-N/A

6. Water quality will be enhanced with the increase of wetland areas.
7. Water resources, hydrology and enhanced stormwater detention capacity will be enhanced with the increase of wetland areas.
8. Historic and Archaeological Resources-N/A
9. Transportation Access - N/A

5 Condo Units (Woodlawn Terrace  
the "Steve Olson problems")

2 Road Fund properties

RECEIVED

AUG 13 1992

1 Single family residence - a  
tax foreclosure

CC: CLERK COUNTY, OR

Bob O.

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

(For Clerk's Use)  
Meeting Date AUG 27 1992

Agenda No. R3.

REQUEST FOR PLACEMENT ON THE AGENDA

SUBJECT: PUBLIC SALE

Informal only\* \_\_\_\_\_ . Formal only \_\_\_\_\_ .

DEPARTMENT ENVIRONMENTAL SERVICES . DIVISION PROPERTY MANAGEMENT .

CONTACT BOB OBERST . TELEPHONE 248-3851 .

\*NAME(S) OR PERSON MAKING PRESENTATION TO BOARD LARRY BAXTER .

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

[ ] INFORMATION ONLY [ ] PRELIMINARY APPROVAL [ ] POLICY DIRECTION [X] APPROVAL

Request approval for a public sale of 9 parcels of land. 6 are tax foreclosed and 3 are road fund properties.

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 5 MINUTES .

IMPACT:

PERSONNEL

[X] FISCAL/BUDGETARY

[X] General Fund

[X] Other Tax Title Fund .

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 AUG 18 PM 4: 24

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER [Signature]

BUDGET/PERSONNEL: \_\_\_\_\_ .

COUNTY COUNSEL: (Ordinances, Resolutions, Agreements, Contract Ken Sumpter .

OTHER: FACILITIES MANAGEMENT [Signature] .  
(Purchasing, Facilities Management, etc)

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

*Sent Copy of Order 92-159 to Bob Oberst 2-28-92.  
9-2-92.*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Sale of  
Property Acquired by Multnomah  
County Through the Foreclosure  
of Liens for Delinquent Taxes

)  
) ORDER 92-159  
)  
)

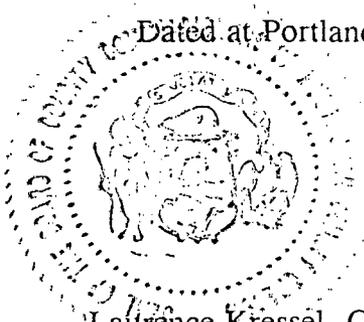
It appearing that various properties on which liens for delinquent taxes were foreclosed have been deeded to Multnomah County and it is for the best interest of the County to offer said properties at a public sale in accordance with the provisions of ORS 275.110;

TERMS--20% DOWN ON THE DAY OF SALE BALANCE DUE WITHIN 20 DAYS

Now, therefore, it is hereby ORDERED that the Sheriff be, and he hereby is, directed to offer at public sale, in accordance with ORS 275.120 through 275.190, the properties described in the following list for not less than the minimum price set below the description of said properties in said list; which list of properties, market values and minimum prices follows:

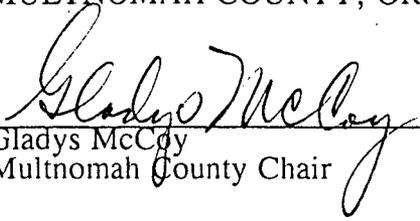
- |    |  |   |                     |
|----|--|---|---------------------|
| 1. | LEGAL DESCRIPTION<br>PROPERTY LOCATION | GOODHUE PARK LOTS 4&5, BLOCK 6<br>8008 SE ALDER ST.<br>Market Value: \$57,100.00  | 33280-0950          |
|    |  | Minimum Bid:\$29,000.00   |                     |
| 2. | LEGAL DESCRIPTION<br>PROPERTY LOCATION | LAMARGENT PK PLAT 2 TAXLOT#8 OF LOT 21<br>12952 SE Foster Rd<br>Market Value: \$40,300.00   | 46620-6340          |
|    |  | Minimum Bid:\$30,000.00   |                     |
| 3. | LEGAL DESCRIPTION<br>PROPERTY LOCATION | NEWELL PK EXCEPT PART IN STREET LOT 8, BLOCK 14;<br>NEWELL PK EXCEPT PART IN FAIRVIEW AVE LOT 9, BLOCK 14<br>Two adjoining vacant lots East of 22050 NE Couch St.<br>Market Value:\$37,400.00 | 60180-5980<br>/6020 |
|    |  | Minimum Bid: \$30,000.00  |                     |
| 4. | LEGAL DESCRIPTION<br>PROPERTY LOCATION | WOODLAWN TERRACE CONDOMINIUM LOT 15<br>6939 NE Grand Ave. #15<br>Market Value: \$6,000.00   | 92630-0290          |
|    |  | Minimum Bid: \$4,000.00   |                     |
| 5. | LEGAL DESCRIPTION<br>PROPERTY LOCATION | WOODLAWN TERRACE CONDOMINIUM LOT 19<br>6939 NE Grand Ave. #19<br>Market Value: \$6,000.00   | 92630-0370          |
|    |  | Minimum Bid: \$4,000.00   |                     |
| 6. | LEGAL DESCRIPTION<br>PROPERTY LOCATION | WOODLAWN TERRACE CONDOMINIUM LOT 20<br>6939 NE Grand Ave. #20<br>Market Value: \$6,000.00   | 92630-0390          |
|    |  | Minimum Bid: \$4,000.00   |                     |
| 7. | LEGAL DESCRIPTION<br>PROPERTY LOCATION | WOODLAWN TERRACE CONDOMINIUM LOT 22<br>6939 NE Grand Ave #22<br>Market Value: \$6,000.000   | 92630-0430          |
|    |  | Minimum Bid: \$4,000.00   |                     |
| 8. | LEGAL DESCRIPTION<br>PROPERTY LOCATION | WOODLAWN TERRACE CONDOMINIUM LOT 23<br>6939 NE Grand Ave #23<br>Market Value: \$6,000.00  | 92630-0450          |
|    |  | Minimum Bid: \$4,000.00   |                     |

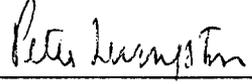
Dated at Portland, Oregon this 27th day of August, 1922



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

Laurence Kressel, County Counsel  
for Multnomah County, Oregon

  
Gladys McCoy  
Multnomah County Chair

By   
\_\_\_\_\_

Meeting Date: AUG 27 1992

Agenda No.: R-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Conveyance of land and easement to Oregon Dept. of Transportation for widening of N. Marine Drive.

BCC Informal \_\_\_\_\_ (date) BCC Formal \_\_\_\_\_ (date)

DEPARTMENT Environmental Services DIVISION Facilities & Property Mgmt

CONTACT Bob Oberst TELEPHONE 248-3851

PERSON(S) MAKING PRESENTATION Bob Oberst

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: X

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

It is proposed to convey to ODOT 0.51 acres of land, 0.36 acre of permanent easement and 0.403 acre of temporary easement for the construction of improvements to N. Marine Drive, a bike path and, related facilities in the vicinity of Expo. The consideration of \$95,000. to be paid for these conveyances is consistent with the value thereof according to an independent appraisal done for Multnomah County.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

OR

DEPARTMENT MANAGER *[Signature]*

(All accompanying documents must have required signatures)

*Sent Copy of Order 92-160 + Signed Originals of Contracts to Bob Oberst on ~~8-28-92~~ 9-2-92.*

CLERK OF COUNTY COMMISSIONERS  
1992 AUG 18 PM 4:25  
MULTNOMAH COUNTY  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Sale of County )  
Real Property and Easements Upon )  
County Real Property at N. Marine )  
Drive and Force Avenue, Portland, )  
Oregon to the Oregon Department of )  
Transportation. )

O R D E R

# 92-160

It appearing that the State of Oregon Department of Transportation intends to construct a widening and other improvements to N. Marine Drive and to construct a bike path on the north side of N. Marine Drive and that Multnomah County owns real property located at this site, commonly referred to as the EXPO site; and

It appearing that the State needs to acquire 0.51 acre of land, 0.36 acre of permanent easement and 0.403 acre of temporary easement in said real property for construction of said improvements; and

It appearing that the State of Oregon Department of Transportation has requested the REAL ESTATE OPTION which is before the Board this day to acquire said land and to pay to Multnomah County for the land to be acquired and landscaping improvements thereon the sum of \$95,000.00; and

It appearing that the sum of \$95,000.00 is equal to market value of the land to be conveyed and the landscaping improvements thereon and that the use of the property commonly referred to as the EXPO site will not be further adversely affected; and

It appearing that the conveyance of said real property and easements to the State will benefit Multnomah County and the Board being fully advised in the matter:

It is ORDERED that Multnomah County execute the REAL ESTATE OPTION and any other documents required for completion of this conveyance and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

Dated this 27th day of August, 1992.

REVIEWED:  
LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS

By Peter Lury

By Gladys McCoy  
Gladys McCoy, Chair

REAL ESTATE OPTION

File No : 6120007

Fed. Aid No: IX-9962(2)

Grantor Multnomah County Address C/O Bob Oberst, Property Manager  
2505 SE 11th Avenue  
Grantor \_\_\_\_\_ Address Portland, OR 97202  
Section N. Portland Rd. - I-5 Highway Swift  
County Multnomah Purpose Right of Way

IN CONSIDERATION of the offer to the undersigned for the hereinafter described property, the undersigned hereby gives and grant to the State of Oregon, by and through its Department of Transportation, upon the terms and conditions hereinafter stated, the option to purchase the property described on Exhibit "A" attached, bearing the date of 5-28-91 and covering 7 parcels, subject to special provisions contained in Exhibit(s) B, C, & D attached and by this agreement made a part of this option.

The Oregon Transportation Commission shall have the irrevocable right, at any time, within six (6) \*\*\*\*\* months from the date hereof, to accept this option, The person(s) who have executed the option acknowledge that the signing and delivering of a deed at the same time the option was executed, does not constitute acceptance by the State of the deed and that the acceptance by the State of the deed is conditioned on the clearing of the title satisfactory to the State and acceptance of the option by the State.

The undersigned, hereinafter referred to as "Grantors," agree to deliver to the State of Oregon, by and through its Department of Transportation, hereinafter referred to as "State," a warranty deed to said property, CONVEYING A GOOD AND MERCHANTABLE TITLE THERETO FREE FROM ALL OUTSTANDING LIENS AND ENCUMBRANCES, INCLUDING UNPAID AND DEFERRED REAL PROPERTY TAXES, AND FREE FROM ALL RIGHTS OF LESSEES, TENANTS, AND OTHER PERSONS CLAIMING ANY RIGHTS IN OR TO SAID PROPERTY. The conveyances shall include all buildings, fixtures and crops located on said property as well as appurtenances thereto (except for the items herein reserved by Grantors). Grantors further agree not to sell or encumber said property during the term of this option.

Upon delivery of said deed and the clearing of title satisfactory to State, Grantors, in the usual course and through the usual channels of auditing claims against State, shall be paid the sum of (\$ 95,000.00 ) NINETY FIVE THOUSAND AND NO/100 DOLLARS (Less \$0.00 for items as listed on Exhibit(s) N/A as full payment of the purchase thereof. Grantors are entitled to receive payment, less any deposits and allowances as listed on exhibits before State takes possession of the property.

Grantors shall surrender possession of the property upon payment from the State. Written notice to vacate the property will not be required.

Grantors do not have to provide title insurance. State will pay all recording charges for documents required to vest clear title in State; and prorate taxes as of the date of possession or transfer of title, whichever is earlier.

Grantors acknowledge all items of damages, all sums of money to be paid, and all things to be done by State are in this option. Grantors agree, the consideration recited herein is just compensation for the optioned property, including any and all damages to Grantors remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the highway. All claims for damages, injury or loss on account of failure to close this option are hereby expressly waived.

NOTICE: BEFORE SIGNING THIS OPTION BE SURE ALL OBLIGATIONS, INCLUDING THOSE YOU EXPECT STATE TO PERFORM, ARE SET OUT IN THIS OPTION AND THAT YOU FULLY UNDERSTAND ALL OF THE TERMS OF THIS OPTION.

Dated this 27th day of August, 1992

Glady's McLean  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Multnomah County Chair  
\_\_\_\_\_  
\_\_\_\_\_

REVIEWED  
By [Signature]  
MULTNOMAH COUNTY COUNSEL

LEGAL DESCRIPTION  
FOR  
STREET DEDICATION FOR TL5, (RIGHT) 33 2N 1E

A parcel of land, being a portion of that certain tract of land described as Parcel I in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particularly described as follows:

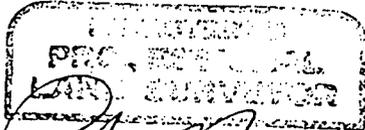
Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11; thence tracing said northwesterly line and its southerly projection South  $24^{\circ}55'31''$  West 88.2 feet to the southwesterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said southwesterly right-of-way line South  $65^{\circ}04'29''$  East 6.31 feet to the southeasterly right-of-way line of Force Avenue and the TRUE POINT OF BEGINNING: thence tracing said southwesterly right-of-way line of North Portland Road with said line being common with the northeasterly line of said Parcel I described in said deed to Multnomah County South  $65^{\circ}04'29''$  East 1044.43 feet to the southeasterly line of said Parcel I; thence leaving said southwesterly right-of-way line of North Portland Road and tracing said southeasterly line of Parcel I South  $24^{\circ}55'31''$  West 27.79 feet; thence leaving said southeasterly line North  $65^{\circ}07'45''$  West 10.43 feet to a point of curvature; thence tracing the arc of a 5,039.00 foot radius curve to the right through a central angle of  $01^{\circ}40'01''$  an arc distance of 146.60 feet (the long chord bears North  $64^{\circ}14'11''$  West 146.60 feet) to a point of tangency; thence North  $63^{\circ}24'11''$  West 723.64 feet to a point of curvature; thence tracing the arc of a 594.00 foot radius curve to the left through a central angle of  $12^{\circ}32'44''$  an arc length of 130.06 feet (the long chord bears North  $69^{\circ}40'33''$  West 129.80 feet) to a point of compound curvature; thence tracing a 44.00 foot radius curve to the left through a central angle of  $22^{\circ}21'42''$  an arc length of 17.17 feet (the long chord bears North  $87^{\circ}07'45''$  West 17.06 feet); thence South  $12^{\circ}13'10''$  East 6.02 feet; thence South  $77^{\circ}46'50''$  West 6.00 feet; thence North  $12^{\circ}13'10''$  West 6.02 feet to a point of non-tangent curvature (the radial center bears South  $16^{\circ}07'45''$  East); thence tracing the arc of a 44.00 foot radius curve to the left through a central angle of  $10^{\circ}21'48''$  an arc length of 7.96 feet (the long chord bears South  $68^{\circ}41'21''$  West 7.95 feet) to a point of non-tangency; thence South  $34^{\circ}19'47''$  East 6.07 feet; thence South  $55^{\circ}40'13''$  West 12.00 feet; thence North  $34^{\circ}19'47''$  West 6.07 feet to a point of non-tangent curvature (the radial center bears South  $42^{\circ}10'02''$  East); thence tracing the arc of a 44.00 foot radius curve to the left through a central angle of  $10^{\circ}40'07''$  an arc length of 8.19 feet (the long chord bears South  $42^{\circ}29'54''$  West 8.18

STATE FILE 6120007  
PARCEL 1

STREET DEDICATION FOR TL5  
Page 2

feet) to a point of cusp on the southeasterly right-of-way line of Force Avenue; thence tracing said southeasterly right-of-way line North 24°55'31" East 48.84 feet to the TRUE POINT OF BEGINNING.

Containing 17,118 square feet or 0.39 acres more or less.



OCTOBER 28, 1991  
TL5S33.DOC

*Pat Marquis*  
OREGON  
JANUARY 1988  
PAT MARQUIS  
2100

10-28-91

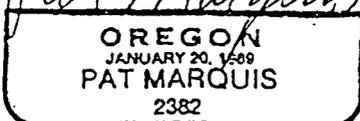
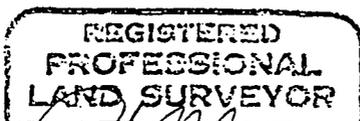
LEGAL DESCRIPTION  
FOR  
RIGHT-OF-WAY TAKE FOR TL5, (LEFT) 33 2N 1E

A parcel of land, being a portion of that certain tract of land described as Parcel II in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particulary described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11; thence tracing said northwesterly line South 24°55'31" West 28.2 feet to the northeasterly right-of-way line of North Portland Road (a.k.a. North Marine Drive) and the TRUE POINT OF BEGINNING: thence retracing said northwesterly line North 24°55'31" East 16.67 feet; thence leaving said northwesterly line and tracing the arc of a 5,038.00 foot radius curve to the right (the radius point bears South 25°35'12" West) through a central angle of 01°00'49" an arc distance of 89.12 feet (the long chord bears South 63°54'35" East 89.12 feet) to a point of tangency; thence South 63°24'11" East 509.25 feet to said northeasterly right-of-way line of said North Portland Road; thence tracing said northeasterly right-of-way line North 65°04'29" West 598.13 feet to the TRUE POINT OF BEGINNING.

Containing 5,197 square feet or 0.12 acres more or less.

May 28, 1991  
TL5N33.DOC



*Pat Marquis 5/30/91*

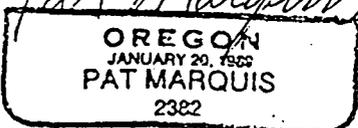
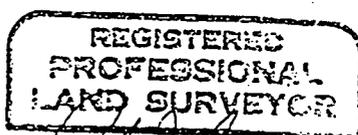
LEGAL DESCRIPTION  
FOR  
BIKE PATH EASEMENT FOR TL5, (LEFT) 33 2N 1E  
PERMANENT EASEMENT

A strip of land 14.00 feet in width lying 7.00 feet each side of the centerline and being a portion of that certain tract of land described as Parcel I in deed to Multnomah County recorded August 9, 1965 in Book 353 Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and with the centerline of said strip of land more particularly described as follows:

Commencing at the intersection of the northwesterly property line of said tract described as Parcel I in deed to Multnomah County recorded August 9, 1965 in Multnomah County Deed Records and the existing northeasterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said northwesterly property line North  $24^{\circ}55'31''$  East 85.60 feet to the TRUE POINT OF BEGINNING and the centerline of the strip of land to be described: thence leaving said northwesterly property line South  $67^{\circ}51'15''$  East 21.16 feet to a point of curvature; thence along the arc of a 600.00 foot radius curve to the right through a central angle of  $1^{\circ}51'20''$  an arc distance of 19.43 feet (the long chord bears South  $66^{\circ}55'35''$  East 19.43 feet) to a point of tangency; thence South  $65^{\circ}59'55''$  East 692.24 feet to a point of curvature; thence along the arc of a 250.00 foot radius curve to the right through a central angle of  $21^{\circ}40'57''$  an arc distance of 94.61 feet (the long chord bears South  $55^{\circ}09'27''$  East 94.04 feet) to a point of tangency; thence South  $44^{\circ}18'59''$  East 205.23 feet to a point of curvature; thence along the arc of a 250.00 foot radius curve to the left through a central angle of  $6^{\circ}24'25''$  an arc distance of 27.96 feet (the long chord bears South  $47^{\circ}31'11''$  East 27.94 feet) to the southeasterly property line of said tract and the terminus of the 14.00 foot wide strip of land herein described, the side lines of said 14.00 foot wide strip of land to be extended or shortened to commence at and terminate at the property lines of said tract.

Containing 13,964 square feet or 0.32 acres more or less.

May 28, 1991  
BIKETL5.DOC



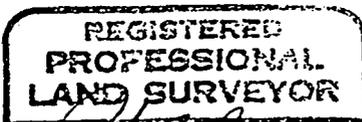
*Pat Marquis 5/30/91*

LEGAL DESCRIPTION  
FOR  
STORM DRAINAGE EASEMENT FOR TL5, (LEFT) 33 2N 1E  
PERMANENT EASEMENT

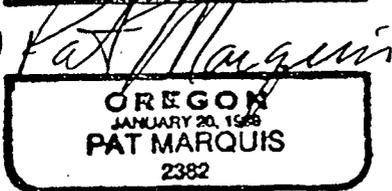
A parcel of land, being a portion of that certain tract of land described as Parcel II in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particularly described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly property line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records; thence tracing said northwesterly line South 24°55'31" West 28.2 feet to the northeasterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said right-of-way line South 65°04'29" East 714.15 feet to the TRUE POINT OF BEGINNING; thence retracing said right-of-way line North 65°04'29" West 10.00 feet; thence leaving said right-of-way line North 26°35'50" East 159.97 feet to the meanders of the southwesterly bank of the Oregon Slough; thence tracing said meanders South 62°56'57" East 0.60 feet; thence South 66°48'30" East 9.42 feet; thence leaving said meanders South 26°35'50" West 160.24 feet to the TRUE POINT OF BEGINNING.

Containing 1,601 square feet or 0.04 acres more or less.



OCTOBER 28, 1991  
5N33DRA.DOC



10-28-91

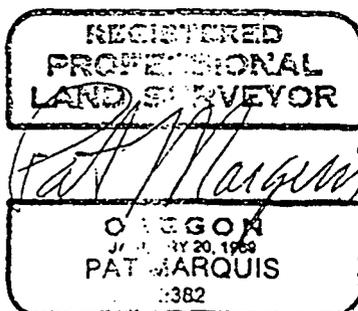
LEGAL DESCRIPTION  
FOR  
CONSTRUCTION EASEMENT FOR TL5, (LEFT) 33 2N 1E  
TEMPORARY EASEMENT

A parcel of land, being a portion of that certain tract of land described as Parcel II in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particulary described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11; thence tracing said northwesterly line South 24°55'31" West 11.53 feet to the northeasterly right-of-way line of the proposed relocated North Marine Drive and the TRUE POINT OF BEGINNING: thence retracing said northwesterly property line North 24°55'31" East 10.00 feet; thence leaving said northwesterly line and tracing the arc of a 5,048.00 foot radius curve to the right (the radius point bears South 25°34'56" West) through a central angle of 00°07'42" an arc distance of 11.30 feet (the long chord bears South 64°21'13" East 11.30 feet); thence tracing a line southeasterly and parallel with the said northwesterly property line South 24°55'31" West 10.00 feet to said northeasterly right-of-way line of the proposed relocated North Marine Drive; thence leaving said parallel line and tracing said proposed right-of-way line along the arc of a 5,038.00 foot radius curve to the left (the radius point bears South 25°42'43" West) through a central angle of 00°07'42" an arc distance of 11.30 feet (the long chord bears North 64°21'08" West 11.30 feet) to THE POINT OF BEGINNING.

Containing 113 square feet or 0.003 acres more or less.

May 28, 1991  
5N33CON.DOC



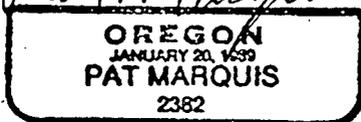
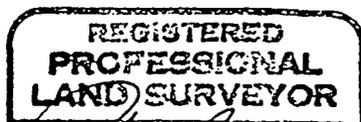
LEGAL DESCRIPTION  
FOR  
CONSTRUCTION EASEMENT FOR TL5, (RIGHT) 33 2N 1E  
TEMPORARY EASEMENT

A parcel of land, being a portion of that certain tract of land described as Parcel I in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particularly described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11; thence tracing said northwesterly line and its southerly projection South  $24^{\circ}55'31''$  West 88.2 feet to the southwesterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said southwesterly right-of-way line South  $65^{\circ}04'29''$  East 6.31 feet to the southeasterly right-of-way line of Force Avenue; thence tracing said right-of-way line of Force Avenue South  $24^{\circ}55'31''$  West 48.84 feet to the southwesterly right-of-way line of the proposed relocation of North Marine Drive and the **TRUE POINT OF BEGINNING**: thence leaving said Force Avenue right-of-way line and tracing said proposed right-of-way line of North Marine Drive through the following courses and distances: along the arc of a 44.00 foot radius curve to the right (the radial center bears South  $52^{\circ}50'09''$  East) through a central angle of  $10^{\circ}40'07''$  an arc length of 8.19 feet (the long chord bears North  $42^{\circ}29'54''$  East 8.18 feet); thence South  $34^{\circ}19'47''$  East 6.07 feet; thence North  $55^{\circ}40'13''$  East 12.00 feet; thence North  $34^{\circ}19'47''$  West 6.07 feet to a point of non-tangent curvature; thence tracing the arc of a 44.00 foot radius curve to the right (the radial center bears North  $26^{\circ}29'36''$  West) through a central angle of  $10^{\circ}21'48''$  an arc length of 7.96 feet (the long chord bears North  $68^{\circ}41'21''$  East 7.95 feet); thence South  $12^{\circ}13'10''$  East 6.02 feet; thence North  $77^{\circ}46'50''$  East 6.00 feet; thence North  $12^{\circ}13'10''$  West 6.02 feet to a point of non-tangent curvature; thence tracing the arc of a 44.00 foot radius curve to the right (the radial center bears North  $08^{\circ}18'36''$  West) through a central angle of  $22^{\circ}21'42''$  an arc distance of 17.17 feet (the long chord bears North  $87^{\circ}07'45''$  West 17.06 feet) to a point of compound curvature; thence tracing the arc of a 594.00 foot radius curve to the right through a central angle of  $12^{\circ}32'44''$  an arc length of 130.06 feet (the long chord bears South  $69^{\circ}40'33''$  East 129.80 feet) to a point of tangency; thence South  $63^{\circ}24'11''$  East 723.64 feet to a point of curvature; thence tracing the arc of a 5,039.00 foot radius curve to the left through a central angle of  $01^{\circ}40'01''$  an arc distance of 146.60 feet (the long chord bears South  $64^{\circ}14'11''$  East 146.60 feet) to a point of tangency; thence South  $65^{\circ}07'45''$

East 10.43 feet to the southeasterly line of said Parcel I as deeded to Multnomah County; thence leaving said proposed right-of-way line and tracing said southeasterly line of Parcel I South  $24^{\circ}55'31''$  West 15.00 feet; thence leaving said southeasterly property line North  $65^{\circ}07'45''$  West 10.43 feet to a point of curvature; thence tracing the arc of a 5,054.00 foot radius curve to the right through a central angle of  $01^{\circ}40'01''$  an arc distance of 147.04 feet (the long chord bears North  $64^{\circ}14'11''$  West 147.03 feet) to a point of tangency; thence North  $63^{\circ}24'11''$  West 723.64 feet to a point of curvature; thence tracing the arc of a 579.00 foot radius curve to the left through a central angle of  $12^{\circ}32'44''$  an arc distance of 126.78 feet (the long chord bears North  $69^{\circ}40'33''$  West 126.53 feet) to a point of compound curvature; thence tracing a 29.00 foot radius curve to the left through a central angle of  $66^{\circ}53'15''$  an arc distance of 33.85 feet (the long chord bears South  $70^{\circ}36'28''$  West 31.96 feet); thence North  $52^{\circ}50'09''$  West 15.00 feet to the TRUE POINT OF BEGINNING.

Containing 15,666 square feet or 0.36 acres more or less.



10-28-91

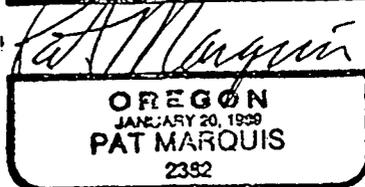
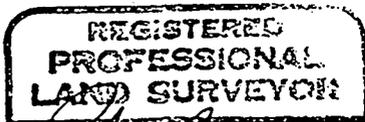
October 28, 1991  
5S33CON.DOC

LEGAL DESCRIPTION  
FOR  
STORM DRAIN CONSTRUCTION EASEMENT FOR TL5, (LEFT) 33 2N 1E  
TEMPORARY EASEMENT

A parcel of land, being a portion of that certain tract of land described as Parcel II in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particularly described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly property line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records; thence tracing said northwesterly line South 24°55'31" West 28.2 feet to the northeasterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said right-of-way line South 65°04'29" East 714.15 feet to the TRUE POINT OF BEGINNING; thence leaving said right-of-way line North 26°35'50" East 160.24 feet to the meanders of the southwesterly bank of the Oregon Slough; thence tracing said meanders South 66°48'30" East 10.02 feet; thence leaving said meanders South 26°35'50" West 160.54 feet to the northeasterly right-of-way line of said North Portland Road; thence tracing said right-of-way line North 65°04'29" West 10.00 feet to the TRUE POINT OF BEGINNING.

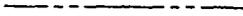
Containing 1,604 square feet or 0.04 acres more or less.

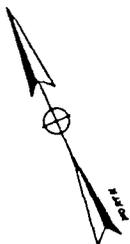


10-28-91

OCTOBER 28, 1991  
5N33DCON.DOC

**LEGEND**

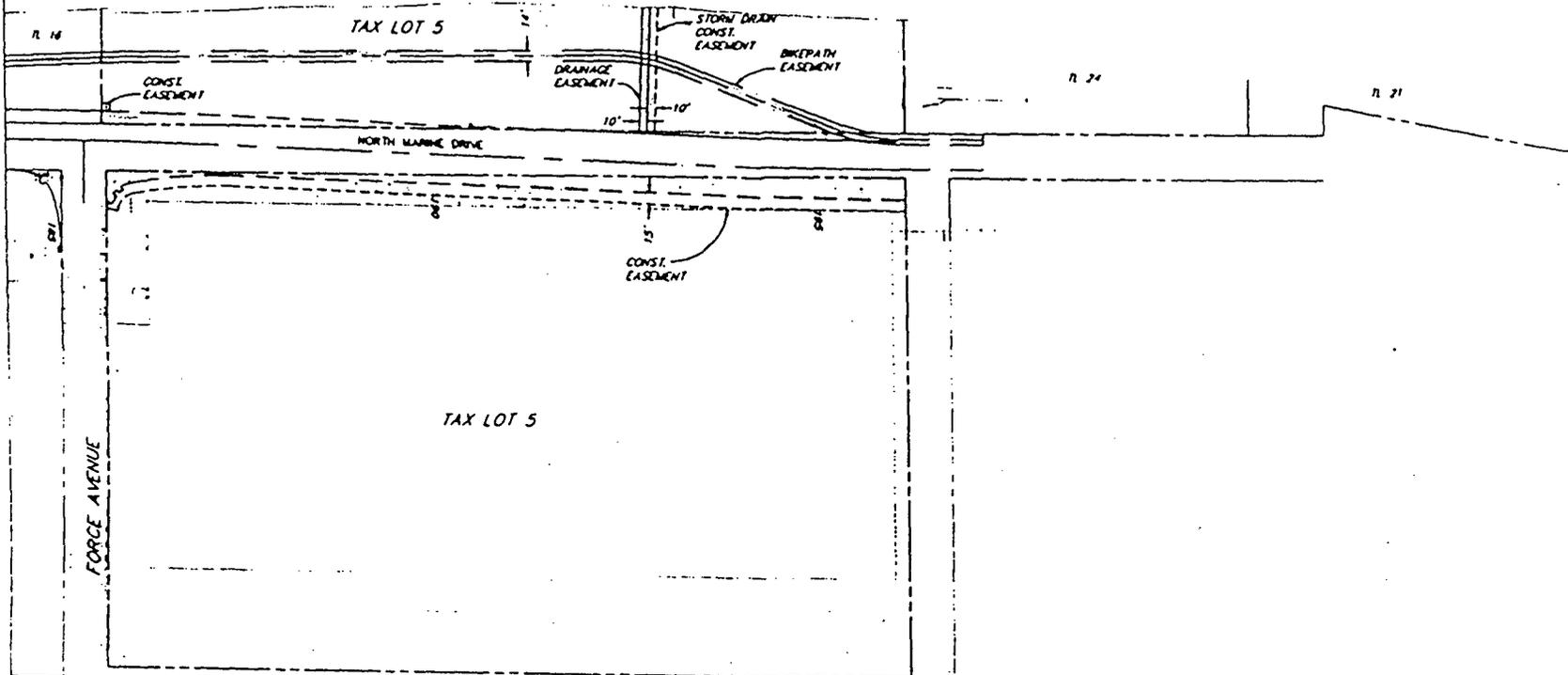
- PROPERTY LINE 
- ROW TAKE LINE 
- SLOPE EASEMENT LINE 
- BIKE EASEMENT LINE 
- CONST. EASEMENT LINE 
- DRAINAGE EASEMENT LINE 



FILE #12

PROPERTY OWNER	TAX LOT NUMBER	TOTAL ACRES	R-O-W TAKE	SLOPE EASEMENT	REMAINDER	BIKE EASEMENT	CONST. EASEMENT	DRAINAGE EASEMENT
MULTNOHAW COUNTY PROPERTY MANAGEMENT 2305 S.E. 11TH AVE. PORTLAND, OR	5 LT.	3.74	0.12	----	3.62	0.32	0.04	0.04
	5 RT.	15.19	0.39	----	14.80		0.36	
	<b>TOTAL</b>	<b>18.93</b>	<b>0.51</b>	----	<b>18.42</b>			

STATE FILE 6120007 PARCELS 1 - 7



DATE:	OCTOBER 1991	
REVISIONS:	10/24/91	REVISE R-O-W REVISE EASEMENTS



EXHIBIT B  
 FILE NO. 612007  
 DATE 8-5-92

**ACCESS CONTROL**

It is understood and agreed that any instrument or conveyance which may be required to complete the transaction with State that involves access control shall contain provisions substantially as follows:

**RESTRICTION . . .** Also for the above stated consideration, there is hereby conveyed to Grantee all existing, future, or potential common law or statutory abutter's easements of access between the (parcels) (highway) herein described and all of Grantors, remaining property.

**RESERVATION . . .** Reserving, for service of Grantors, remaining property, rights of access to and from the abutting highway right of way, at each of the following places and for the following widths:

Hwy. Engr's Sta.	Side of Highway	Widths			*To Be Constructed By
		Reservation	Top Surface	Curb Cut	
189+28	South		16		State
193+53	South		16		State
NFA 51+34	East		30		State

If any of the construction under the terms of this option is outside of the highway right of way, Grantors hereby grant State, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

It is expressly intended that the above benefits and restrictions shall run with the land and shall forever bind the Grantors, their heirs (successors) and assigns.

**STATE'S OTHER OBLIGATIONS**

State is to do the following:

1. Provide a new driveway connection to the existing overhead door on the west side of the Expo Building from North Force Ave. at station NFA 51+34 East as provided within the access provisions of Exhibit "B" and "C" of this option. The use of this driveway will be restricted as per separate agreement to be made between Multnomah County and the City of Portland.
2. Connect driveways at stations 189+28 South and 193+53 South.
3. The existing storm sewer located within North Marine Drive right of way that provides roof top drainage from the existing building will be collected and piped into the storm sewer with an outfall to the slough as part of the construction project.
4. Curtail construction along North Marine Drive from the Easterly limits of the project to 300 feet westerly of the intersection of North Force Avenue during the time periods corresponding to the durations of the following events to be held at the Expo Center during 1992:
  - A. Antique Car Sale/swap meet
  - B. Multnomah County Fair
5. Provide a means for west bound traffic on North Marine Drive to proceed with a left turn movement to North Force Ave. at all times during the course of construction.

State will, at the time of highway construction, build the following approach roads:

<u>Hwy. Engr. Station</u>	<u>Top Surface Width</u>	<u>Curb Cut Width</u>
189+28 South	16'	
193+53 South	16'	
NFA 51+34 East	30'	

Any construction lying outside of the traveled portion and shoulders but within the right of way of the highway which is made for the use and benefit of the remaining property, either under the terms of this option or the construction plans, shall be completed in conformance with normal engineering construction practices and thereafter shall be maintained or reconstructed by the property owner in accordance with ORS 374.305, et seq. and OAR 734-50-005 to 50-065, OAR 734-55-005 to 55-060 and other applicable statutes and regulations.

If any of the construction under the terms of this option is outside of the highway right of way, Grantors hereby grant State, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

EXHIBIT D

File No. 6120007  
N. Portland Road Section  
Swift Highway

It is hereby acknowledged that the State and the City of Portland have mutually agreed that all right, title and interest plus all jurisdiction, maintenance and control thereupon of State Highway, commonly referred to as Swift Highway, owned by State shall be transferred to said City of Portland.

As part of this option agreement, Grantor has asked for the future right to realign the bicycle path to be built as part of this project and to be purchased as parcel number 3 of this agreement to accommodate future plans to develop Grantors water front properties along North Portland Harbor.

City of Portland has agreed to allow for the reconfiguration of said bicycle path under the condition that said development plans be reviewed as a part of the development review process to be undertaken by the future developer. City of Portland limits this reconfiguration to a placement upon Grantors property identified as Tax Lot 5, Section 33, T2N., R.1E., W.M.. City of Portland consents to said reconfiguration of the bicycle path with the understanding that all costs to review and reconfigure shall be assumed by Grantor or its developer. (Refer to letter from City of Portland dated December 8, 1991 undersigned by Richard O. Schmidt, City Engineer attached.)

It is hereby understood and agreed that Grantor shall retain a right to reconfigure the said bicycle path conditioned by the City of Portland as stated above.

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DEED

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, fee title to the following property:

- PARCEL 1 - described on Exhibit "A" attached hereto and by this reference made a part hereof.
- PARCEL 2 - also described on said Exhibit "A"

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct a bike path upon Parcel 3, and a permanent easement for the construction, operation, and maintenance of a storm drain over, under, and across the hereinafter described Parcel 4, and temporary easements for work areas for construction purposes over and across the hereinafter described Parcels 5 and 6, and a temporary easement for a storm drain over, under, and across the hereinafter described Parcel 7 said property described on attached Exhibit "A":

- PARCEL 3 - also described on said Exhibit "A" Permanent Easement
- PARCEL 4 - also described on said Exhibit "A" Permanent Easement
- PARCEL 5 - also described on said Exhibit "A" Temporary Easement
- PARCEL 6 - also described on said Exhibit "A" Temporary Easement
- PARCEL 7 - also described on said Exhibit "A" Temporary Easement

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate upon completion of the above-mentioned construction project.

IT IS ALSO UNDERSTOOD that the permanent and temporary easements herein granted do not convey any right or interest in the above-described Parcels 3, 4, 5, 6, and 7, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

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.

The true and actual consideration received by Grantor for this conveyance is  
\$ 95,000.00.

Dated this 27th day of August, 19 92.

MULTNOMAH COUNTY

By Gladys McCoy  
Chairperson

ATTEST:

\_\_\_\_\_  
County Clerk

By \_\_\_\_\_  
County Commissioner

By \_\_\_\_\_  
County Commissioner

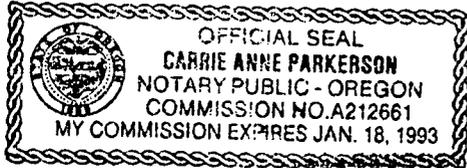
STATE OF OREGON, County of Multnomah

August 27th, 19 92. Personally appeared Gladys McCoy,  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, who, being

sworn, stated that they are the Chairperson, County Commissioners and County Clerk of  
Multnomah County, Oregon, and that this instrument was voluntarily signed in behalf of the  
County by authority of an order of the Board of Commissioners. Before me:

Carrie Anne Parkerson  
Notary Public for Oregon

My Commission expires 1/18/93



12-31-91  
Page 2 - Deed  
ael/PA

RETURN TO  
OREGON STATE HIGHWAY DIVISION  
RIGHT OF WAY SECTION  
417 TRANSPORTATION BLDG.  
SALEM, OREGON 97310

REVIEWED  
By Allen Hampton  
MULTNOMAH COUNTY COUNCIL

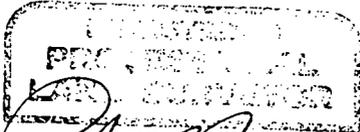
**LEGAL DESCRIPTION  
FOR  
STREET DEDICATION FOR TL5, (RIGHT) 33 2N 1E**

A parcel of land, being a portion of that certain tract of land described as Parcel I in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particularly described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11; thence tracing said northwesterly line and its southerly projection South  $24^{\circ}55'31''$  West 88.2 feet to the southwesterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said southwesterly right-of-way line South  $65^{\circ}04'29''$  East 6.31 feet to the southeasterly right-of-way line of Force Avenue and the **TRUE POINT OF BEGINNING**; thence tracing said southwesterly right-of-way line of North Portland Road with said line being common with the northeasterly line of said Parcel I described in said deed to Multnomah County South  $65^{\circ}04'29''$  East 1044.43 feet to the southeasterly line of said Parcel I; thence leaving said southwesterly right-of-way line of North Portland Road and tracing said southeasterly line of Parcel I South  $24^{\circ}55'31''$  West 27.79 feet; thence leaving said southeasterly line North  $65^{\circ}07'45''$  West 10.43 feet to a point of curvature; thence tracing the arc of a 5,039.00 foot radius curve to the right through a central angle of  $01^{\circ}40'01''$  an arc distance of 146.60 feet (the long chord bears North  $64^{\circ}14'11''$  West 146.60 feet) to a point of tangency; thence North  $63^{\circ}24'11''$  West 723.64 feet to a point of curvature; thence tracing the arc of a 594.00 foot radius curve to the left through a central angle of  $12^{\circ}32'44''$  an arc length of 130.06 feet (the long chord bears North  $69^{\circ}40'33''$  West 129.80 feet) to a point of compound curvature; thence tracing a 44.00 foot radius curve to the left through a central angle of  $22^{\circ}21'42''$  an arc length of 17.17 feet (the long chord bears North  $87^{\circ}07'45''$  West 17.06 feet); thence South  $12^{\circ}13'10''$  East 6.02 feet; thence South  $77^{\circ}46'50''$  West 6.00 feet; thence North  $12^{\circ}13'10''$  West 6.02 feet to a point of non-tangent curvature (the radial center bears South  $16^{\circ}07'45''$  East); thence tracing the arc of a 44.00 foot radius curve to the left through a central angle of  $10^{\circ}21'48''$  an arc length of 7.96 feet (the long chord bears South  $68^{\circ}41'21''$  West 7.95 feet) to a point of non-tangency; thence South  $34^{\circ}19'47''$  East 6.07 feet; thence South  $55^{\circ}40'13''$  West 12.00 feet; thence North  $34^{\circ}19'47''$  West 6.07 feet to a point of non-tangent curvature (the radial center bears South  $42^{\circ}10'02''$  East); thence tracing the arc of a 44.00 foot radius curve to the left through a central angle of  $10^{\circ}40'07''$  an arc length of 8.19 feet (the long chord bears South  $42^{\circ}29'54''$  West 8.18

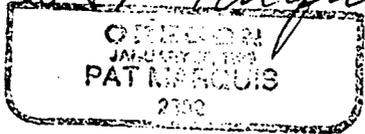
**STREET DEDICATION FOR TL5**  
Page 2

feet) to a point of cusp on the southeasterly right-of-way line of Force Avenue; thence tracing said southeasterly right-of-way line North 24°55'31" East 48.84 feet to the **TRUE POINT OF BEGINNING**.  
Containing 17,118 square feet or 0.39 acres more or less.



OCTOBER 28, 1991  
TL5S33.DOC

*Pat McGuire*



10-28-91

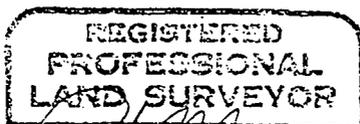
LEGAL DESCRIPTION  
FOR  
RIGHT-OF-WAY TAKE FOR TL5, (LEFT) 33 2N 1E

A parcel of land, being a portion of that certain tract of land described as Parcel II in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particular described as follows:

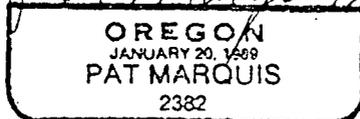
Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11; thence tracing said northwesterly line South 24°55'31" West 28.2 feet to the northeasterly right-of-way line of North Portland Road (a.k.a. North Marine Drive) and the TRUE POINT OF BEGINNING: thence retracing said northwesterly line North 24°55'31" East 16.67 feet; thence leaving said northwesterly line and tracing the arc of a 5,038.00 foot radius curve to the right (the radius point bears South 25°35'12" West) through a central angle of 01°00'49" an arc distance of 89.12 feet (the long chord bears South 63°54'35" East 89.12 feet) to a point of tangency; thence South 63°24'11" East 509.25 feet to said northeasterly right-of-way line of said North Portland Road; thence tracing said northeasterly right-of-way line North 65°04'29" West 598.13 feet to the TRUE POINT OF BEGINNING.

Containing 5,197 square feet or 0.12 acres more or less.

May 28, 1991  
TL5N33.DOC



*Pat Marquis 5/30/91*

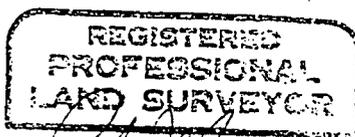


LEGAL DESCRIPTION  
FOR  
BIKE PATH EASEMENT FOR TL5, (LEFT) 33 2N 1E  
PERMANENT EASEMENT

A strip of land 14.00 feet in width lying 7.00 feet each side of the centerline and being a portion of that certain tract of land described as Parcel I in deed to Multnomah County recorded August 9, 1965 in Book 353 Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and with the centerline of said strip of land more particularly described as follows:

Commencing at the intersection of the northwesterly property line of said tract described as Parcel I in deed to Multnomah County recorded August 9, 1965 in Multnomah County Deed Records and the existing northeasterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said northwesterly property line North  $24^{\circ}55'31''$  East 85.60 feet to the TRUE POINT OF BEGINNING and the centerline of the strip of land to be described; thence leaving said northwesterly property line South  $67^{\circ}51'15''$  East 21.16 feet to a point of curvature; thence along the arc of a 600.00 foot radius curve to the right through a central angle of  $1^{\circ}51'20''$  an arc distance of 19.43 feet (the long chord bears South  $66^{\circ}55'35''$  East 19.43 feet) to a point of tangency; thence South  $65^{\circ}59'55''$  East 692.24 feet to a point of curvature; thence along the arc of a 250.00 foot radius curve to the right through a central angle of  $21^{\circ}40'57''$  an arc distance of 94.61 feet (the long chord bears South  $55^{\circ}09'27''$  East 94.04 feet) to a point of tangency; thence South  $44^{\circ}18'59''$  East 205.23 feet to a point of curvature; thence along the arc of a 250.00 foot radius curve to the left through a central angle of  $6^{\circ}24'25''$  an arc distance of 27.96 feet (the long chord bears South  $47^{\circ}31'11''$  East 27.94 feet) to the southeasterly property line of said tract and the terminus of the 14.00 foot wide strip of land herein described, the side lines of said 14.00 foot wide strip of land to be extended or shortened to commence at and terminate at the property lines of said tract.

Containing 13,964 square feet or 0.32 acres more or less.



*Pat Marquis* 5/30/91  
OREGON  
JANUARY 20, 1922  
PAT MARQUIS  
2382

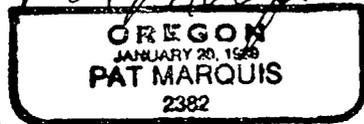
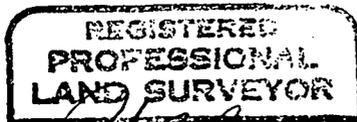
May 28, 1991  
BIKETL5.DOC

LEGAL DESCRIPTION  
FOR  
STORM DRAINAGE EASEMENT FOR TL5, (LEFT) 33 2N 1E  
PERMANENT EASEMENT

A parcel of land, being a portion of that certain tract of land described as Parcel II in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particularly described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly property line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records; thence tracing said northwesterly line South 24°55'31" West 28.2 feet to the northeasterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said right-of-way line South 65°04'29" East 714.15 feet to the TRUE POINT OF BEGINNING; thence retracing said right-of-way line North 65°04'29" West 10.00 feet; thence leaving said right-of-way line North 26°35'50" East 159.97 feet to the meanders of the southwesterly bank of the Oregon Slough; thence tracing said meanders South 62°56'57" East 0.60 feet; thence South 66°48'30" East 9.42 feet; thence leaving said meanders South 26°35'50" West 160.24 feet to the TRUE POINT OF BEGINNING.

Containing 1,601 square feet or 0.04 acres more or less.



10-28-91

OCTOBER 28, 1991  
5N33DRA.DOC

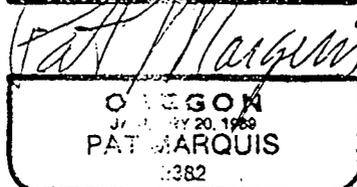
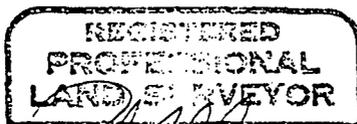
LEGAL DESCRIPTION  
FOR  
CONSTRUCTION EASEMENT FOR TL5, (LEFT) 33 2N 1E  
TEMPORARY EASEMENT

A parcel of land, being a portion of that certain tract of land described as Parcel II in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particularly described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11; thence tracing said northwesterly line South  $24^{\circ}55'31''$  West 11.53 feet to the northeasterly right-of-way line of the proposed relocated North Marine Drive and the TRUE POINT OF BEGINNING: thence retracing said northwesterly property line North  $24^{\circ}55'31''$  East 10.00 feet; thence leaving said northwesterly line and tracing the arc of a 5,048.00 foot radius curve to the right (the radius point bears South  $25^{\circ}34'56''$  West) through a central angle of  $00^{\circ}07'42''$  an arc distance of 11.30 feet (the long chord bears South  $64^{\circ}21'13''$  East 11.30 feet); thence tracing a line southeasterly and parallel with the said northwesterly property line South  $24^{\circ}55'31''$  West 10.00 feet to said northeasterly right-of-way line of the proposed relocated North Marine Drive; thence leaving said parallel line and tracing said proposed right-of-way line along the arc of a 5,038.00 foot radius curve to the left (the radius point bears South  $25^{\circ}42'43''$  West) through a central angle of  $00^{\circ}07'42''$  an arc distance of 11.30 feet (the long chord bears North  $64^{\circ}21'08''$  West 11.30 feet) to THE POINT OF BEGINNING.

Containing 113 square feet or 0.003 acres more or less.

May 28, 1991  
5N33CON.DOC



*Pat Marquis 5/30/91*

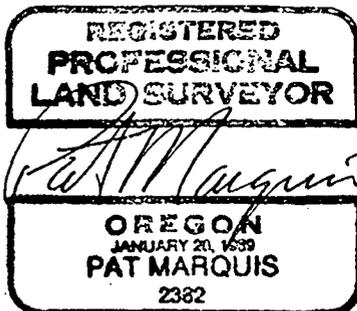
LEGAL DESCRIPTION  
FOR  
CONSTRUCTION EASEMENT FOR TL5, (RIGHT) 33 2N 1E  
TEMPORARY EASEMENT

A parcel of land, being a portion of that certain tract of land described as Parcel I in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particularly described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11; thence tracing said northwesterly line and its southerly projection South  $24^{\circ}55'31''$  West 88.2 feet to the southwesterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said southwesterly right-of-way line South  $65^{\circ}04'29''$  East 6.31 feet to the southeasterly right-of-way line of Force Avenue; thence tracing said right-of-way line of Force Avenue South  $24^{\circ}55'31''$  West 48.84 feet to the southwesterly right-of-way line of the proposed relocation of North Marine Drive and the **TRUE POINT OF BEGINNING**: thence leaving said Force Avenue right-of-way line and tracing said proposed right-of-way line of North Marine Drive through the following courses and distances: along the arc of a 44.00 foot radius curve to the right (the radial center bears South  $52^{\circ}50'09''$  East) through a central angle of  $10^{\circ}40'07''$  an arc length of 8.19 feet (the long chord bears North  $42^{\circ}29'54''$  East 8.18 feet); thence South  $34^{\circ}19'47''$  East 6.07 feet; thence North  $55^{\circ}40'13''$  East 12.00 feet; thence North  $34^{\circ}19'47''$  West 6.07 feet to a point of non-tangent curvature; thence tracing the arc of a 44.00 foot radius curve to the right (the radial center bears North  $26^{\circ}29'36''$  West) through a central angle of  $10^{\circ}21'48''$  an arc length of 7.96 feet (the long chord bears North  $68^{\circ}41'21''$  East 7.95 feet); thence South  $12^{\circ}13'10''$  East 6.02 feet; thence North  $77^{\circ}46'50''$  East 6.00 feet; thence North  $12^{\circ}13'10''$  West 6.02 feet to a point of non-tangent curvature; thence tracing the arc of a 44.00 foot radius curve to the right (the radial center bears North  $08^{\circ}18'36''$  West) through a central angle of  $22^{\circ}21'42''$  an arc distance of 17.17 feet (the long chord bears North  $87^{\circ}07'45''$  West 17.06 feet) to a point of compound curvature; thence tracing the arc of a 594.00 foot radius curve to the right through a central angle of  $12^{\circ}32'44''$  an arc length of 130.06 feet (the long chord bears South  $69^{\circ}40'33''$  East 129.80 feet) to a point of tangency; thence South  $63^{\circ}24'11''$  East 723.64 feet to a point of curvature; thence tracing the arc of a 5,039.00 foot radius curve to the left through a central angle of  $01^{\circ}40'01''$  an arc distance of 146.60 feet (the long chord bears South  $64^{\circ}14'11''$  East 146.60 feet) to a point of tangency; thence South  $65^{\circ}07'45''$

East 10.43 feet to the southeasterly line of said Parcel I as deeded to Multnomah County; thence leaving said proposed right-of-way line and tracing said southeasterly line of Parcel I South 24°55'31" West 15.00 feet; thence leaving said southeasterly property line North 65°07'45" West 10.43 feet to a point of curvature; thence tracing the arc of a 5,054.00 foot radius curve to the right through a central angle of 01°40'01" an arc distance of 147.04 feet (the long chord bears North 64°14'11" West 147.03 feet) to a point of tangency; thence North 63°24'11" West 723.64 feet to a point of curvature; thence tracing the arc of a 579.00 foot radius curve to the left through a central angle of 12°32'44" an arc distance of 126.78 feet (the long chord bears North 69°40'33" West 126.53 feet) to a point of compound curvature; thence tracing a 29.00 foot radius curve to the left through a central angle of 66°53'15" an arc distance of 33.85 feet (the long chord bears South 70°36'28" West 31.96 feet); thence North 52°50'09" West 15.00 feet to the TRUE POINT OF BEGINNING.

Containing 15,666 square feet or 0.36 acres more or less.



October 28, 1991  
5S33CON.DOC

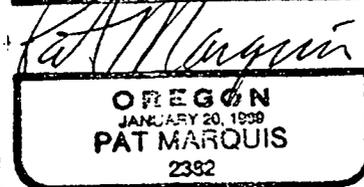
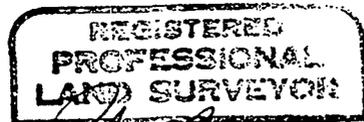
10-28-91

**LEGAL DESCRIPTION  
FOR  
STORM DRAIN CONSTRUCTION EASEMENT FOR TL5, (LEFT) 33 2N 1E  
TEMPORARY EASEMENT**

A parcel of land, being a portion of that certain tract of land described as Parcel II in deed to Multnomah County recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records and located within section 33 of Township 2 North, Range 1 East, of the Willamette Meridian in the City of Portland, Multnomah County, Oregon and more particularly described as follows:

Commencing at the intersection of the Union Meat Company Baseline as described in said Multnomah County deed and the northwesterly property line of said Multnomah County tract of land described as Parcel II in deed recorded August 9, 1965 in Book 353, Page 11 of the Multnomah County Deed Records; thence tracing said northwesterly line South  $24^{\circ}55'31''$  West 28.2 feet to the northeasterly right-of-way line of North Portland Road (a.k.a. North Marine Drive); thence tracing said right-of-way line South  $65^{\circ}04'29''$  East 714.15 feet to the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way line North  $26^{\circ}35'50''$  East 160.24 feet to the meanders of the southwesterly bank of the Oregon Slough; thence tracing said meanders South  $66^{\circ}48'30''$  East 10.02 feet; thence leaving said meanders South  $26^{\circ}35'50''$  West 160.54 feet to the northeasterly right-of-way line of said North Portland Road; thence tracing said right-of-way line North  $65^{\circ}04'29''$  West 10.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 1,604 square feet or 0.04 acres more or less.



10-28-91

OCTOBER 28, 1991  
5N33DCON.DOC

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Sale of County )  
Real Property and Easements Upon )  
County Real Property at N. Marine )  
Drive and Force Avenue, Portland, )  
Oregon to the Oregon Department of )  
Transportation. )

O R D E R

# 92-160

It appearing that the State of Oregon Department of Transportation intends to construct a widening and other improvements to N. Marine Drive and to construct a bike path on the north side of N. Marine Drive and that Multnomah County owns real property located at this site, commonly referred to as the EXPO site; and

It appearing that the State needs to acquire 0.51 acre of land, 0.36 acre of permanent easement and 0.403 acre of temporary easement in said real property for construction of said improvements; and

It appearing that the State of Oregon Department of Transportation has requested the REAL ESTATE OPTION which is before the Board this day to acquire said land and to pay to Multnomah County for the land to be acquired and landscaping improvements thereon the sum of \$95,000.00; and

It appearing that the sum of \$95,000.00 is equal to market value of the land to be conveyed and the landscaping improvements thereon and that the use of the property commonly referred to as the EXPO site will not be further adversely affected; and

It appearing that the conveyance of said real property and easements to the State will benefit Multnomah County and the Board being fully advised in the matter:

It is ORDERED that Multnomah County execute the REAL ESTATE OPTION and any other documents required for completion of this conveyance and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

Dated this 27th day of August, 1992.

REVIEWED:  
LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS

By Gladys McCoy  
Gladys McCoy, Chair

By Peter Livingston

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

(For Clerk's Use) Meeting Date AUG 27 1992

Agenda No. R-5

REQUEST FOR PLACEMENT ON THE AGENDA

SUBJECT: PUBLIC HEARING TO CONSIDER TRANSFER OF TAX FORECLOSED PROPERTY VARIOUS NON-PROFIT AGENCIES FOR A PUBLIC PURPOSE

Informal only\* \_\_\_\_\_ . Formal only \_\_\_\_\_ .

DEPARTMENT Environmental Services . DIVISION Facilities & Property Management

CONTACT Bob Oberst . TELEPHONE 248-3851

\*NAME(S) OR PERSON MAKING PRESENTATION TO BOARD Larry Baxter

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

1. On August 6, 1992 Order 92-140 the Board of County Commissioners ordered a public hearing to consider the request by various public non-profit agencies to transfer the 8 properties on the attached Exhibit A under the provisions of MULTNOMAH COUNTY ORDINANCE 672.

[ ] INFORMATION ONLY [ ] PRELIMINARY APPROVAL [ ] POLICY DIRECTION [X] APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 20 MINUTES

IMPACT:

PERSONNEL

[X] FISCAL/BUDGETARY

[X] General Fund

[X] Other Tax Title Fund

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: Paul Yarborough

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

COUNTY COUNSEL: (Ordinances, Resolutions, Agreements, Contract) \_\_\_\_\_

OTHER: Facilities Management R Oberst  
(Purchasing, Facilities Management, etc)

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

BOARD OF COUNTY COMMISSIONERS  
1992 AUG 20 PM 12:42  
MULTNOMAH COUNTY OREGON

*Sent copy of Order 92-161 to Bob Oberst on ~~8-28-92~~ 9-2-92  
Cecile Pitts.*



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES  
HOUSING AND COMMUNITY SERVICES DIVISION (503) 248-3339  
COMMUNITY DEVELOPMENT PROGRAM OFFICE (503) 248-6000  
2116 S.E. MORRISON  
PORTLAND, OREGON 97214  
FAX: (503) 248-3048

BOARD OF COUNTY COMMISSIONERS  
GLADYS MCCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners  
FROM: Cecile Pitts, Community Development Division  
Technical Review Committee of the Multnomah County  
Housing Affordability Demonstration Project  
RE: Recommendation of Action on Applications for THIRD  
Inventory Under the Demonstration Project  
DATE: August 20, 1992

This memo is the Committee recommendation for the THIRD inventory of the Housing Affordability Demonstration Program (Program) in support of the public hearing scheduled for August 27, 1992. Attached is a one page table of the applications and recommendations.

The Technical Review Committee Project Ranking Report was distributed during the Board meeting of August 6 wherein the hearing was scheduled. The Report provides review and recommendation for each application, along with supporting information of the rating and ranking. The Report also details the conditions recommended for each proposed transfer. Complete application and review information are maintained at the Community Development Division. A summary of the recommendation and process follows:

#### SUMMARY OF THE RECOMMENDATION:

The third inventory included approximately 70 properties subject to consideration by the non profit housing agencies. The properties in the Nehemiah target area were not part of the Demonstration Program.

Based on the review process established in the Housing Affordability Demonstration Program, the Technical Review Committee is submitting a recommendation to the Board that eight properties be transferred to local agencies. One transfer is recommended to occur for the the value of the taxes and expenses (\$9,749.19). The other seven transfers are to occur without consideration; the value of taxes and expenses represented by the seven properties is \$25,042.30. Three properties are requested for the development of housing for special populations (seniors); two properties are requested for development of housing for sale

' to low income home buyers; and three properties are requested for the development of rental housing affordable to low income households.

The Technical Review Committee recommendation to the Board includes various detailed conditions of transfer such as additional contact with the Neighborhood Association and the encouragement of first source hiring practices.

#### SUMMARY OF THE PROCESS:

Application process: The application process is established by Ordinance #672 and the Demonstration Program Procedures, adopted by the Board last summer. Non profit housing agencies were notified of the availability of tax foreclosed properties in early April. A workshop was held for interested parties on April 13 regarding the program. The workshop was attended by over 30 persons. Technical assistance was made available to various applicants throughout the 60 day application period.

The Technical Review Committee considered each proposal in regards to the established criteria and an additional bonus criteria which was suggested by the committee. In some instances additional information was requested from the project sponsoring agency.

Hearing process: At the conclusion of the hearing the Board may order approval of the transfers if they determine that the following conditions are met:

1. It is the most appropriate use for the property; and,
2. It will aid and cooperate in the planning, undertaking, construction or operation of a housing project; and,
3. The recipient agencies meet the threshold criteria established by the Board in the Demonstration Program procedures.

(Response to these criteria are detailed in the attached work sheets.)

Please feel free to contact me or HC Tupper of the County Community Development Division if you wish to discuss the recommendation, the criteria or the process, 248-5000.

Community Development staff and various members of the Committee will be available at the hearing to respond to questions or issues.

AFFORDABLE HOUSING DEMONSTRATION PROJECT  
 THIRD INVENTORY APPLICATIONS  
 CLOSED JUNE 15, 1992

Applicant	Property	Type of Proposal	Taxes Owed + Expenses = Lien Amount			Recommendation
Better Housing Trust Corp	* 10001 N. Willamette #61330-2060	Renovate house for use in Homestead Program.	\$9,065.62	\$683.57	\$9,749.19	Deny
Miracle Revivals, Inc.	* 10001 N. Willamette #61330-2060	Renovate house for rental housing.	\$9,065.62	\$683.57	\$9,749.19	Deny
Portland Development Commission	* 10001 N. Willamette #61330-2060	Renovate house for use in Homestead Program.	\$9,065.62	\$683.57	\$9,749.19	Approve
ROSE	W of 7429 SE Bybee #37260-0020 E of 7409 SE Bybee #37260-0030	Build duplex for rental housing.	\$619.14 \$1,331.46	- 0 - - 0 -	\$619.14 <u>\$1,331.46</u> \$1,950.60	Approve <i>2</i>
ROSE	▲ E of 6110 SE Tolman #84240-2920	Build duplex for rental housing.	\$3,399.46	- 0 -	\$3,399.46	Approve
HOST	3732 NE Eighth Ave #49210-0690	Build single family residence for sale.	\$3,124.58	\$1,157.73	\$4,282.31	Approve
Northwest Housing Alternatives	9714 N. Charleston #62130-1310	Build group home for elderly.	\$3,721.81	\$159.81	\$3,881.62	Approve
Northwest Housing Alternatives	W of 5109 NE Killingsworth #43410-3000	Build group home for elderly.	\$6,780.00	\$951.32	\$7,731.32	Approve
Northwest Housing Alternatives	N of 3021 NE Rodney #91640-3480	Build group home for elderly.	\$3,796.99	- 0 -	\$3,796.99	Approve
Northwest Housing Alternatives	▲ E of 6110 SE Tolman #84240-2920	Build group home for elderly.	\$3,399.46	- 0 -	\$3,399.46	Deny
Minority Youth Concerns Action Program	Submitted application for unavailable properties.					Application not ranked.
Give Us This Day, Inc.	Submitted application for unavailable properties.					Application not ranked.

\* Duplicate Requests for 10001 N. Willamette  
 ▲ Duplicate Requests for E of 6110 SE Tolman

affordtb.3 7/27/92

FROM: FACILITIES MANAGEMENT TO: 50324833082717 AUG 20, 1992 10:55AM #994 P.03



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES  
HOUSING AND COMMUNITY SERVICES DIVISION (503) 248-3339  
COMMUNITY DEVELOPMENT PROGRAM OFFICE (503) 248-5000  
2115 S.E. MORRISON  
PORTLAND, OREGON 97214  
FAX: (503) 248-3048

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Cecile Pitts,  Community Development Division

Technical Review Committee of the Multnomah County  
Housing Affordability Demonstration Project

RE: Recommendation of Action on Applications for THIRD  
Inventory Under the Demonstration Project

DATE: August 20, 1992

This memo is the Committee recommendation for the THIRD inventory of the Housing Affordability Demonstration Program (Program) in support of the public hearing scheduled for August 27, 1992. Attached is a one page table of the applications and recommendations.

The Technical Review Committee Project Ranking Report was distributed during the Board meeting of August 6 wherein the hearing was scheduled. The Report provides review and recommendation for each application, along with supporting information of the rating and ranking. The Report also details the conditions recommended for each proposed transfer. Complete application and review information are maintained at the Community Development Division. A summary of the recommendation and process follows:

#### SUMMARY OF THE RECOMMENDATION:

The third inventory included approximately 70 properties subject to consideration by the non profit housing agencies. The properties in the Nehemiah target area were not part of the Demonstration Program.

Based on the review process established in the Housing Affordability Demonstration Program, the Technical Review Committee is submitting a recommendation to the Board that eight properties be transferred to local agencies. One transfer is recommended to occur for the the value of the taxes and expenses (\$9,749.19). The other seven transfers are to occur without consideration; the value of taxes and expenses represented by the seven properties is \$25,042.30. Three properties are requested for the development of housing for special populations (seniors); two properties are requested for development of housing for sale

to low income home buyers; and three properties are requested for the development of rental housing affordable to low income households.

The Technical Review Committee recommendation to the Board includes various detailed conditions of transfer such as additional contact with the Neighborhood Association and the encouragement of first source hiring practices.

#### SUMMARY OF THE PROCESS:

Application process: The application process is established by Ordinance #672 and the Demonstration Program Procedures, adopted by the Board last summer. Non profit housing agencies were notified of the availability of tax foreclosed properties in early April. A workshop was held for interested parties on April 13 regarding the program. The workshop was attended by over 30 persons. Technical assistance was made available to various applicants throughout the 60 day application period.

The Technical Review Committee considered each proposal in regards to the established criteria and an additional bonus criteria which was suggested by the Committee. In some instances additional information was requested from the project sponsoring agency.

Hearing process: At the conclusion of the hearing the Board may order approval of the transfers if they determine that the following conditions are met:

1. It is the most appropriate use for the property; and,
2. It will aid and cooperate in the planning, undertaking, construction or operation of a housing project; and,
3. The recipient agencies meet the threshold criteria established by the Board in the Demonstration Program procedures.

(Response to these criteria are detailed in the attached work sheets.)

Please feel free to contact me or HC Tupper of the County Community Development Division if you wish to discuss the recommendation, the criteria or the process, 248-5000.

Community Development staff and various members of the Committee will be available at the hearing to respond to questions or issues.

MULTNOMAH COUNTY  
HOUSING AFFORDABILITY DEMONSTRATION PROGRAM

TECHNICAL REVIEW COMMITTEE MEMBERSHIP

(March 30, 1991)

BACKGROUND: Membership on the Technical Review Committee for the County Housing Affordability Demonstration Program is described in the Program Procedures adopted by the Board of County Commissioners June 20, 1991. The specific membership list is as follows:

Oregon Community Foundation: Ed McNamara

Banking Industry: Susan Krake, First Interstate Bank

Citizen Involvement Committee: Winnie Francis

City of Portland: Terry Anderson, Commissioner Kafoury's Office

City of Gresham: Brian Shetterly/Pete von Christiersen

Commissioner Anderson: Jean Bucciarelli

Commissioner Bauman: Karen Belsey

Commissioner Hanson: Pam Arden

Commissioner Kelley: Carolyn Marks-Bax

Chair McCoy: Teri Duffy

Community Development: Cecile Pitts/HC Tupper

Tax Title Program: Larry Baxter/Pat Jones

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

(For Clerk's Use)

Meeting Date \_\_\_\_\_.

Agenda No. R-5.

REQUEST FOR PLACEMENT ON THE AGENDA

SUBJECT: PUBLIC HEARING TO CONSIDER TRANSFER OF TAX FORECLOSED PROPERTY VARIOUS  
NON-PROFIT AGENCIES FOR A PUBLIC PURPOSE

Informal only\* \_\_\_\_\_ . Formal only \_\_\_\_\_ .

DEPARTMENT Environmental Services . DIVISION Facilities & Property Management

CONTACT Bob Oberst . TELEPHONE 248-3851 .

\*NAME(S) OR PERSON MAKING PRESENTATION TO BOARD Larry Baxter .

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

1. On August 6, 1992 Order 92-140 the Board of County Commissioners ordered a public hearing to consider the request by various public non-profit agencies to transfer the 8 properties on the attached Exhibit A under the provisions of MULTNOMAH COUNTY ORDINANCE 672.

INFORMATION ONLY  PRELIMINARY APPROVAL  POLICY DIRECTION  APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 20 MINUTES .

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

General Fund

Other Tax Title Fund .

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: \_\_\_\_\_ .

BUDGET/PERSONNEL: \_\_\_\_\_ .

COUNTY COUNSEL:(Ordinances, Resolutions, Agreements, Contract \_\_\_\_\_ .

OTHER: Facilities Management *Bob Oberst* \_\_\_\_\_ .  
(Purchasing, Facilities Management, etc)

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

land. The Washington State Patrol said the victim wasn't wearing a seat belt.

Kimberly Myrdahl, who was wearing a seat belt, was not injured. Three other passengers in the car were slightly injured.

Elsewhere, the Clackamas County sheriff's office released Tuesday the name of a woman killed in a head-on crash between a car and a pickup Monday on Oregon 213 about 10 miles south of Oregon City.

The victim in that accident was Karey G. Jensen of Colton, who was driving a car that passed a hay truck and collided with a pickup. The driver of the pickup, Jeffrey M. Chronister, 27, of Portland, also was killed in the 5:15 p.m. accident.

## CORRECTION

### Water figures in error

The average daily water consumption in the Portland area in August 1991 was 169.2 million gallons. The Daily Drip graphic feature that ran in The Oregonian in some Tuesday editions used an incorrect figure for last year's average.

Readers may call The Oregonian's attention to errors by calling 221-8144 or by writing to the Managing Editor, The Oregonian, 1320 S.W. Broadway, Portland, Ore. 97201

*Oregonian 8-19-92*



*8-12-92*

### MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

Will hold a public hearing on the following:

Time: 9:30 am, Thursday August 27, 1992

Place: Room 602, Multnomah County Courthouse, 1021 SW 4th Ave. Portland, Oregon

Subject of the hearing will be: Transfer of the following properties to various non-profit housing agencies for a Public Purpose:  
Legal Description and Location:

NORTH ST JOHNS LOT 7, BLOCK 13 (61330-2060)  
10001 N. WILLAMETTE BLVD.

HECKER ADD E 1/2 OF LOT 2, BLOCK 1 (37260-0020)  
WEST OF 7429 SE BYBEE BLVD.

HECKER ADD LOT 3, BLOCK 1 (37260-0030)  
EAST OF 7409 SE BYBEE BLVD.

TREMONT PLACE LOTS 1 & 2, BLOCK 11 (84240-2920)  
EAST OF 6110 SE TOLMAN

LINCOLN PARK S 1/2 OF LOT 4, BLOCK 5 (49710-0690)  
3732 NE 8TH AVE.

OAK PARK ADD 2 N 1/2 OF LOTS 10 & 11, BLOCK 7 (62130-1310)  
FORMER 9714 N. CHARLESTON AVE

JORBADE EXC PT IN ST. S 112' OF LOT 16, BLOCK 1 (43410-3000)  
WEST OF 5109 NE KILLINGSWORTH

WILLIAMS AVE ADD LOT 15, BLOCK 10 (91640-3480)  
NORTH OF 3021 NE RODNEY AVE.

Objections to the proposed transfer will be heard at a meeting of the Board of County Commissioners to be held the 27th day of August 1992, at 9:30 a.m., or as soon thereafter as the matter may be heard, in Room 602, Multnomah County Courthouse, 1021 SW 4th Ave. Portland, Oregon, that being the time and place of the regular weekly meeting of the Multnomah County Board of Commissioners.

## Bankruptcy

**Q.** We need to file bankruptcy, but there are some creditors we want to keep paying. Is this possible?

**A.** Yes. Although all debts must be listed in a bankruptcy, after your case is filed you are free to continue to pay some of your debts. You can normally pick and choose which creditors you are going to keep paying.

There are some creditors that you may have to keep paying. Secured creditors (those who have liens of mortgages on your property) are entitled to take back their property if you don't pay for it. So, if you have a car or home loan, you will usually have to agree to continue making payments if you want to keep your car or home. If you are buying furniture or jewelry on an installment contract, those creditors are probably secured.

You may also be able to use Chapter 13 bankruptcy proceeding to modify your contracts with secured creditors by lowering your monthly payments and reducing the amount or the loan which must be repaid in order to retain the property.

Call for a free consultation about bankruptcy.

Kent V. Snyder, J.D.  
424 N.W. 19th Avenue  
Portland, OR 97209  
(503) 225-0880

## Claim Against Husband

**Q.** I was a passenger in a car driven by my husband. My husband was not paying attention and rear-ended another car. I injured my neck and back and have been off work for two months. My doctor has sent me to physical therapy and prescribed various medications. Do I have a right to a settlement even though my husband caused the accident? Several people have told me I am out of luck.

**A.** You have a right to a settlement, even though your husband caused your injuries. First, you have Personal Injury Protection benefits (PIP). This coverage will pay your medical bills and wage loss benefits.

PIP provides a minimum of \$10,000 to pay reasonable and necessary medical bills incurred within

## MEET

# JIMMY BUFFETT

AUTHOR OF THE NEW BESTSELLER

## WHERE IS JOE MERCHANT?

Jimmy Buffett - singer, songwriter, pilot - will be landing his seaplane at the River Place Marina in downtown Portland at noon on Thursday, August 20th. From 12 noon to 1 p.m. he will be autographing copies of his latest book,

*Where is Joe Merchant?*

For more information, call Book Port at 228-2665.

HBJ

HARCOURT  
BRACE  
JOVANOVICH

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
for  
MULTNOMAH COUNTY, OREGON

Setting a Hearing Date in the Matter of )  
Request for Transfer of Tax )  
Foreclosed Property under ) ORDER  
the County Housing Afford- ) 92-140  
ability Demonstration Program )

WHEREAS, request for eleven properties have been received pursuant to County Ordinance #672 and the County Housing Affordability Demonstration Program procedures; and

WHEREAS, in accordance with the Ordinance the Department of Social Services has reported the request to the Board in public meeting; and

WHEREAS, based on the report, it appears that the public interest will be served by holding a public hearing on proposed transfers in accordance with Ordinance #672.

NOW, THEREFORE, it is ordered that a public hearing on the requests shall be held on August 27, 1992 1992, and the Director shall publish notice on the hearing as required by Ordinance #672.

ADOPTED this 6th day of August 1992.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

*Gladys McCoy*  
Gladys McCoy, Chair

REVIEWED:

LAURENCE KRESSEL  
MULTNOMAH COUNTY COUNSEL

By *Peter Livingston*  
Peter Livingston, Assistant Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR  
MULTNOMAH COUNTY, OREGON

In the Matter of the Transfer )  
of Tax-Foreclosed Properties )  
to the Housing Authority of ) ORDER 92-161  
Portland and Providence Elder )  
Place for Low-Income Housing )  
Purposes. )

WHEREAS, requests for certain tax-foreclosed properties were received pursuant to procedures set forth in Multnomah County Ordinance No. 672 and the Multnomah County Housing affordability Demonstration Program; and

WHEREAS, staff reported said requests to the Board of Commissioners in a public meeting on August 6, 1992 and the Board set a date for public hearing in the matter; and

WHEREAS, a public hearing was held before the Board of Commissioners on August 27, 1992 to determine whether the transfer would serve the public purpose of providing decent, safe and sanitary low-income housing, and the Board being fully informed in the matter; now therefore

IT IS HEREBY ORDERED, that the transfer of tax-foreclosed property (recipients and transferred tracts are listed and attached as Exhibit A), for public purposes under the County Housing Affordability Demonstration Program, be and hereby is approved; and

IT IS FURTHER ORDERED, that the Chair be and hereby is authorized to execute all documentation required to complete said transfer.

Dated this 27th day of August 1992.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
*Gladys McCoy*  
Gladys McCoy, Chair

REVIEWED

*John L. DuBay*  
John L. DuBay  
Chief Assistant County Counsel

Exhibit A

## LIST OF TRANSFER PROPERTIES

## A. ROSE Community Development Corporation:

1. LEGAL DESCRIPTION: HECKER ADD  
E 1/2 OF LOT 2, BLOCK 1  
PROPERTY LOCATION: WEST OF 7429 SE BYBEE BLVD  
TAXES OWED WHEN DEEDED TO COUNTY: \$619.14  
COSTS INCURRED IN MANAGING PROPERTY: \$0.00  
TOTAL LIEN AMOUNT: \$619.14
2. LEGAL DESCRIPTION: HECKER ADD  
LOT 3, BLOCK 1  
PROPERTY LOCATION: EAST OF 7409 SE BYBEE BLVD  
TAXES OWED WHEN DEEDED TO COUNTY: \$1,331.46  
COSTS INCURRED IN MANAGING PROPERTY: \$0.00  
TOTAL LIEN AMOUNT: \$1,331.46
3. LEGAL DESCRIPTION: TREMONT PLACE  
LOTS 1 & 2, BLOCK 11  
PROPERTY LOCATION: EAST OF 6110 SE TOLMAN  
TAXES OWED WHEN DEEDED TO COUNTY: \$3,399.46  
COSTS INCURRED IN MANAGING PROPERTY: \$0.00  
TOTAL LIEN AMOUNT: \$3,399.46

## B. HOST Development Inc.:

LEGAL DESCRIPTION: LINCOLN PARK  
S 1/2 OF LOT 4, BLOCK 5  
PROPERTY LOCATION: 3732 NE 8TH AVE  
TAXES OWED WHEN DEEDED TO COUNTY: \$3,124.58  
COSTS INCURRED IN MANAGING PROPERTY: \$1,157.73  
TOTAL LIEN AMOUNT: \$4,282.31

## C. Northwest Housing Alternatives, Inc.:

1. LEGAL DESCRIPTION: OAK PARK ADD 2  
N 1/2 OF LOTS 10 & 11, BLOCK 7  
PROPERTY LOCATION: FORMER 9714 N CHARLESTON AVE  
TAXES OWED WHEN DEEDED TO COUNTY: \$3,721.81  
COSTS INCURRED IN MANAGING PROPERTY: \$159.81  
TOTAL LIEN AMOUNT: \$3,881.62
2. LEGAL DESCRIPTION: JORBADE  
EXC PT IN ST - S 112' OF LOT 16, BLOCK 1  
PROPERTY LOCATION: WEST OF 5109 NE KILLINGSWORTH  
TAXES OWED WHEN DEEDED TO COUNTY: \$6,780.00  
COSTS INCURRED IN MANAGING PROPERTY: \$951.32  
TOTAL LIEN AMOUNT: \$7,731.32

Exhibit A  
Page 2

C. Northwest Housing Alternatives, Inc. continued:

- 3. LEGAL DESCRIPTION: WILLIAMS AVENUE ADD  
LOT 15, BLOCK 10  
PROPERTY LOCATION: NORTH OF 3021 NE RODNEY AVE  
TAXES OWED WHEN DEEDED TO COUNTY: \$3,796.99  
COSTS INCURRED IN MANAGING PROPERTY: \$0.00  
TOTAL LIEN AMOUNT: \$3,796.99

AFFORDABLE HOUSING DEMONSTRATION PROJECT  
THIRD INVENTORY APPLICATIONS  
CLOSED JUNE 15, 1992

Applicant	Property	Type of Proposal	Taxes Owed + Expenses = Lien Amount			Recommendation
Better Housing Trust Corp *	10001 N. Willamette #61330-2060	Renovate house for use in Homestead Program.	\$9,065.62	\$683.57	\$9,749.19	Deny
Miracle Revivals, Inc. *	10001 N. Willamette #61330-2060	Renovate house for rental housing.	\$9,065.62	\$683.57	\$9,749.19	Deny
Portland Development Commission *	10001 N. Willamette #61330-2060	Renovate house for use in Homestead Program.	\$9,065.62	\$683.57	\$9,749.19	Approve
ROSE	W of 7429 SE Bybee #37260-0020 E of 7409 SE Bybee #37260-0030	Build duplex for rental housing.	\$619.14 \$1,331.46	- 0 - - 0 -	\$619.14 <u>\$1,331.46</u> \$1,950.60	Approve
ROSE ▲	E of 6110 SE Tolman #84240-2920	Build duplex for rental housing.	\$3,399.46	- 0 -	\$3,399.46	Approve
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affordtb.3 7/27/92

- \* Duplicate Requests for 10001 N. Willamette
- ▲ Duplicate Requests for E of 6110 SE Tolman

ACCOUNT NUMBER: 61330-2060  
LEGAL DESCRIPTION: NORTH ST JOHNS  
LOT 7, BLOCK 13  
PROPERTY LOCATION: 10001 N WILLAMETTE BLVD  
TAXES OWED WHEN DEEDED TO COUNTY: \$9,065.62  
COSTS INCURRED IN MANAGING PROPERTY:\$683.57  
TOTAL TAXES & COSTS: \$9,749.19      MARKET VALUE 10/91: \$27,200.00

ACCOUNT NUMBER: 37260-0020  
LEGAL DESCRIPTION: HECKER ADD  
E 1/2 OF LOT 2, BLOCK 1  
PROPERTY LOCATION: WEST OF 7429 SE BYBEE BLVD  
TAXES OWED WHEN DEEDED TO COUNTY: \$619.14  
COSTS INCURRED IN MANAGING PROPERTY:\$0.00  
TOTAL TAXES & COSTS: \$619.14      MARKET VALUE 10/91: \$1,300.00

ACCOUNT NUMBER: 37260-0030  
LEGAL DESCRIPTION: HECKER ADD  
LOT 3, BLOCK 1  
PROPERTY LOCATION: EAST OF 7409 SE BYBEE BLVD  
TAXES OWED WHEN DEEDED TO COUNTY: \$1,331.46  
COSTS INCURRED IN MANAGING PROPERTY:\$0.00  
TOTAL TAXES & COSTS: \$1,331.46      MARKET VALUE 10/91: \$2,600.00

ACCOUNT NUMBER: 84240-2920  
LEGAL DESCRIPTION: TREMONT PLACE  
LOTS 1 & 2, BLOCK 11  
PROPERTY LOCATION: EAST OF 6110 SE TOLMAN  
TAXES OWED WHEN DEEDED TO COUNTY: \$3,399.46  
COSTS INCURRED IN MANAGING PROPERTY:\$0.00  
TOTAL TAXES & COSTS: \$3,399.46      MARKET VALUE 10/91: \$11,900.00

ACCOUNT NUMBER: 49710-0690  
LEGAL DESCRIPTION: LINCOLN PARK  
S 1/2 OF LOT 4, BLOCK 5  
PROPERTY LOCATION: 3732 NE 8TH AVE  
TAXES OWED WHEN DEEDED TO COUNTY: \$3,124.58  
COSTS INCURRED IN MANAGING PROPERTY:\$1,157.73  
TOTAL TAXES & COSTS: \$4,282.31      MARKET VALUE 10/91: \$7,200.00

ACCOUNT NUMBER: 62130-1310  
LEGAL DESCRIPTION: OAK PARK ADD 2  
N 1/2 OF LOTS 10 & 11, BLOCK 7  
PROPERTY LOCATION: FORMER 9714 N CHARLESTON AVE  
TAXES OWED WHEN DEEDED TO COUNTY: \$3,721.81  
COSTS INCURRED IN MANAGING PROPERTY:\$159.81  
TOTAL TAXES & COSTS: \$3,881.62    MARKET VALUE 10/91: \$5,900.00

ACCOUNT NUMBER: 43410-3000  
LEGAL DESCRIPTION: JORBADE  
EXC PT IN ST - S 112' OF LOT 16, BLOCK 1  
PROPERTY LOCATION: WEST OF 5109 NE KILLINGSWORTH  
TAXES OWED WHEN DEEDED TO COUNTY: \$6,780.00  
COSTS INCURRED IN MANAGING PROPERTY:\$951.32  
TOTAL TAXES & COSTS: \$7,731.32    MARKET VALUE 10/91: \$25,300.00

ACCOUNT NUMBER: 91640-3480  
LEGAL DESCRIPTION: WILLIAMS AVENUE ADD  
LOT 15, BLOCK 10  
PROPERTY LOCATION: NORTH OF 3021 NE RODNEY AVE  
TAXES OWED WHEN DEEDED TO COUNTY: \$3,796.99  
COSTS INCURRED IN MANAGING PROPERTY:\$0.00  
TOTAL TAXES & COSTS: \$3,796.99    MARKET VALUE 10/91: \$4,000.00

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: Miracle Revivals, Inc.

Project Name: "Miracle House" #1

Property Location: 10001 N. Willamette, Port. (St. Johns Friends  
of Cathedral Park )

Applicant Status: 501(c)3 Corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Provide rental housing to a family  
meeting financial guidelines to qualify for low-very low income rental housing

Program Criteria: Applicant meets the minimum threshold requirements established by the Housing Affordability Demonstration Program. Specific issues and recommended conditions are described under the Committee Comments and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

**Project Name: "Miracle House #1"**

Bonus Point Criteria: Applicant received no points in bonus criteria categories.

- l. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
- j. Applicant demonstrates commitment to ensure longer term project affordability.

Committee Comments: Miracle Revivals, Inc. proposes to renovate and redevelop the house at 10001 N. Willamette for low income rental housing. Miracle Revivals, Inc. is church based non-profit, with a board of Walter and Doris Scott and a group of volunteers. The Scotts run a construction company as well as the Miracle Revivals Church on North Williams Ave. The Miracle Revivals corporation has no paid staff. Miracle Revivals estimates a \$15,000 renovation for the house with donated materials and agency contributions providing \$7,000 of the rehabilitation costs and the remaining \$8,000 gathered from project fund-raising efforts. Miracle Revivals proposes a monthly rental cost of \$275 to \$325 in the two bedroom house.

Committee Recommendation: Deny transfer request. Miracle Revivals, Inc. is a true neighborhood based organization with considerable construction expertise. The community support demonstrated by Miracle Revivals was a statement of community pride. No contact with the Neighborhood Association or immediate neighbors was demonstrated. The tenants proposed by Miracle Revivals include references to requiring same sex children of families renting the renovated house in violation of the Fair Housing Amendments Act. The funding for the project is uncertain and Miracle Revivals, Inc. has no experience in the management and ownership of rental properties. The Technical Review Committee encourages future applications to the HADP and review of this application and program guidelines with County staff. It is unclear whether Miracle Revivals corporate evangelistic mission and by-laws qualify it as a "housing sponsor" under Ordinance 672 and the HADP. The TRC judged the PDC application the strongest for this property.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: Better Housing Trustcorp.

Project Name: Project 2000 #0049

Property Location: 10001 N. Willamette, Port. (St. John's Friends of Cathedral Park)

Applicant Status: 501(c)3 corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Provide Special Needs Housing to permanently disabled wheelchair users for Lease/Option to a lower-income family that requires Handicapped residency under a lease agreement.

Program Criteria: Applicant meets the minimum threshold requirements established by the Housing Affordability Demonstration Program. Specific issues and recommended conditions are described under the Committee Comments and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

Project Name: Project 2000 #0049

Bonus Point Criteria: Applicant received no points in bonus criteria categories.

- l. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
- j. Applicant demonstrates commitment to ensure longer term project affordability.

Committee Comments: Better Housing Trustcorp proposes to combine the housing models described in the Housing Affordability Demonstration program application materials. Better Housing Trustcorp. proposes renovating the house for physically disabled people, leasing the house with an option to buy at the sponsor's suggested fair market value. The lessee would pay 30% of income or Section 8 rental schedules applying part of the rental payment against principal to vest ownership in the tenant over a thirty year term. Better Housing Trustcorp is a real estate management and holding company with the production of affordable housing as part of its corporate purpose.

Committee Recommendation: Deny transfer request. Better Housing Trustcorp proposes a project rehabilitation cost of \$12,000 with "soft" costs of development totaling \$14,000. These soft costs include such specified entries as: outreach to local community \$2,000; developer fee \$2,500; administrative costs \$3,000; training and technical assistance \$1,500. This frontloading of costs seems excessive and unreasonable. Better Housing Trustcorp demonstrates no experience in providing social services earmarked in its financial pro forma such as "Outreach to counsel, qualify and train beneficiary." The Technical Review Committee suggests developing a partnership with an established disabled services organization to provide services in such a project. The Fair Market Value of the house after renovation includes \$11,000 for "estimated liens/encumbrances" which appears to add into the cost of the house the construction hard costs for a second time. The TRC judged the PDC application to be the strongest for this property.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: Portland Development Commission

Project Name: Portland Homestead Program

Property Location: 10001 N. Willamette, Port. (St. John's Friends of Cathedral Park)

Applicant Status: Government Sponsored Agency (City of Portland)

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Provide affordable housing to a single family homeowner whose income is 80% or below median. Provide full house rehabilitation.

Program Criteria: Applicant meets the minimum threshold requirements established by the Housing Affordability Demonstration Program. Specific issues and recommended conditions are described under the Committee Comments and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

**Project Name: Portland Homestead Program**

Bonus Point Criteria: Applicant received no points in either criteria category.

- l. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
- j. Applicant demonstrates commitment to ensure longer term project affordability.

Committee Comments: PDC is requesting transfer of this tract containing a salvageable house for use in the Urban Homestead Program. The house will be comprehensively renovated, sold to a buyer at 80% of median income with a mortgage of approximately \$50,000 over a 25 year term at 6% interest. This results in an estimated PITI payment of \$419.00 monthly. THE PDC Urban Homestead has the demonstrated capacity to renovate houses for low income home ownership.

Committee Recommendation: Approve transfer request. The requested tract is in an identified City of Portland Block Grant eligible low income area. The PDC application seeks to avoid the second mortgage and conditions of the Housing Affordability Demonstration Project by paying the property tax arrears and costs as well as entering the Urban Homestead guidelines for low income eligibility and home occupancy. PDC program guidelines and the HADP home ownership program requirements are largely in accord. PDC included perfunctory and general community support documentation in its application. The Technical Review Committee recommends PDC make a presentation of project goals and services to the Friends of Cathedral Park neighborhood association and solicit support and comments from the neighborhood association board to be forwarded for review to the TRC. The Technical Review Committee encourages first source hiring in all the projects supported by the HADP.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: ROSE Community Development Corporation

Project Name: ROSE Homes 1

Property Location: W of 7429 SE Bybee, E of 7409 SE Bybee (Brentwood-  
Darlington Neigh. Assoc.)

Applicant Status: 501(c)3 corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Build four-bedroom unit home  
financed by builder. After construction is completed, ROSE will purchase  
unit using federal HOME funds. ROSE will rent the unit to very low-income  
families under the Section 8 program.

Program Criteria: Applicant meets the minimum threshold requirements  
established by the Housing Affordability Demonstration Program. Specific  
issues and recommended conditions are described under the Committee Comments  
and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

**Project Name:** ROSE Homes 1

**Bonus Point Criteria:** Applicant received points in both bonus point criteria categories.

- l. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
- j. Applicant demonstrates commitment to ensure longer term project affordability.

**Committee Comments:** Revitalize Outer South East Community Development Corporation is a newly incorporated agency whose board is composed of neighborhood residents and others with experience and interest in the ROSE mission of fostering and promoting decent affordable housing opportunities in its target area. ROSE proposes to contract with a builder for construction of a duplex attached housing, each unit with four bedrooms, on the requested tracts. The builder, William Reed of R&R Energy Resources, has experience with affordable, practical construction techniques and energy efficient structures and will provide construction financing for the development. The estimated cost for the two units is \$91,000. ROSE proposes to combine a conventional bank loan with grant funds to form the permanent financing for the project. ROSE proposes to rent the units to tenants at 50% of median income under the auspices of the private market Section 8 rental subsidy program.

**Committee Recommendation:** Approve transfer request. The transfer request forms the basis of the first development project for ROSE. ROSE has considerable development expertise on its board, has established connection to established Southeast Portland social services and housing agencies. The development plan for the tracts is well thought out and benefits very low income large families, a difficult housing market to serve. The projected square foot construction costs are extremely low and the take-out financing commitments tenuous. Contractor monitoring and performance will be critical to the success of this project. ROSE has contacted the affected neighborhood associations who have committed their support to the project. The TRC encourages first source hiring in all the projects supported by the HADP.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: ROSE Community Development Corporation

Project Name: ROSE Homes 1

Property Location: E of 6110 SE Tolman (Mt. Scott-Arleta Neigh. Assoc)

Applicant Status: 501(c)3 corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Build four-bedroom unit home financed by builder. After construction is completed, ROSE will purchase unit using federal HOME funds. ROSE will rent the unit to very low-income families under the Section 8 program.

Program Criteria: Applicant meets the minimum threshold requirements established by the Housing Affordability Demonstration Program. Specific issues and recommended conditions are described under the Committee Comments and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

Project Name: ROSE Homes 1, E of 6110 SE Tolman

Bonus Point Criteria: Applicant received points in both bonus point criteria categories.

- l. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
- j. Applicant demonstrates commitment to ensure longer term project affordability.

Committee Comments: Revitalize Outer South East Community Development Corporation is a newly incorporated agency whose board is composed of neighborhood residents and others with experience and interest in the ROSE mission of fostering and promoting decent affordable housing opportunities in its target area. ROSE proposes to contract with a builder for construction of a duplex attached housing, each unit with four bedrooms, on the requested tract. The builder, William Reed of R&R Energy Resources, has experience with affordable, practical construction techniques and energy efficient structures and will provide construction financing for the development. The estimated cost for the two units is \$91,000. ROSE proposes to combine a conventional bank loan with grant funds to form the permanent financing for the project. ROSE proposes to rent the units to tenants at 50% of median income under the auspices of the private market Section 8 rental subsidy program.

Committee Recommendation: Approve transfer request. The transfer request forms the basis of the first development project for ROSE. ROSE has considerable development expertise on its board, has established connection to established Southeast Portland social services and housing agencies. The development plan for the tract is well thought out and benefits very low income large families, a difficult housing market to serve. The projected square foot construction costs are extremely low and the take-out financing commitments tenuous. Contractor monitoring and performance will be critical to the success of this project. ROSE has contacted the affected neighborhood associations who have committed their support to the project. The TRC encourages first source hiring in all the projects supported by the HADP.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: HOST Development, Inc.

Project Name: HOST Development, Inc.

Property Location: 3732 NE 8th Ave., Port. (King Neighborhood Assoc.)

Applicant Status: 501(c)3 Corporation

Date Submitted: , 1992

Description of Project and Proposed Use: Build a new house for lower income home ownership. Combine requested property with currently owned lot (3274 NE 8th) to take advantage of economy of scale and reduced construction costs to build affordable housing.

Program Criteria: Applicant meets the minimum threshold requirements established by the Housing Affordability Demonstration Program. Specific issues and recommended conditions are described under the Committee Comments and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

**Project Name: HOST Development, Inc.**

Bonus Point Criteria: Applicant received no points in either criteria category.

- l. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
- j. Applicant demonstrates commitment to ensure longer term project affordability.

Committee Comments: The redevelopment project area of HOST centers around the requested tract located at 3732 NE 8th Avenue. HOST owns the vacant lot adjoining the property to the south and proposes to demolish the existing, unsalvageable structure and combine the lots to build two, new houses with shared garage wall and driveway. The houses are designed to be neighborhood compatible and should achieve some construction cost savings with both houses built together with like floor plans. The houses are projected to cost \$50,000. HOST is exploring a permanent financing arrangement with PDC to develop a rent-to-own program affordable for buyers with a 50% of median household income. HOST has a line of credit from a consortium of local banks providing a secure source for construction financing. The HOST project seeks to increase home ownership opportunity and encourage neighborhood stabilization. To this end, HOST has a partnership with Emanuel Hospital Home Ownership Program, providing employees down payment assistance to buy houses near the hospital. HOST has also committed to involve neighborhood residents in the construction of at least one of the proposed houses through an agreement with the PCC Building trades Training Program, a job training and skills building project giving students hand on experience in the construction trades.

Committee Recommendation: Approve transfer request. HOST is currently building two shared wall houses with separate ownership on Failing Street around the corner from the requested tract. The experience gained from that development should help keep costs low and better integrate the scheduling of services provided by the PCC Building Trades Training Program for the requested tract. The transfer to HOST will remove an eyesore property from the neighborhood. Additionally, as the tract has a substandard 25' of street frontage, redevelopment of the tract is the most straightforward if attached to the southerly adjacent lot owned by HOST. The marketing plan to reach the Housing Affordability Demonstration Program's targeted low income buyers is unclear. With firmer construction cost estimates and take-out financing commitment, the Technical Review Committee requests that HOST submit a projected PITI cost for the houses and proposed debt to income ratios ensuring buyer eligibility at the 80% of median income ceiling. The Technical Review Committee recommends that HOST make a presentation of the project, design and goals to the King Neighborhood association and solicit support and comments to be forwarded for review to the TRC. The Technical Review encourages first source hiring practices in all the projects supported by the HADP.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: Northwest Housing Alternatives

Project Name: Beech Place

Property Location: 9714 N. Charleston Ave., Port. (St. Johns Neigh Assoc.)

Applicant Status: 501(c)3 corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Construction and operation of Adult Foster Home to provide supportive housing for Medicaid eligible frail elders.

Program Criteria: Applicant meets the minimum threshold requirements established by the Housing Affordability Demonstration Program. Specific issues and recommended conditions are described under the Committee Comments and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

**Project Name: Beech Place**

Bonus Point Criteria: Applicant received points in each bonus point criteria category.

1. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
- j. Applicant demonstrates commitment to ensure longer term project affordability.

Committee Comments: Northwest Housing Alternatives to build an adult foster home providing housing for 4 or 5 Medicaid eligible elderly persons with supervisory care services. The group home development is a collaboration of the Multnomah County Aging Services Division (ASD) and Northwest Housing Alternatives. ASD will recruit and license operators and provide case management services while Northwest Housing Alternatives (NHA) will build and own the facility and lease it to the primary care giving agency. NHA has committed to retaining the project in low income use for a period of thirty years. The estimated cost of the house is \$190,000 for 2,600 square feet of living area with handicapped accessibility features based upon specification of a similar group home recently completed by NHA. The project is seeking funding from the new HOME entitlement grant program. Other sources of permanent financing are being explored including state bond financing and the federal low income housing tax credit program. The house will have the appearance and character of a single family residence.

Committee Recommendation: Approve transfer request. Staff inspected a recently completed adult foster home developed by NHA. The house incorporated many design features for the elderly and disabled tenants and was built for a reasonable cost. The design is neighborhood compatible and provides resident safety and comfort with what should be low maintenance and replacement costs. NHA solicited and received support for this project from the St. Johns Neighborhood Association. The transfer of this tract to NHA will help realize the CHAS identified goals of creating responsible elderly foster care housing opportunity. The Technical Review Committee encourages first source hiring in all the projects supported by the HADP.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: Northwest Housing Alternatives

Project Name: Hazel Court

Property Location: W of 5109 NE Killingsworth, Port. (Cully Neigh. Assoc.)

Applicant Status: 501(c)3 corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Construction and operation of Adult Foster Home to provide supportive housing for Medicaid eligible frail elders.

Program Criteria: Applicant meets the minimum threshold requirements established by the Housing Affordability Demonstration Program. Specific issues and recommended conditions are described under the Committee Comments and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

**Project Name: Hazel Court**

Bonus Point Criteria: Applicant received points in each bonus point criteria category.

- l. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
- j. Applicant demonstrates commitment to ensure longer term project affordability.

Committee Comments: Northwest Housing Alternatives to build an adult foster home providing housing for 4 or 5 Medicaid eligible elderly persons with supervisory care services. The group home development is a collaboration of the Multnomah County Aging Services Division (ASD) and Northwest Housing Alternatives. ASD will recruit and license operators and provide case management services while Northwest Housing Alternatives (NHA) will build and own the facility and lease it to the primary care giving agency. NHA has committed to retaining the project in low income use for a period of thirty years. The estimated cost of the house is \$190,000 for 2,600 square feet of living area with handicapped accessibility features based upon specification of a similar group home recently completed by NHA. The project is seeking funding from the new HOME entitlement grant program. Other sources of permanent financing are being explored including state bond financing and the federal low income housing tax credit program. The house will have the appearance and character of a single family residence.

Committee Recommendation: Approve transfer request. This tract is a large 15,000 sq. ft. undeveloped lot suitable for a minor subdivision. Accordingly, NHA proposes to build two (four to five bedroom) adult foster homes on the site. NHA made only perfunctory effort to evidence community support for this project. The property lies within the Cully Neighborhood Association boundaries but support was solicited by NHA from the Vernon Neighborhood Association. A survey of immediate neighbors was never delivered to the Technical Review Committee. Though adverse community effect from building two elderly foster care houses should be negligible, the TRC requests NHA make a presentation of the goals and expectations of the project to the Cully Neighborhood Association comments for review to the TRC accompanied by a survey indicating support from immediate project neighbors. The TRC encourages first source hiring in all the projects supported by the HADP.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: Northwest Housing Alternatives

Project Name: Rodney House

Property Location: N of 3021 NE Rodney Ave, Port. (Eliot Neighbor. Assoc.)

Applicant Status: 501(c)3 corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Construction and operation of Adult Foster Home to provide supportive housing for Medicaid eligible frail elders.

Program Criteria: Applicant meets the minimum threshold requirements established by the Housing Affordability Demonstration Program. Specific issues and recommended conditions are described under the Committee Comments and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

**Project Name: Rodney House**

Bonus Point Criteria: Applicant received points in each bonus point criteria category.

1. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
  
- j. Applicant demonstrates commitment to ensure longer term project affordability.

Committee Comments: Northwest Housing Alternatives to build an adult foster home providing housing for 4 or 5 Medicaid eligible elderly persons with supervisory care services. The group home development is a collaboration of the Multnomah County Aging Services Division (ASD) and Northwest Housing Alternatives. ASD will recruit and license operators and provide case management services while Northwest Housing Alternatives (NHA) will build and own the facility and lease it to the primary care giving agency. NHA has committed to retaining the project in low income use for a period of thirty years. The estimated cost of the house is \$190,000 for 2,600 square feet of living area with handicapped accessibility features based upon specification of a similar group home recently completed by NHA. The project is seeking funding from the new HOME entitlement grant program. Other sources of permanent financing are being explored including state bond financing and the federal low income housing tax credit program. The house will have the appearance and character of a single family residence.

Committee Recommendation: Approve transfer request. NHA attempted to schedule a presentation to explain the foster home development and operational framework to the Eliot Neighborhood Association. The land use committee chair indicated to NHA that the Eliot Neighborhood considers itself saturated with institutional and publicly subsidized housing uses. NHA surveyed the immediate project neighbors and was able to demonstrate some localized support for the foster care home concept. The group home would be zoned and sited as a single family residence. The appearance of the house would be the same as a large single family residence. No special staff parking requirements would accompany the building. The cumulative affect of the house would be aesthetically and socially only minimally different that of a single family residence. The Technical Review Committee understands the concerns of the neighborhood association with the concentration of special use housing and the sentiment that these projects are being thrust upon their community with impunity. But, both the need for elderly foster care houses and the essentially residential, compatible use of the NHA project argue for the Technical Review Committee to recommend the transfer request be approved. NHA is encouraged to make a formal presentation of the project before the Eliot Neighborhood Association board and discuss design, environmental, and program concerns with the group. The TRC encourages first source hiring in all the projects supported by the HADP.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: Northwest Housing Alternatives

Project Name: Cherry Lane

Property Location: E of 6110 SE Tolman, Port. (Mt.Scott-Arleta Neigh.Assoc.)

Applicant Status: 501(c)3 corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Construction and operation of Adult Foster Home to provide supportive housing for Medicaid eligible frail elders.

Program Criteria: Applicant meets the minimum threshold requirements established by the Housing Affordability Demonstration Program. Specific issues and recommended conditions are described under the Committee Comments and Recommendations section, page 2 of this report.

- a. Applicant demonstrates capacity to carry out project.
- b. Applicant proposes project plan that results in timely completion and use.
- c. Applicant financial plan is complete and sufficient to carry out project.
- d. Applicant provides sufficient operation and maintenance plan, including hazard insurance, during construction and development phase of project.
- e. Applicant demonstrates community support.
- f. Applicant project contributes to neighborhood stability.
- g. Applicant demonstrates knowledge of planning, zoning, and building requirements.
- h. Project results in affordable housing for lower income person.

**Project Name: Cherry Lane**

Bonus Point Criteria: Applicant received points in each bonus point criteria category.

- l. Applicant demonstrates project results in housing affordable to very low income persons or special needs populations.
- j. Applicant demonstrates commitment to ensure longer term project affordability.

Committee Comments: Northwest Housing Alternatives to build an adult foster home providing housing for 4 or 5 Medicaid eligible elderly persons with supervisory care services. The group home development is a collaboration of the Multnomah County Aging Services Division (ASD) and Northwest Housing Alternatives. ASD will recruit and license operators and provide case management services while Northwest Housing Alternatives (NHA) will build and own the facility and lease it to the primary care giving agency. NHA has committed to retaining the project in low income use for a period of thirty years. The estimated cost of the house is \$190,000 for 2,600 square feet of living area with handicapped accessibility features based upon specification of a similar group home recently completed by NHA. The project is seeking funding from the new HOME entitlement grant program. Other sources of permanent financing are being explored including state bond financing and the federal low income housing tax credit program. The house will have the appearance and character of a single family residence.

Committee Recommendation: Deny transfer request. Both NHA and ROSE submitted strong proposals for this tract. The neighborhood based efforts of ROSE, as well as the critical need for very low income, large family rental housing provided by the ROSE project tipped the recommendation in their favor. The Technical Review Committee also noted that the HADP has supported both a congregate care facility and adult foster homes for the elderly during post program inventories. NHA is being recommended for three transfer of tracts - created four adult foster homes during this inventory of the HADP.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: Minority Youth Concern Action Program

Project Name: Project Independence

Property Location: (1) 51 NE Graham (3) R of 5416 SE Flavel  
(2) 5416 SE Flavel (4) 2818 N. Hunt (5) 6915 N. Williams  
(various neighborhood assoc.)

Applicant Status: 501(c)3 corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Provide special needs housing for  
youth and low income housing. Youth will provide maintenance. Housing  
for sale to eligible low income families.

Project was not ranked. Sponsor applied for properties not available through the HADP.

Committee Comments: MYCAP applied for five properties that were available during the second inventory recruitment period of the HADP. Sam Pierce of MYCAP attended the third inventory workshop on April 13, 1992 and had a copy of the list and application materials. The Technical Review Committee discussed extending the application period for MYCAP to request different properties but concluded Ordinance 672 did not allow such flexibility and a bad HADP precedent of elastic, changeable guidelines was improper. Staff met with MYCAP Director Sam Pierce to review the TRC findings. MYCAP's application fee will be refunded. MYCAP was encouraged to apply for future, tax foreclosed tracts and troubleshooting and technical assistance in completing the application was offered by staff.

MULTNOMAH COUNTY HOUSING AFFORDABILITY  
Demonstration Program  
Technical Review Committee  
Project Ranking Report

Dated: July 20, 1992

Applicant: Give Us This Day, Inc.  
Give Us This Day Inc. Community Service  
Project Name: and Counseling Center

Property Location: 5621 NE 25th Ave., Port. (Concordia Neigh. Assoc.)

Applicant Status: 501(c)3 corporation

Date Submitted: June 15, 1992

Description of Project and Proposed Use: Provide low income housing for females (3 families) exiting the Transition Program who are in need of permanent shared low-income housing. Provide daycare on premises for children to remain in familiar surroundings with one of the women as a daycare provider through a training program.

Project was not ranked. Sponsor applied for property not available through the HADP.

Committee Comments: Give Us This Day, Inc. applied for a vacant lot north of 5621 NE 25th Ave. but described a project including a building renovation. Evidently, Give Us This Day thought the tract available was the house at 5621 NE 25th Ave. which is in private ownership and not available to our program. Consideration was given to extending the application period for Give Us This Day to reapply for available properties. The Technical Review Committee feels that Ordinance #672 does not allow arbitrary time extensions of the application period and a bad program precedent of unevenly applied guidelines could hurt the HADP. Staff met with Mr. Nate Hartley of Give Us This Day to explain the finds of the TRC. Mr. Hartley said that Give Us This Day had recently hired a grant writer and he fully expects such application details will not be missed in the future. Mr. Hartley also expected to be starting the renovation of the previously transferred tract at 1806 N. Alberta under the HADP auspices in July of 1992. Give Us This Day was encouraged to apply for future tax foreclosed tracts and staff offered assistance in trouble shooting future applications.

Meeting Date: AUG 27 1992

Agenda No.: R-7

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: RESOLUTION

BCC Informal \_\_\_\_\_ (date) BCC Formal 8/27/92 (date)

DEPARTMENT Nondepartmental DIVISION Chair's Office

CONTACT Merlin Reynolds TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION Merlin Reynolds, Gary Nakao, Billi Odegaard, et al.

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

RESOLUTION in the Matter of Developing County Integrated Community Service Districts and a Family Support System

REQUEST TIME CERTAIN AGENDA REVIEW AT 10:15 a.m. - Tuesday Aug. 25

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCoy

Or

DEPARTMENT MANAGER \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 AUG 20 PM 12:42

(All accompanying documents must have required signatures)

*Sent Copy of Resolution 92-162 to Merlin Reynolds on 8-28-92. + Gary Nakao + Billi Odegaard. 9-2-92*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Developing )  
County Integrated Community ) RESOLUTION  
Service Districts and a Family ) 92-162  
Support System )

WHEREAS, Multnomah County elected and appointed officials recognize issues and problems facing our communities have changed the traditional roles and responsibilities of government, business, community, and family; and

WHEREAS, Multnomah County elected and appointed officials recognize this community has reached a milestone in its history in which our work force will not be able to meet the employment needs of both businesses and governments because of the lack of skills of our youth; and

WHEREAS, the problems and issues of alcohol and drug addiction, crime, unemployment, apathy, racial and sexual hatred, inadequate community services, and the changing family and communities have the potential to destroy the very fabric of our communities and society; and

WHEREAS, cooperation between governments, businesses, non-profit organizations, schools, communities and families is the only means to begin to solve the problems and issues within our communities.

NOW, THEREFORE, BE IT RESOLVED, the Multnomah County Commission directs the Integrated Human Services Planning Team and the Interdepartmental Youth Services Management Team to develop an Implementation Plan and enabling ordinance creating the Integrated Community Services Districts and the Family Support System. The Implementation Plan and enabling ordinance shall be presented to the Board of County Commissioners no later than October 14, 1992.

ADOPTED this 27th day of August, 1992.

MULTNOMAH COUNTY, OREGON

By Gladys McCoy  
Gladys McCoy, County Chair

REVIEWED:  
LAURENCE KRESSEL, COUNTY COUNSEL  
for Multnomah County, Oregon

By Peter Luraysten

Meeting Date: ~~AUG 20 1992~~ AUG 27 1992

Agenda No.: ~~R-1~~ R-8

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Ordinance for Library Utility Tax

BCC Informal \_\_\_\_\_ (date) BCC Formal 8/20/92 (date)

DEPARTMENT Nondepartmental DIVISION Chair's Office

CONTACT Fred Neal TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION Ginnie Cooper, Bill Naito

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 hours

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Imposes 2% excise tax on suppliers of electricity, natural gas, and petroleum products used for heating. Increases rate to 4%, effective July 1, 1993. Dedicates proceeds to Library. Exempts low-income persons and public agencies.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Gladyes McCay*  
Or

DEPARTMENT MANAGER \_\_\_\_\_

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 AUG 13 AM 10:27

(All accompanying documents must have required signatures)

*Copies of Ordin. 731 sent to Fred Neal & Ginnie Cooper on 8-28-92. Also printed & distributed to Ordin. dist distribution list 8-31-92.*

## ORDINANCE FACT SHEET

**Title: An Ordinance Relating to the Imposition of an Excise Tax on the Provision of Utility Services; Providing for Administration and Collection; Dedicating the Revenues to a Special Fund of Library Purposes; and Related Matters.**

*Brief statement of purpose of ordinance (including rationale for adoption of ordinance, a description of persons benefitted, and other alternatives explored).*

Commencing on the effective date of this ordinance, a 2% excise tax is placed on suppliers of electrical energy, natural gas, and petroleum products used for heating supplied to users within Multnomah County. Commencing on July 1, 1993, the rate will change to 4%. The revenue thus derived will be placed in a special fund dedicated solely to library needs, including operation and capital requirements and administration of this ordinance. Utility providers under this ordinance may pass this tax through to the users from which they derive taxable revenue. Utility users meeting established poverty guidelines will not be taxed. Government agencies are also exempt.

*What other jurisdictions in the metropolitan area have enacted similar legislation?*

The City of Portland imposes a 5% "Utility Franchise Fee" on natural gas, electricity, water, cable television, and other utility providers that use public rights-of-way within the city limits. Revenues are placed in the General Fund. Counties are prohibited by ORS from imposing franchise fees for the use of public rights-of-way.

*What has been the experience in other areas with this type of legislation?*

Portland collects over \$20 million annually from their Utility Franchise Fee. Administration and collection is managed by a two-person staff.

*What authority is there for Multnomah County to adopt this legislation? (State Statute. Home Rule Charter?) Are there constitutional problems?*

Authority is granted under the Home Rule Charter.

### *Fiscal Impact Analysis*

The Library is currently funded by three-year property tax serial levy that expires June 30, 1993, internally generated revenues, and a subsidy from the General Fund. The annual revenues from the \$10.3 million pre-Measure-5 levy is reduced to \$9 million by Measure-5 compression, discounts and delinquencies. Federal, state and internally generated funds (sales, fines, gifts, previous-year carry-overs) supply about \$5 million. The General Fund contributes another \$5 million. This \$19 million Library budget provides services below that offered prior to the passage of Measure 5 and does not include needed capital outlay for repair at the Central branch and expansion at the Midland branch.

The utility excise tax is expected to annually raise \$4.5 million per percent of tax. At the maximum of 4%, the new library fund will see \$18 million in fiscal year 1993-94, enough to fund library operations at a slightly higher level and also provide the funding mechanism for needed capital projects at Central and Midland. Current General Fund support can be used for other programs.

The average household spends about \$760 annually on the utilities to be taxed. A 4% tax would add \$30 (\$2.50 per month) to the household bill. Households meeting poverty guidelines would be exempt.

The elimination of the current Library serial levy would not bring the 1993-94 combined tax rate below the \$10 limit in areas now capped; those within Portland. Property tax payers in areas not at the cap or slightly over would see their property tax rate reduced about \$0.42 per thousand (\$42 on a \$100,000 home).

**SIGNATURES:**

Person Filling Out Form Ben Busma 8-13-92

Planning & Budget Division (if fiscal impact) Ben Busma

Department Head/Elected Official \_\_\_\_\_

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 731

An ordinance relating to the imposition of an excise tax on the provision of utility services; providing for administration and collection; dedicating the revenues to a special fund for library purposes; and related matters.

Multnomah County ordains as follows:

Section 1. Title

This ordinance shall be known as the Multnomah County Public Library Utility Excise Tax Ordinance.

Section 2. Definitions

For the purposes of this ordinance, unless the context requires otherwise, the terms below are defined as follows:

A. Administrator: the county, city or other governmental agency which administers this ordinance.

08/20/92:1

1 B. Board: Board of County Commissioners of Multnomah County,  
2 Oregon.

3  
4 C. Gross revenue: All revenues from the sale of utility  
5 services and from the use, rental or lease of the operating  
6 facilities providing these services derived from within the  
7 boundaries of Multnomah County, after adjustment for net write-off  
8 of uncollectible accounts. Gross revenue does not include:

9  
10 1. Proceeds from the sale of bonds, mortgages, or other  
11 evidences of indebtedness, securities or stocks;

12  
13 2. Proceeds from sales at wholesale when the purchaser is not  
14 the ultimate consumer;

15  
16 3. Proceeds from transmission or transportation services;

17  
18 4. Revenues paid directly by the United States of America or  
19 its agencies;

20  
21 5. Revenues paid directly by municipalities;

22  
23  
24  
25  
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08/27/92:1

1 6. Revenues paid directly by families, family units,  
2 unrelated individuals and/or households below the poverty  
3 guidelines established annually by the Administrator, as set  
4 forth in Section 7 of this ordinance;

5  
6 7. Revenues from the sale of electrical energy not consumed  
7 within Multnomah County; and

8  
9 8. Revenues from the lease of residential space heaters.

10  
11 D. Library: the public library system of Multnomah County,  
12 Oregon.

13  
14 E. Municipality: Any city, political subdivision, municipal  
15 corporation, or district organized and existing pursuant to the  
16 laws of the State of Oregon, including school districts.

17  
18 F. Person: Individuals, joint ventures, partnerships,  
19 corporations, their officers, employees, agents, assignees,  
20 trustees or receivers, or any other legal entity whatsoever, but  
21 not including any municipality, state, or federal agency.

22  
23 G. Utility Service: All electrical energy, all natural gas,  
24 and petroleum products used for heating.

25  
26  
08/20/92:1

1           Section 3. Interpretation

2  
3           For the purpose of this ordinance, words in the singular  
4 number include the plural, the word "shall" is mandatory and not  
5 directory, and the term "this ordinance" shall be deemed to  
6 include all amendments hereafter made.

7  
8           Section 4. Administration

9  
10          In order to carry out the duties imposed by this ordinance,  
11 the Administrator

12  
13          A.   May recoup from the library all reasonable costs of the  
14 administration of this ordinance; and

15  
16          B.   Shall draft for approval by the Board the rules and  
17 regulations necessary for the administration of this ordinance,  
18 including but not limited to, a procedure to implement the poverty  
19 guidelines and an administrative appeal procedure; and

20  
21          C.   Shall have the authority to do the following acts, which  
22 enumeration shall not be deemed to be exclusive, namely:  
23 administer oaths; audit records; certify to all official acts;  
24 subpoena and require attendance of witnesses at hearings; require  
25 the production of relevant documents; swear witnesses; and take  
26 testimony of any person by deposition.

08/20/92:1

1           Section 5. Contracts

2  
3           The Board may contract with a city or other governmental  
4 agency for the administration of all, or any portion, of this  
5 ordinance.

6  
7           Section 6. Imposition of Tax and Dedication of Revenues

8  
9           A. Commencing on the effective date of this ordinance, an  
10 excise tax is imposed upon every person providing a utility  
11 service within the boundaries of Multnomah County, at the rate of  
12 two percent (2%) of the gross revenue. Revenue derived from the  
13 imposition of this tax shall be placed in a special fund and  
14 dedicated solely to library purposes, including but not limited  
15 to, the cost of administering this ordinance, ordinary capital  
16 needs and operational services.

17  
18           B. Commencing on July 1, 1993, in addition to the tax imposed  
19 under subsection (A) of this section, an excise tax is imposed  
20 upon every person providing a utility service within the  
21 boundaries of Multnomah County, at the rate of two percent (2%) of  
22 the gross revenue. Revenue derived from the imposition of this  
23 tax shall be placed in the same special fund and dedicated solely  
24 to the same library purposes as set forth in subsection (A).

25  
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08/20/92:1

1 Section 7. Poverty Guidelines  
2

3 A. Within thirty (30) days of the annual publication of the  
4 federal poverty guidelines, the Administrator shall draft poverty  
5 guidelines for approval by the Board and shall thereafter  
6 distribute them to the persons subject to this tax.  
7

8 B. The Administrator and the Board may use the federal  
9 poverty guidelines promulgated by the Office of the Secretary of  
10 the Department of Health and Human Services, may use another  
11 agency's adaptation of the guidelines, or may create its own  
12 adaptation of the guidelines.  
13

14 C. Until the Administrator's first determination in 1993, the  
15 1992 federal poverty guidelines promulgated by the Office of the  
16 Secretary of the Department of Health and Human Services pursuant  
17 to 42 USC 9902(2) shall apply:  
18  
19  
20  
21  
22  
23  
24  
25  
26

08/20/92:1

	<u>Size of Family Unit</u>	<u>Poverty Guideline</u>
1		
2		
3	1	\$ 6,810
4	2	\$ 9,190
5	3	\$11,570
6	4	\$13,950
7	5	\$16,330
8	6	\$18,710
9	7	\$21,090
10	8	\$23,470

11

12 Each additional member, add \$2,380.

13

14 D. Until the Administrator's first determination in 1993, the

15 definitions of family, family unit, household, income, and

16 unrelated individual set forth in the Federal Register, February

17 14, 1992, pp. 5456-5457, shall apply.

18

19 Section 8. Collection of Utility Tax Prohibited

20

21 A. Utility providers shall not include the United States of

22 America or its agencies, municipalities, or families, family

23 units, households and/or unrelated individuals below the poverty

24 guidelines in any pass-through of this tax.

25

26

08/20/92:1

1           B. The Administrator shall draft for approval by the Board a  
2 procedure by which the persons subject to this tax shall be  
3 reimbursed for the reasonable cost of implementing the poverty  
4 guidelines.  
5

6           Section 9. Returns and Remittance  
7

8           A. Each person providing a utility service shall, on or  
9 before the twentieth (20th) day of each month, file a verified  
10 return with the Administrator. The return shall be on the forms  
11 supplied or in the manner prescribed and shall state the gross  
12 revenue and other information required to determine the tax to be  
13 paid for the preceding one month period.  
14

15           B. Each person shall, at the time of filing the verified  
16 return, remit to the Administrator the amount of the tax.  
17

18           C. If any person required to file the first return and pay  
19 the tax imposed therein is unable, despite diligent effort, timely  
20 to submit a verified return, the person shall submit a return as  
21 accurate as possible, based on good faith estimates, and shall pay  
22 the tax accordingly. Such return may be amended and additional  
23 tax paid thereon, at the next required return filing date;  
24 thereafter, claims for refunds and demands for deficiency payments  
25 shall be made as provided in Section 10.  
26

08/20/92:1

1           Section 10. Return Review, Deficiencies and Refunds

2  
3           A.    The Administrator shall examine all returns filed and  
4 shall verify the accuracy thereof and the correct amount of the  
5 tax imposed by this ordinance.  If the tax imposed is greater than  
6 the amount remitted, the Administrator shall mail a notice of the  
7 deficiency to the person filing the return.  The amount of the  
8 deficiency shall be paid, unless hearing is requested, within  
9 thirty (30) days from the date of the notice.  If the tax imposed  
10 is less than the amount remitted, the Administrator shall give  
11 notice and refund the overpayment to the person who made it.  
12

13           B.    A claim for a refund shall be made by giving written  
14 notice to the Administrator within sixty (60) days from the date  
15 of filing the return upon which the claim is based.  The right to  
16 claim a refund is thereafter waived.  No interest shall be paid on  
17 any refund.  
18

19           1.    The Administrator may deny the full amount claimed, refund  
20 the full amount claimed, or allow only part of the amount  
21 claimed.  The Administrator shall give notice of the  
22 determination.  
23

24           2.    Claims for refunds are not assignable.  
25  
26

08/20/92:1

1           Section 11. Delinquent Taxes and Interest

2  
3           All taxes which are not remitted on the dates specified are  
4 delinquent, except as provided in Section 9(C). Delinquent taxes  
5 shall bear interest at the rate of one percent (1%) per month, or  
6 fraction thereof, until paid.

7  
8           Section 12. Fraudulent Returns

9  
10          If a false or fraudulent return is filed with the intent to  
11 evade or reduce the tax imposed by this ordinance, or with  
12 intentional disregard of this ordinance but without intent to  
13 defraud, there shall be added the amount of interest imposed by  
14 Section 11 of this ordinance plus an amount equal to fifteen  
15 percent (15%) of the total amount of the deficiency, which  
16 interest and penalty shall become due and payable within ten (10)  
17 days after notice and demand by the Administrator.

18  
19          Section 13. Tax As Debt

20  
21          The tax imposed by this ordinance and any interest and  
22 penalties thereon shall be a debt due and owing to Multnomah  
23 County and may be collected by civil action in the name of  
24 Multnomah County.

25  
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08/20/92:1

1           Section 14.   Records  
2

3           Each person shall keep and preserve, for a period of three (3)  
4 years from the date required for filing the return, such records,  
5 books and accounts as may be necessary to determine the amount of  
6 gross revenues upon which this tax is imposed. All such records,  
7 books and accounts shall be open for examination by the  
8 Administrator at any reasonable time and at any reasonable place  
9 within the county.

10  
11           Section 15.   Penalties  
12

13           A. It shall be a violation of this ordinance and unlawful for  
14 any person to refuse to make any return required by this  
15 ordinance, to make any false or fraudulent return, or to fail or  
16 refuse to make payment to the Administrator of any tax due under  
17 this ordinance, or in any manner to evade the collection and  
18 payment of the tax, or any part thereof, imposed by this  
19 ordinance, or to aid or abet other persons in any attempt to evade  
20 the collection and payment of the tax imposed by this ordinance.  
21 Such a violation shall be deemed a county offense and shall be  
22 punishable, upon conviction, by a fine of not more than one  
23 thousand dollars (\$1000) or by imprisonment in the county jail for  
24 not more than six (6) months, or by both such fine and  
25 imprisonment.  
26

08/20/92:1

1 B. Any officer, director, partner, or other individual having  
2 direction or control over any person violating this ordinance  
3 shall be subject to the fine and imprisonment provided by this  
4 Section.

5  
6 C. Each twenty-four (24) hour continuance of any violation  
7 shall constitute a distinct and separate offence.

8  
9 Section 16. Writ of Review

10  
11 Review of any action of the Administrator taken pursuant to  
12 this ordinance or of any rules and regulations promulgated by the  
13 Administrator shall be by writ of review.

14  
15 Section 17. Separability

16  
17 If any section, subsection, sentence, clause, phrase or  
18 portion of this ordinance is for any reason held invalid or  
19 unconstitutional by a court of competent jurisdiction, such  
20

21  
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08/20/92:1

1 portion shall be deemed a separate, distinct and independent  
2 provision, and such holding shall not affect the validity of the  
3 remaining portions of this ordinance.

4  
5 Section 19. Adoption

6  
7 Adopted this 27th day of August, 1992, being the date  
8 of its 2nd reading before the Board of County Commissioners of  
9 Multnomah County, Oregon.



10  
11  
12  
13 By Gladys McCoy  
14 GLADYS MCCOY, CHAIR  
15 MULTNOMAH COUNTY, OREGON

16 REVIEWED:

17 LAURENCE KRESSEL, COUNTY COUNSEL  
18 MULTNOMAH COUNTY, OREGON

19 By John L. DuBay  
20 John L. DuBay  
21 Chief Assistant County Counsel

22 I:\FILES\UTILTAXO.ORD\st

23  
24  
25  
26  
08/20/92:1

1 B. Board: Board of County Commissioners of Multnomah County,  
2 Oregon.

3  
4 C. Gross revenue: All revenues from the sale of utility  
5 services and from the use, rental or lease of the operating  
6 facilities providing these services derived from within the  
7 boundaries of Multnomah County, after adjustment for net write-off  
8 of uncollectible accounts. Gross revenue does not include:

9  
10 1. Proceeds from the sale of bonds, mortgages, or other  
11 evidences of indebtedness, securities or stocks;

12  
13 2. Proceeds from sales at wholesale when the purchaser is not  
14 the ultimate consumer;

15  
16 3. Proceeds from transmission facilities;

17  
18 4. Revenues paid directly by the United States of America or  
19 its agencies;

20  
21 5. Revenues paid directly by municipalities;

22  
23  
24  
25  
26  
08/20/92:1

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

An ordinance relating to the imposition of an excise tax on the provision of utility services; providing for administration and collection; dedicating the revenues to a special fund for library purposes; and related matters.

Multnomah County ordains as follows:

Section 1. Title

This ordinance shall be known as the Multnomah County Public Library Utility Excise Tax Ordinance.

Section 2. Definitions

For the purposes of this ordinance, unless the context requires otherwise, the terms below are defined as follows:

A. Administrator: the county, city or other governmental agency which administers this ordinance.

08/13/92:1

1 B. Board: Board of County Commissioners of Multnomah County,  
2 Oregon.

3  
4 C. Gross revenue: All revenues from the sale of utility  
5 services and from the use, rental or lease of the operating  
6 facilities providing these services derived from within the  
7 boundaries of Multnomah County, after adjustment for net write-off  
8 of uncollectible accounts. Gross revenue does not include:

9  
10 1. Proceeds from the sale of bonds, mortgages, or other  
11 evidences of indebtedness, securities or stocks;

12  
13 2. Proceeds from sales at wholesale when the purchaser is not  
14 the ultimate consumer;

15  
16 3. Proceeds from transmission facilities;

17  
18 4. Revenues paid directly by the United States of America or  
19 its agencies;

20  
21 5. Revenues paid directly by municipalities;

22  
23  
24  
25  
26  
08/13/92:1

1 6. Revenues paid directly by families, family units,  
2 unrelated individuals and/or households below the poverty  
3 guidelines established annually by the Administrator, as set  
4 forth in Section 7 of this ordinance;

5  
6 7. Revenues from the sale of electrical energy not consumed  
7 within Multnomah County; and

8  
9 8. Revenues from the lease of residential space heaters.

10  
11 D. Library: the public library system of Multnomah County,  
12 Oregon.

13  
14 E. Municipality: Any city, political subdivision, municipal  
15 corporation, or district organized and existing pursuant to the  
16 laws of the State of Oregon, including school districts.

17  
18 F. Person: Individuals, joint ventures, partnerships,  
19 corporations, their officers, employees, agents, assignees,  
20 trustees or receivers, or any other legal entity whatsoever.

21  
22 G. Utility Service: All electrical energy, all natural gas,  
23 and petroleum products used for heating.

24  
25  
26  
08/13/92:1

1           Section 3. Interpretation

2  
3           For the purpose of this ordinance, words in the singular  
4 number include the plural, the word "shall" is mandatory and not  
5 directory, and the term "this ordinance" shall be deemed to  
6 include all amendments hereafter made.

7  
8           Section 4. Administration

9  
10          In order to carry out the duties imposed by this ordinance,  
11 the Administrator

12  
13          A. May recoup from the library all reasonable costs of the  
14 administration of this ordinance; and

15  
16          B. Shall draft for approval by the Board the rules and  
17 regulations necessary for the administration of this ordinance,  
18 including but not limited to, a procedure to implement the poverty  
19 guidelines and an administrative appeal procedure; and

20  
21          C. Shall have the authority to do the following acts, which  
22 enumeration shall not be deemed to be exclusive, namely:  
23 administer oaths; audit records; certify to all official acts;  
24 subpoena and require attendance of witnesses at hearings; require  
25 the production of relevant documents; swear witnesses; and take  
26 testimony of any person by deposition.

08/13/92:1

1           Section 5. Contracts

2  
3           The Board may contract with a city or other governmental  
4 agency for the administration of all, or any portion, of this  
5 ordinance.

6  
7           Section 6. Imposition of Tax and Dedication of Revenues

8  
9           A. Commencing on the effective date of this ordinance, an  
10 excise tax is imposed upon every person providing a utility  
11 service within the boundaries of Multnomah County, at the rate of  
12 two percent (2%) of the gross revenue. Revenue derived from the  
13 imposition of this tax shall be placed in a special fund and  
14 dedicated solely to library purposes, including but not limited  
15 to, the cost of administering this ordinance, ordinary capital  
16 needs and operational services.

17  
18           B. Commencing on July 1, 1993, in addition to the tax imposed  
19 under subsection (A) of this section, an excise tax is imposed  
20 upon every person providing a utility service within the  
21 boundaries of Multnomah County, at the rate of two percent (2%) of  
22 the gross revenue. Revenue derived from the imposition of this  
23 tax shall be placed in the same special fund and dedicated solely  
24 to the same library purposes as set forth in subsection (A).

25  
26  
08/13/92:1

1           Section 7. Poverty Guidelines

2  
3           A. Within thirty (30) days of the annual publication of the  
4 federal poverty guidelines, the Administrator shall draft poverty  
5 guidelines for approval by the Board and shall thereafter  
6 distribute them to the persons subject to this tax.  
7

8           B. The Administrator and the Board may use the federal  
9 poverty guidelines promulgated by the Office of the Secretary of  
10 the Department of Health and Human Services, may use another  
11 agency's adaptation of the guidelines, or may create its own  
12 adaptation of the guidelines.  
13

14           C. Until the Administrator's first determination in 1993, the  
15 1992 federal poverty guidelines promulgated by the Office of the  
16 Secretary of the Department of Health and Human Services pursuant  
17 to 42 USC 9902(2) shall apply:  
18  
19  
20  
21  
22  
23  
24  
25  
26

08/13/92:1

	<u>Size of Family Unit</u>	<u>Poverty Guideline</u>
1		
2		
3	1	\$ 6,810
4	2	\$ 9,190
5	3	\$11,570
6	4	\$13,950
7	5	\$16,330
8	6	\$18,710
9	7	\$21,090
10	8	\$23,470

Each additional member, add \$2,380.

D. Until the Administrator's first determination in 1993, the definitions of family, family unit, household, income, and unrelated individual set forth in the Federal Register, February 14, 1992, pp. 5456-5457, shall apply.

Section 8. Collection of Utility Tax Prohibited

A. Utility providers shall not include the United States of America or its agencies, municipalities, or families, family units, households and/or unrelated individuals below the poverty guidelines in any pass-through of this tax.

08/13/92:1

1 B. The Administrator shall draft for approval by the Board a  
2 procedure by which the persons subject to this tax shall be  
3 reimbursed for the reasonable cost of implementing the poverty  
4 guidelines.  
5

6 Section 9. Returns and Remittance  
7

8 A. Each person providing a utility service shall, on or  
9 before the twentieth (20th) day of each month, file a verified  
10 return with the Administrator. The return shall be on the forms  
11 supplied or in the manner prescribed and shall state the gross  
12 revenue and other information required to determine the tax to be  
13 paid for the preceding one month period.  
14

15 B. Each person shall, at the time of filing the verified  
16 return, remit to the Administrator the amount of the tax.  
17

18 C. If any person required to file the first return and pay  
19 the tax imposed therein is unable, despite diligent effort, timely  
20 to submit a verified return, the person shall submit a return as  
21 accurate as possible, based on good faith estimates, and shall pay  
22 the tax accordingly. Such return may be amended and additional  
23 tax paid thereon, at the next required return filing date;  
24 thereafter, claims for refunds and demands for deficiency payments  
25 shall be made as provided in Section 10.  
26

08/13/92:1

1           Section 10. Return Review, Deficiencies and Refunds

2  
3           A. The Administrator shall examine all returns filed and  
4 shall verify the accuracy thereof and the correct amount of the  
5 tax imposed by this ordinance. If the tax imposed is greater than  
6 the amount remitted, the Administrator shall mail a notice of the  
7 deficiency to the person filing the return. The amount of the  
8 deficiency shall be paid, unless hearing is requested, within  
9 thirty (30) days from the date of the notice. If the tax imposed  
10 is less than the amount remitted, the Administrator shall give  
11 notice and refund the overpayment to the person who made it.

12  
13           B. A claim for a refund shall be made by giving written  
14 notice to the Administrator within sixty (60) days from the date  
15 of filing the return upon which the claim is based. The right to  
16 claim a refund is thereafter waived. No interest shall be paid on  
17 any refund.

18  
19           1. The Administrator may deny the full amount claimed, refund  
20 the full amount claimed, or allow only part of the amount  
21 claimed. The Administrator shall give notice of the  
22 determination.

23  
24           2. Claims for refunds are not assignable.  
25  
26

08/13/92:1

1           Section 11. Delinquent Taxes and Interest

2  
3           All taxes which are not remitted on the dates specified are  
4 delinquent, except as provided in Section 9(C). Delinquent taxes  
5 shall bear interest at the rate of one percent (1%) per month, or  
6 fraction thereof, until paid.

7  
8           Section 12. Fraudulent Returns

9  
10          If a false or fraudulent return is filed with the intent to  
11 evade or reduce the tax imposed by this ordinance, or with  
12 intentional disregard of this ordinance but without intent to  
13 defraud, there shall be added the amount of interest imposed by  
14 Section 11 of this ordinance plus an amount equal to fifteen  
15 percent (15%) of the total amount of the deficiency, which  
16 interest and penalty shall become due and payable within ten (10)  
17 days after notice and demand by the Administrator.

18  
19          Section 13. Tax As Debt

20  
21          The tax imposed by this ordinance and any interest and  
22 penalties thereon shall be a debt due and owing to Multnomah  
23 County and may be collected by civil action in the name of  
24 Multnomah County.

25  
26  
08/13/92:1

1           Section 14.   Records

2  
3           Each person shall keep and preserve, for a period of three (3)  
4 years from the date required for filing the return, such records,  
5 books and accounts as may be necessary to determine the amount of  
6 gross revenues upon which this tax is imposed. All such records,  
7 books and accounts shall be open for examination by the  
8 Administrator at any reasonable time and at any reasonable place  
9 within the county.

10  
11           Section 15.   Penalties

12  
13           A. It shall be a violation of this ordinance and unlawful for  
14 any person to refuse to make any return required by this  
15 ordinance, to make any false or fraudulent return, or to fail or  
16 refuse to make payment to the Administrator of any tax due under  
17 this ordinance, or in any manner to evade the collection and  
18 payment of the tax, or any part thereof, imposed by this  
19 ordinance, or to aid or abet other persons in any attempt to evade  
20 the collection and payment of the tax imposed by this ordinance.  
21 Such a violation shall be deemed a county offense and shall be  
22 punishable, upon conviction, by a fine of not more than one  
23 thousand dollars (\$1000) or by imprisonment in the county jail for  
24 not more than six (6) months, or by both such fine and  
25 imprisonment.

26  
08/13/92:1

1 B. Any officer, director, partner, or other individual having  
2 direction or control over any person violating this ordinance  
3 shall be subject to the fine and imprisonment provided by this  
4 Section.

5  
6 C. Each twenty-four (24) hour continuance of any violation  
7 shall constitute a distinct and separate offence.  
8

9 Section 16. Writ of Review

10  
11 Review of any action of the Administrator taken pursuant to  
12 this ordinance or of any rules and regulations promulgated by the  
13 Administrator shall be by writ of review.  
14

15 Section 17. Separability

16  
17 If any section, subsection, sentence, clause, phrase or  
18 portion of this ordinance is for any reason held invalid or  
19 unconstitutional by a court of competent jurisdiction, such  
20  
21  
22  
23  
24  
25  
26

08/13/92:1

1 portion shall be deemed a separate, distinct and independent  
2 provision, and such holding shall not affect the validity of the  
3 remaining portions of this ordinance.

4  
5 Section 19. Adoption

6  
7 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1992, being the date  
8 of its \_\_\_\_\_ reading before the Board of County Commissioners of  
9 Multnomah County, Oregon.

10  
11  
12  
13 By \_\_\_\_\_  
14 GLADYS MCCOY, CHAIR  
MULTNOMAH COUNTY, OREGON

15 REVIEWED:

16 LAURENCE KRESSEL, COUNTY COUNSEL  
17 MULTNOMAH COUNTY, OREGON

18 By *John L. DuBay*  
19 John L. DuBay  
Chief Assistant County Counsel

20  
21  
22  
23  
24  
25  
26  
08/13/92:1

RICK BAUMAN  
Multnomah County Commissioner  
District 3



606 County Courthouse  
Portland, Oregon 97204  
(503) 248-5217

August 21, 1992

TO: Clerk of the Board

FR: Commissioner Rick Bauman *R Bauman*

RE: Calendar

I would like to amend my earlier memo regarding my attendance at Board meetings in August and September.

I will attend the Board meetings the week of August 24.

I will not be able to attend Board meetings on September 1 through September 17.

1992 AUG 21 PM 2:08  
MULTNOMAH COUNTY  
OREGON  
CLERK OF BOARD  
JULIA EDWARDS

RICK BAUMAN  
Multnomah County Commissioner  
District 3



606 County Courthouse  
Portland, Oregon 97204  
(503) 248-5217

June 17, 1992

TO: Clerk of the Board  
FR: Commissioner Rick Bauman  
RE: Scheduled Board Absences

I will be out of town on the following dates this summer:

July 27 through August 7, and  
August 24 through September 11

and will therefore miss board meetings on July 28 and 30, August 25  
and 27 and September 1, 3, 8 and 10.

BOARD OF  
COUNTY COMMISSIONERS  
1992 JUN 23 AM 11:58  
MULTNOMAH COUNTY  
OREGON

Meeting Date: AUG 27 1992

Agenda No.: R-1

(Above space for Clerk's Office Use)

Request 9:30 Time Certain

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: 10-15 year Employee Service Awards

BCC Informal \_\_\_\_\_ (date) BCC Formal 08/27/92 (date)

DEPARTMENT Management Support Services DIVISION Employee Services

CONTACT Sara Martin TELEPHONE ext. 2203

PERSON(S) MAKING PRESENTATION Sara Martin

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: one-half hour

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Glady McCreary*  
Or

DEPARTMENT MANAGER \_\_\_\_\_

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 AUG 18 AM 9:25

(All accompanying documents must have required signatures)

Meeting Date: \_\_\_\_\_

Agenda No.: \_\_\_\_\_

(Above space for Clerk's Office Use)

*Request 9:30 TIME CERTAIN*

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: 10-15 Yr. Employee Service Awards

BCC Informal \_\_\_\_\_ (date) BCC Formal 8/27/92 (date)

DEPARTMENT Management Support Svcs. DIVISION Employee Svcs.

CONTACT Sara Martin TELEPHONE X-2203

PERSON(S) MAKING PRESENTATION Sara ~~Mc~~

ACTION REQUESTED:

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1/2 hr.

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER ~~\_\_\_\_\_~~

(All accompanying documents must have required signatures)

SERVICE AWARDS 1992

10 Year

DA's -

Sharon Henley

DES -

David Bogucki

Kenneth Clinton

DSS -  
✓ Ardeys Craghead

15 Year

DA's -

Judith Evans

✓ John Hoover

✓ Francesca Rosemeyer  
✓ JOSEY GARDELINS

DES -

✓ Gwendolyn Drinkwater

Gary Fisher

Robert Grindeland

✓ David Lestiko

DSS -

Efrain Diaz-Horna

LIB -

✓ Nancy Gomoll

~~Bobbie Jackson~~

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 8/27/45

**NAME** Lee Perlman Perlman

**ADDRESS** 512 N.E. Bussell

**STREET**

**CITY**

Port Huron, Mich: 49212

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** ~~R2~~ R-5

**SUPPORT** ✓ **OPPOSE** \_\_\_\_\_  
**SUBMIT TO BOARD CLERK**

2/

PLEASE PRINT LEGIBLY!

MEETING DATE 8-27-92

NAME Don Price

ADDRESS \_\_\_\_\_

STREET \_\_\_\_\_

CITY \_\_\_\_\_

ZIP CODE \_\_\_\_\_

I WISH TO SPEAK ON AGENDA ITEM # R-5

SUPPORT X \_\_\_\_\_ OPPOSE \_\_\_\_\_

SUBMIT TO BOARD CLERK

*Regular Meeting  
Handout #1*

512 N.E. Brazee

August 25, 1992

*R-5*

Multnomah County Commission  
C/O Cecille Pitts  
1021 S.W. Fourth  
Portland, Ore. 97204

Honorable Ladies and Gentlemen,

The Eliot Neighborhood Association Land Use Committee met on August 17 with representatives of Multnomah County Aging Services and Northwest Housing Alternatives, and discussed their plans to develop a senior foster care facility on a vacant lot north of 3021 N.E. Rodney.

The Committee voted to approve the proposed facility by a vote of five to zero, with one abstention. The vote was based in part on plans for a caretaker to occupy the premises on a long term basis, thus contributing to permanent residence and stability in the area.

The approval is subject to the condition that the structure be built in accord with the American Institute of Architects' Ten Essentials, a guide for development in northeast Portland, to ensure compatibility with our neighborhood.

Very truly yours,

  
Lee Perlman

Chair, Eliot Neighborhood Association Land Use Committee

CC: Diane Luther, Northwest Housing Alternatives  
Stepen Balog, Multnomah County Aging Services  
Mike Jones, Multnomah County Aging Services



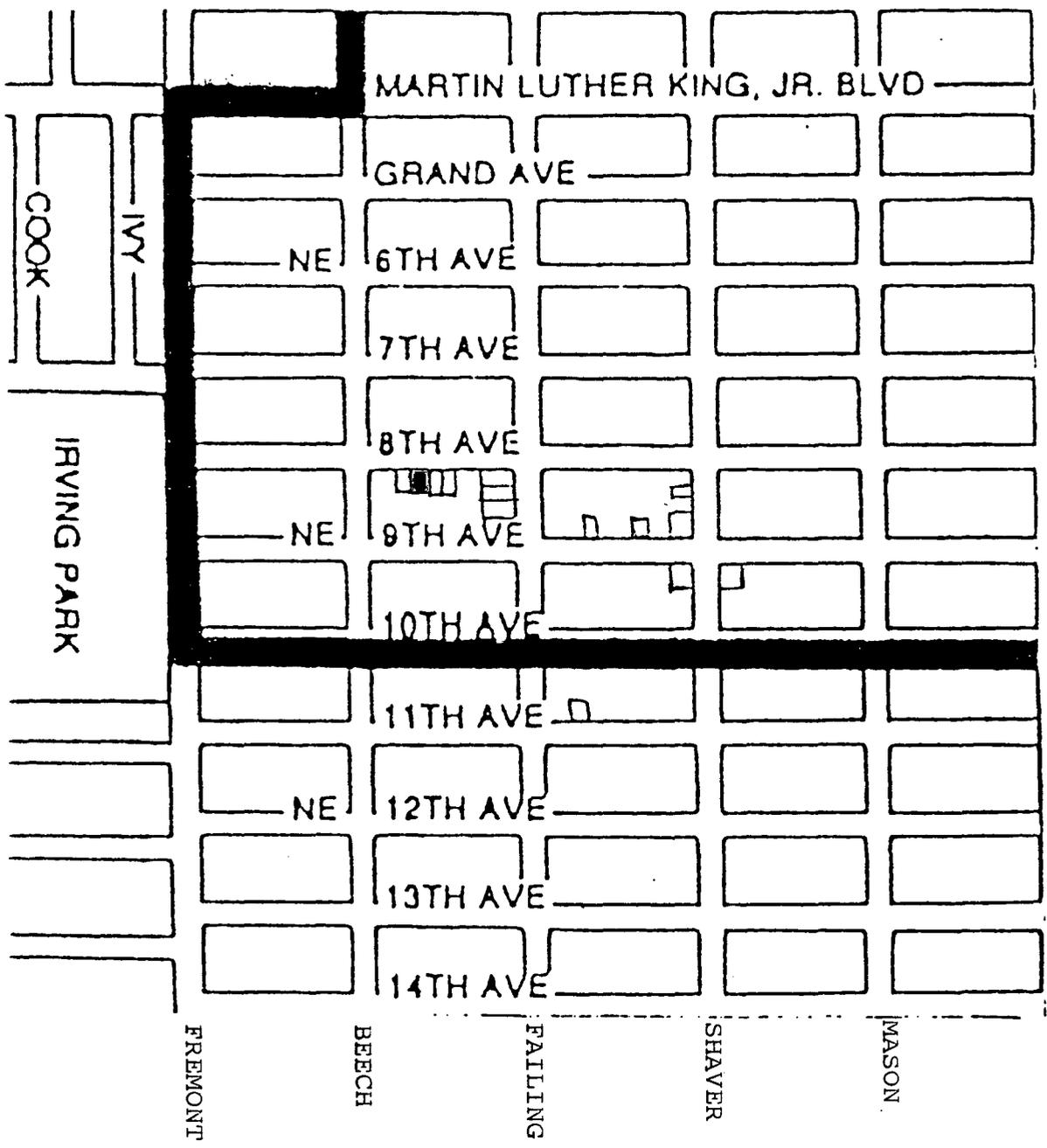
Home Ownership  
a Street at  
a Time

Susan Thomas  
Director

■ HOST Development, Inc.

3140 S.E. Hawthorne Blvd. Portland, Oregon 97214  
(503) 232-9520 FAX: 239-0065

*Regular Meeting  
Handout #2  
8-27-92  
R-5*



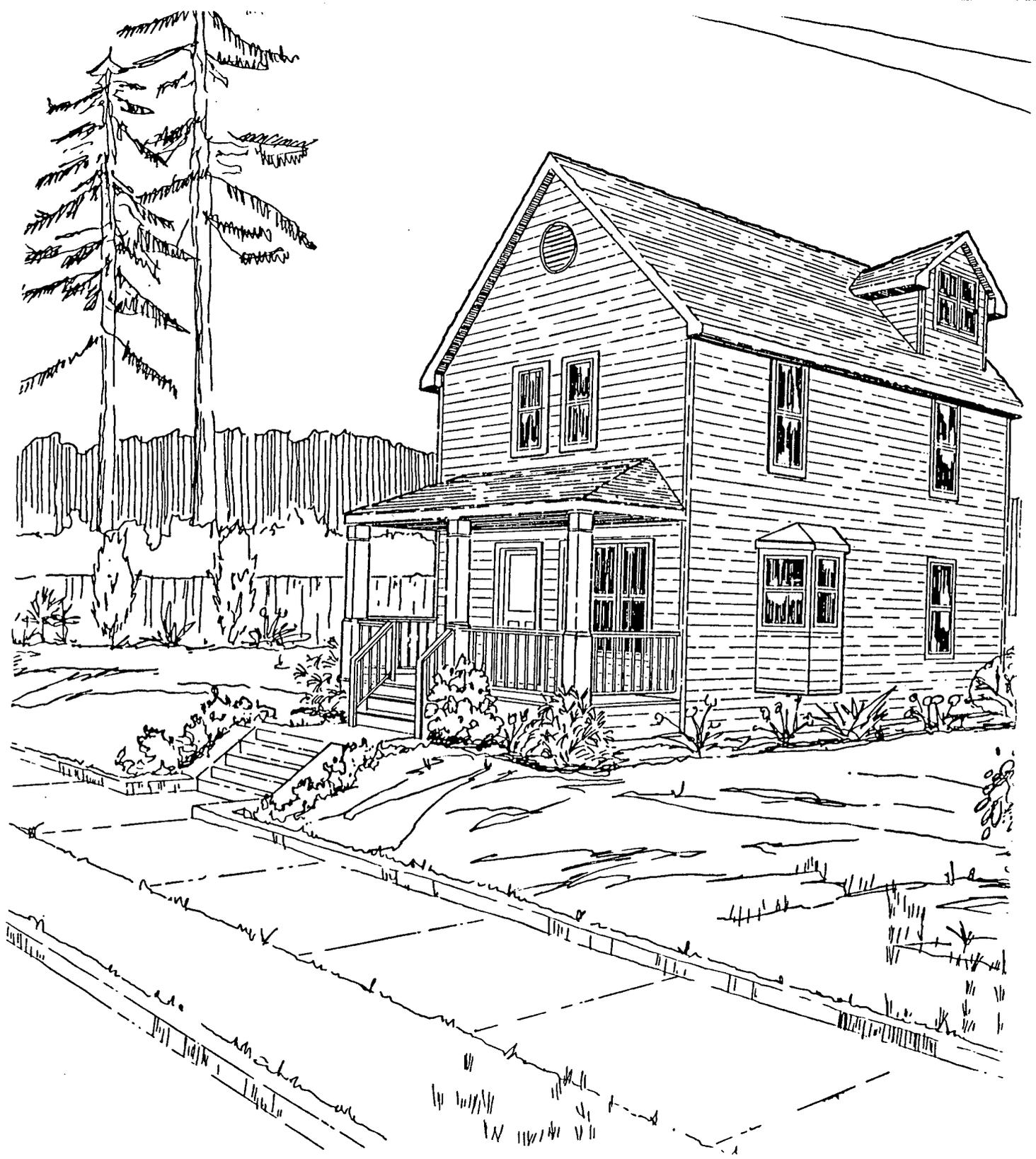


Home  
Ownership  
a Street at  
a Time

Susan Thomas  
Director

■ **HOST Development, Inc.**

3140 S.E. Hawthorne Blvd. Portland, Oregon 97214  
(503) 232-9520 FAX: 239-0065



✓  
**PLEASE PRINT LEGIBLY!**

MEETING DATE 8-27-92

NAME ROGER TROEN

ADDRESS 4226 N. MONTANA AV.

**STREET**

PORTLAND, OR. 97217

**CITY**

**ZIP CODE**

I WISH TO SPEAK ON AGENDA ITEM # ~~8~~ 6

**SUPPORT** \_\_\_\_\_

**OPPOSE** \_\_\_\_\_

**SUBMIT TO BOARD CLERK**

2/

PLEASE PRINT LEGIBLY!

MEETING DATE 8-27-92

NAME NORMAN Roley

ADDRESS 130 SE 106th

STREET DONT

CITY \_\_\_\_\_ ZIP CODE \_\_\_\_\_

I WISH TO SPEAK ON AGENDA ITEM # R-8

SUPPORT \_\_\_\_\_ OPPOSE X

SUBMIT TO BOARD CLERK \_\_\_\_\_

3/1  
**PLEASE PRINT LEGIBLY!**

MEETING DATE

Aug 27, 92

NAME

Suzanne Sanders

ADDRESS

1557 N. Skidmore

STREET

PTLD

97217

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

A-6

SUPPORT

X

OPPOSE

SUBMIT TO BOARD CLERK

4/1

PLEASE PRINT LEGIBLY!

MEETING DATE 8-27-92

NAME PATTI STRAND

ADDRESS 4141 SE 141ST

STREET PORTLAND OR 97236

CITY ZIP CODE

ANIMAL CONTROL  
REVISION  
R-6

I WISH TO SPEAK ON AGENDA ITEM # REVISION

SUPPORT  OPPOSE

SUBMIT TO BOARD CLERK

5 ✓

PLEASE PRINT LEGIBLY!

MEETING DATE 8-27-92

NAME Joan Dahlberg

ADDRESS P.O. Box ~~100~~ 2807

STREET  
PORTLAND 97208

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # ~~118~~ R-6

SUPPORT \_\_\_\_\_ OPPOSE X

SUBMIT TO BOARD CLERK

6  
not allowed  
to speak

PLEASE PRINT LEGIBLY!

MEETING DATE 8/27/92

NAME LINDA STEVENS

ADDRESS 8626 SE FLAVEL

STREET  
PORTLAND, OR. 97266  
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # ~~MAC~~ R-6

SUPPORT \_\_\_\_\_ OPPOSE X

SUBMIT TO BOARD CLERK

7  
Not allowed  
to speak

PLEASE PRINT LEGIBLY!

MEETING DATE 8/27/92

NAME RICH STEVENS

ADDRESS 86210 S.E. FLAVEL

STREET  
PORTLAND

CITY 97266  
ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # ~~DAER-6~~

SUPPORT \_\_\_\_\_ OPPOSE X  
SUBMIT TO BOARD CLERK \_\_\_\_\_

Meeting Date: ~~JUL 23 1992~~ JUL 30 1992

Agenda No.: ~~R-6~~ R-5

(Above space for Clerk's Office Use)

AUG 27 1992

R-6

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Revision to Multnomah County Code 8.10

BCC Informal July 21, 1992 BCC Formal July 23, 1992  
(date) (date)

DEPARTMENT Environmental Services DIVISION Animal Control

CONTACT Mike Oswald TELEPHONE 248-3790

PERSON(S) MAKING PRESENTATION Mike Oswald

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: X

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

See attached

BOARD OF  
COUNTY COMMISSIONERS  
1992 JUL 13 PM 3:39  
MULTNOMAH COUNTY  
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER Paul Garbargh / blw

(All accompanying documents must have required signatures)

*Amended Ordin. Approved Continued Second Reading to be  
9-3-92.*

ORDINANCE FACT SHEET

Ordinance Title: Revision to Multnomah County Code 8.10

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

SEE ATTACHED

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Clark County, Washington.

What has been the experience in other areas with this type of legislation?

Civil violation ordinances have been successful in a growing number of jurisdictions across the country. Most jurisdictions have reported that the public has found the process to be fair and acceptable. Agencies have reported increases in revenue and encouraging compliance rates.

What is the fiscal impact, if any?

Revenues are projected to increase by 100% over last year's Court Fines. The administration of the new procedure will be done by existing staff.

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: \_\_\_\_\_

Planning & Budget Division (if fiscal impact): \_\_\_\_\_

Department Manager/Elected Official: ms Paul Yarbrough/bkw

# Administrative Hearings Ordinance

## Animal Control

### Ordinance Goals:

1. Establish the use of a "Notice of Civil Violation" as the primary procedure for addressing violations of the animal control ordinance.
2. Create one Administrative Hearings procedure to accommodate appeals to the chapter.
  - Combines the three existing procedures: District Court; Potentially Dangerous Dog hearings; and Facility revocations.
3. Establish a three-tiered schedule of reasonable Civil fines that are commensurate to the seriousness of the violation.
4. Establish a procedure to turnover late payment and non-payment of civil fines to a collection agency; and, refer failure to comply with corrective actions that affect public safety and animal welfare to District Court.
5. Increase revenue through civil fines to help off-set operating costs for providing animal control services throughout all jurisdictions in Multnomah County.
6. Reduce the burden currently placed on the criminal justice system to adjudicate animal control violations in District Court.
  - Reduce the District Attorney's office case preparation and prosecution workload.
  - Reduce the need to take up District Court time for animal ordinance arraignments and trials.
7. Enable the Division to use "problem solving" methods to resolve the community's animal related problems.

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

An ordinance relating to animal control, creating a Notice of Infraction procedure, expanded Hearing and Appeal process, and penalties for violations of animal control regulations and amending Chapter 8.10 of the Multnomah County Code.

Underlined sections are new or replacements; ~~bracketed~~ sections are deleted.)

Multnomah County ordains as follows:

SECTION I. AMENDMENT

MCC 8.10.010(I) and (M) are amended to read as follows:

(I) "Hearings Officer" means a person appointed by the chair ~~{Board to review the Director's determination that a dog has engaged in any of the behavior specified in MCC 8.10.270}~~ to hear appeals decisions of the Director concerning violations of this chapter, or license denial or revocation under MCC 8.10.100 - 8.10.145.

(M) "Owner" means any person or legal entity having a possessory right in the animal. ~~{or legal entity who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person.}~~

SECTION II. AMENDMENT

The following definitions are added to MCC 8.10.010:

{Y} "Keeper" means any person or legal entity who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person.

08/27/92:1

1 (Z) "Minimum care" has the meaning as provided in  
2 ORS 167.310(2) (1991).

3 SECTION III. AMENDMENT.

4 MCC 8.10.010 through 8.10.910 is amended to read as follows:

5 The phrase "owner or keeper" is hereby substituted for the  
6 word "owner" wherever the latter word is used throughout this  
7 chapter excepting MCC 8.10.010(M). County Counsel is directed to  
8 make the substitution in the codification of this ordinance.

9 SECTION IV. AMENDMENT.

10 The following section is added to MCC 8.10:

11 8.10.035 Notice of Infraction

12 (A) Whenever a County animal control officer has reasonable  
13 grounds to believe that an animal or facility is in violation of  
14 this chapter, that officer shall be authorized to issue the owner  
15 or keeper notice of civil infraction containing the following  
16 information:

17 (1) The name and address, if known, of the owner or  
18 person in violation of this chapter and description of the animal,  
19 if applicable; and

20 (2) The Code section allegedly violated plus a brief  
21 descriptive statement of the nature of the violation; and

22 (3) A statement of the amount due as a civil fine for  
23 the infraction and notice that the animal is to be impounded if  
24 impoundment is authorized hereunder.

25 (4) A statement explaining all fines are due within 30  
26 days of service of the notice;

08/27/92:1

1 (5) A statement advising that if any civil fine is not  
2 timely paid, the failure to comply may lead to enhancement of the  
3 original fine or additional fines;

4 (6) A statement that the determination of violation is  
5 final unless appealed by filing a written notice of appeal  
6 including a \$25 fee with the Director of animal control department  
7 within twenty (20) days of the date of the notice of infraction was  
8 served.

9 SECTION V. AMENDMENT

10 The following section is added to MCC 8.10:

11 8.10.036 Service.

12 The Notice Of Infraction shall be served on the owner or  
13 keeper of the animal or facility in violation of this chapter by  
14 personal service or by certified mail with return receipt  
15 requested.

16 SECTION VI. AMENDMENT

17 The following section is added to MCC 8.10:

18 8.10.037 Dismissal of Pet License Violations.

19 Notices of infraction issued for violations of the pet  
20 licensing requirement as set forth in 8.10.060 through 8.10.080  
21 shall be dismissed by the Director upon reasonable proof that the  
22 required pet license(s) have been obtained within ten (10) days of  
23 service of the notice(s) of infraction.

24 SECTION VII. AMENDMENT

25 The following section is added to MCC 8.10:

26 8.10.038 (A) Admission of Infraction, Conditions. Any party

08/27/92:1

1 who is issued a notice of infraction for any offense listed under  
2 MCC 8.10.900 (A) may, in lieu of requesting a hearing, admit the  
3 infraction and submit the fine as stated on the notice of  
4 infraction to the Animal Control Division. The party may attach a  
5 written explanation of mitigating circumstances with the payment of  
6 the fine.

7 (B) Any written explanations submitted under subsection (A)  
8 shall be reviewed by the Hearings Officer. The Hearings Officer  
9 shall have discretion to reduce the submitted find and refund any  
10 portion not retained based on the written explanation.

11 SECTION VII. AMENDMENT

12 MCC 8.10.050 is amended to read as follows:

13 ~~{8.10.050 State laws incorporated by reference.}~~

14 ~~In addition to provisions of this chapter regulating animals,~~  
15 ~~the following statutes shall apply in Multnomah County and shall be~~  
16 ~~enforced by the Director in the same manner as though set forth~~  
17 ~~fully in this chapter, and by this reference, they are incorporated~~  
18 ~~within this chapter:~~

19 ~~(A) ORS 433.340 to 433.390, relating to rabies control,~~  
20 ~~provided, however, that the term "administrator of the~~  
21 ~~health division" used therein shall mean the director of~~  
22 ~~the department of environmental services for Multnomah~~  
23 ~~County.~~

24 ~~(B) The following sections of ORS chapter 609, relating to~~  
25 ~~dogs, and no others:~~  
26 ~~609.020 Dogs as personal property;~~

08/27/92:1

1 ~~609.095 — When dog is public nuisance, public nuisance~~  
2 ~~prohibited, complaint,~~  
3 ~~609.097 — Exception to dog as public nuisance,~~  
4 ~~609.140 — Right of action by owner of damaged livestock,~~  
5 ~~609.150 — Right to kill dog that kills or injures~~  
6 ~~livestock,~~  
7 ~~609.155 — Impounding dog that kills or injures~~  
8 ~~livestock, testing dog, killing dog, release,~~  
9 ~~609.157 — Disputable presumption that dog kills or~~  
10 ~~injures livestock, and~~  
11 ~~609.160 — Keeping dog with knowledge that it has injured~~  
12 ~~livestock.]~~

13 8.10.050 Relationship to Certain State Statutes

14 (A) Pursuant to ORS 609.015(1), this chapter supersedes  
15 enforcement in Multnomah County of the following  
16 state statutes: ORS 609.010(2), 609.030, 609.040,  
17 609.060, 609.090, 609.092, 609.095, 609.097,  
18 609.100, 609.110, 609.150, 609.155, 609.160,  
19 609.170, 609.180, 609.190.

20 (B) Enforcement of ORS 433.340-433.390 shall be the  
21 responsibility of the Director and the County  
22 Health Officer. Provided such enforcement  
23 procedures shall comply with the state law and are  
24 not subject to the enforcement provisions of this  
25 chapter.

26  
08/27/92:1

1 SECTION IX. AMENDMENT

2 The following section is added to MCC 8.10:

3 B.10.054 Appeals, Fee.

4 (A) Any party served a notice of infraction or Director's  
5 decision under MCC 8.10.275 or 8.10.290 may appeal the infraction  
6 or Director's decision by submitting a notice of appeal in writing  
7 along with the \$25 hearing fee to the Animal Control Division  
8 within twenty (20) days of the date the notice of infraction or  
9 Director's decision was served on the party.

10 (B) Any party whose application for a facility license was  
11 denied or issued subject to conditions may appeal the license  
12 denial or conditional approval by submitting a notice of appeal in  
13 writing along with the \$25 hearing fee to the Animal Control  
14 Division within twenty (20) days of the date the denial or  
15 conditional approval was mailed to the applicant by certified mail.

16 (C) Any party whose facility license has been revoked may  
17 appeal that revocation as provided in subsection (B).

18 SECTION X. AMENDMENT

19 The following section is added to MCC 8.10:

20 B.10.055 Hearings, Procedure.

21 (A) The board shall adopt procedural rules governing the  
22 conduct and scheduling of the appeal hearings under this chapter.

23 (B) Upon the receipt of a timely appeal, Animal Control  
24 Division shall set the matter for hearing on the next available  
25 date scheduled for Animal Control Appeals Hearings.

26 (C) Any party appealing a notice of infraction or license/

08/27/92:1

1 denial revocation or Director's decision under this Chapter shall  
2 be given a written notice of the hearing date no less than ten (10)  
3 days prior to the scheduled hearing.

4 (D) The hearings officer shall hold a public hearing on any  
5 timely appeal from a notice of infraction, Director's decision, or  
6 the denial/revocation of a facility license. The party who brought  
7 the appeal or any other person having relevant evidence concerning  
8 the nature of the infraction or license denial/revocation shall be  
9 allowed to present testimony and documentary evidence at the  
10 hearing. The hearings officer may consider mitigating or  
11 extenuating circumstances presented on behalf of a party.

12 (E) If the hearing is held to address a notice of infraction  
13 or Director's decision issued under MCC 8.10.275 or 8.10.290, the  
14 hearings officer shall determine whether the infraction contained  
15 in the notice did occur.

16 (F) If the hearing is held to address a facility license  
17 denial or revocation, the hearings officer shall determine whether  
18 the license was rightfully denied or revoked as provided under MCC  
19 8.10.120.

20 (G) The hearings officer shall issue a written decision  
21 containing findings of fact addressing the allegations contained in  
22 the notice of infraction, the Director's decision, or the license  
23 denial revocation under MCC 8.10.100 - 8.10.145. The decision  
24 shall clearly state the hearings officer's conclusion and the  
25 reasoning based on the findings of fact. The decision shall be  
26 signed and dated by the Hearings Officer and shall be served by

08/27/92:1

1 personal service or certified mail to the last known address of the  
2 party who filed the appeal. The decision shall be final on the  
3 date of mailing.

4 (H) In all appeals under this Chapter the Hearings Officer  
5 shall have discretion ordering conditions, restrictions and  
6 penalties.

7 (I) Failure of a party to file an appeal as provided in this  
8 section or unexcused failure of a party to appear at a duly  
9 scheduled hearing shall constitute a waiver by the party of any  
10 further appeal under this Chapter. Upon the entry of a waiver in  
11 the record, the last decision issued by the Animal Control Division  
12 shall become final.

13 SECTION XI.

14 The following section is added to MCC 8.10:

15 8.10.056 Stay of Enforcement, Exceptions.

16 (A) Enforcement of any notice of infraction or decision of  
17 the Director shall be stayed during the pendency of an appeal,  
18 except:

19 1. Restrictions or conditions placed on animal owner or  
20 keeper by the Director under MCC 8.10.265 through 8.10.280 or MCC  
21 8.10.290; or

22 2. The impoundment of an animal as required under this  
23 Chapter or because it was necessary for the protection of the  
24 animal under MCC 8.10.040.

25 (B) Notwithstanding paragraph (A) of this subsection, in any  
26 case wherein the subject animal has been impounded and is to be

08/27/92:1

1 euthanized pursuant to a hearings officer's decision, a party  
2 seeking a Writ of Review under ORS 34.010 to 34.100 of that  
3 decision, may obtain a stay of the destruction of the animal  
4 pending the resolution of the Writ of Review proceeding only as  
5 provided in this paragraph. The party shall submit a written  
6 notice to the Director within fifteen (15) days of the date of the  
7 Hearings Officer's decision of the party's intent to file a Writ of  
8 Review. The written notice shall be submitted with a deposit as  
9 required under MCC 8.10.057(B), if applicable.

10 (C) In any case subject to paragraph (B), the written notice  
11 to the Director shall stay the destruction of the animal until a  
12 date not less than fifteen (15) days after final judgment by the  
13 court or the party's rights have expired under ORS 34.030.

14 SECTION XII. AMENDMENT

15 The following section is added to MCC 8.10.

16 8.10.057 Impoundment of Animals Pending Appeals, Fees.

17 (A) In any appeal wherein the subject animal has been  
18 impounded pending appeal of Director's decision to the hearings  
19 officer, the owner or keeper of the animal shall be required to  
20 post a deposit with the Director in the amount of \$100 at the time  
21 an appeal is requested to apply towards the expense of sheltering  
22 the animal during the appeal process.

23 (B) If an animal not previously impounded under this Chapter  
24 is subsequently ordered to be impounded by a Hearings Officer and  
25 the owner or keeper appeals the Hearings Officer's decision by Writ  
26 of review to the Circuit Court, the owner or keeper of the animal

08/27/92:1

1 shall be required to post a deposit with the Director in the amount  
2 of \$100 at the time the notice of intent to file the Writ of Review  
3 is submitted under MCC 8.10.056(B) to apply towards the expense of  
4 sheltering the animal during the pendency of the Writ of Review  
5 proceeding.

6 (C) In either situation described above in a subsection (A)  
7 or (B), if the finding of a violation is upheld on appeal, the  
8 animal's owner or keeper shall be liable for the cost of the  
9 animal's impoundment and shall pay all fees incurred for sheltering  
10 and caring for the animal, or forfeit any amount remaining of the  
11 original deposit. If the Animal Control Division's finding is  
12 reversed on appeal the deposit shall be refunded.

13 SECTION XIII. AMENDMENT

14 MCC 8.10.120 is amended to read as follows:

15 8.10.120 Denial and revocation of licenses; ~~{appeals.}~~

16 (A) A license required by MCC 8.10.100 to 8.10.140 may be  
17 denied or revoked for any of the following reasons:

18 (1) Failure to comply substantially with any provision  
19 of this chapter.

20 (2) Conviction of the owner or any person subject to the  
21 owner's direction or control for the infraction of any provision of  
22 this chapter or other applicable state or federal law, rule, order  
23 or regulation pertaining to any activity relating to animals.

24 (3) Furnishing false information on an application for  
25 a license under this chapter.

26 (B) The Director shall refund 50 percent of any fee paid upon

08/27/92:1

1 denial of a license, provided, however, no refund shall be made  
2 upon revocation.

3 (C) If ~~the Director denies~~ an application for a license ~~is~~  
4 ~~denied,~~ or approve~~d~~s subject to conditions, ~~the determination is~~  
5 ~~final unless~~ the applicant ~~may~~ appeals the denial or conditional  
6 approval. ~~{to the Board of County Commissioners by filing a written~~  
7 ~~request including the \$25 appeal fee, within 15 days of the date~~  
8 ~~denial or conditional approval was mailed to the applicant by~~  
9 ~~certified mail.}~~

10 (D) The Director shall investigate any complaint concerning  
11 licensed facilities and, upon determination that a license should  
12 be revoked, shall serve written notice upon the licensee of that  
13 determination by certified mail. ~~{and schedule a hearing at which~~  
14 ~~the licensee may appear and be heard. The hearing shall be public,~~  
15 ~~and notice of the hearing shall be mailed to the licensee by~~  
16 ~~certified mail no later than 10 days before the date of the~~  
17 ~~hearing.}~~ ~~The Director's determination shall become final unless~~  
18 ~~appealed.~~

19 (E) ~~{If the Director confirms the revocation, the holder of~~  
20 ~~a revoked license may appeal the revocation to the Board of County~~  
21 ~~Commissioners by filing a written request to the Director within 15~~  
22 ~~days after notice of the Director's determination of revocation was~~  
23 ~~mailed by certified mail.}~~ Failure to file a timely request shall  
24 terminate any appeal right, and the Director's decision revoking  
25 the license shall not be reviewable otherwise.

26 ~~{(F) A hearing upon an appeal under subsection (C) or (E) of~~

08/27/92:1

~~this section shall be conducted by the Board of County Commissioners within 30 days of the request, with notice to be mailed to the applicant by certified mail no later than 10 days prior to the hearing, provided, however, that the board may refer the matter to a hearings officer for the purpose of taking evidence, making findings of fact and law and making recommendations to the board, which shall act on any recommendations within the time fixed in this subsection.]~~

~~{(G) A decision of the Board of County Commissioners resulting from any appeal under this section shall be reviewable only as provided in ORS Chapter 34 and not otherwise.} {Ord. 156 s V 3 (1977)}~~

SECTION XIV. AMENDMENT.

MCC 8.10.190 (B)(7), (B)(9), (B)(11), and (B)(12) are amended to read as follows:

8.10.190(B)(7) Leave an animal unattended for more than 24 consecutive hours without ~~{adequate}~~ minimum care.

8.10.190(B)(9) Physically mistreat any animal either by deliberate abuse or neglect to furnish ~~{adequate}~~ minimum care, including medical care.

~~{8.10.190(B)(11) Fail to comply with the regulations applicable to potentially dangerous dogs.}~~

8.10.190(B)(11) Permit any dog to engage in any of the behaviors described in MCC 8.10.270(A) or (B).

8.10.190(B)(12) Permit any dog to engage in any of the behaviors described in MCC 8.10.270(C) through 8.10.270(E);

08/27/92:1

1 SECTION XV

2 MCC 8.10.191: Failure to Comply; Enforcement

3 (A) The failure to comply with any conditions or restrictions  
4 lawfully imposed pursuant to a notice of infraction or  
5 Director's decision not otherwise stayed under MCC  
6 8.10.056 is a violation of this chapter. Failure to pay  
7 the civil fine shall be a infraction under this section.  
8 A notice of infraction issued under this section for  
9 failure to comply shall be of the same classification as  
10 the original infraction. The first notice of infraction  
11 issued under this section shall not be construed as a  
12 second offense under MCC 8.10.900(B).

13 (B) Except as provided in MCC 8.10.191(C), all enforcement  
14 actions under this section shall be brought before  
15 Hearings Officers.

16 (C) Any enforcement action for failure to comply wherein the  
17 circumstances of the failure to comply by the party in  
18 violation are determined by the Director to:

- 19 1) Be a substantial risk to public safety; or
- 20 2) Be a substantial risk to the care and  
21 treatment of the subject animal(s); or
- 22 3) Be a failure to pay past-due fines on three or  
23 more infractions within a 12-month period;

24 shall be brought in the State Court as provided under ORS  
25 203.810 and ORS 30.315.

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08/27/92:1

1 SECTION XVI. AMENDMENT.

2 MCC 8.10.275 is amended to read as follows:

3 8.10.275 Potentially dangerous dogs; appeals; restrictions  
4 pending appeal.5 (A) The Director shall have authority to determine whether  
6 any dog has engaged in the behaviors specified. in MCC 8.10.270.  
7 This determination may be based upon an investigation that includes  
8 observation of and testimony about the dog's behavior, including  
9 the dog's upbringing and the owner's control of the dog, and other  
10 relevant evidence as determined by the Director. These  
11 observations and testimony can be provided by Multnomah County  
12 animal control officers or by other witnesses who personally  
13 observed the behavior. They shall sign a written statement  
14 attesting to the observed behavior and agree to provide testimony  
15 regarding the dog's behavior of necessary.16 (B) The Director shall have the discretion to increase or  
17 decrease a classified dogs restrictions based upon relevant  
18 circumstances.19 (C) The Director shall give the dog's owner written notice by  
20 certified mail or personal service of the dog's specified behavior,  
21 of the dog's classification as a potentially dangerous dog, of the  
22 fine imposed, and of the restrictions applicable to that dog by  
23 reason of its classification. If the owner denies that the  
24 behavior in question occurred, the owner may appeal the Director's  
25 decision to the Hearings Officer by filing a written request for a  
26 hearing with the Director [~~within ten (10) days of the notice was~~

08/27/92:1

1 ~~mailed to the owner by certified mail or the owner was personally~~  
2 ~~served. Level 1 classifications are not appealable. The Director~~  
3 ~~shall establish a non-refundable appeal fee of not less than \$25~~  
4 ~~that must accompany the written request for appeal. Failure to~~  
5 ~~meet all appeal requirements within ten (10) days shall result in~~  
6 ~~the classification being final.] as provided under MCC 8.10.054.~~

7 ~~{(D) [The Hearings Officer shall hold a public hearing on any~~  
8 ~~appeal from the Director's decision to classify a dog as~~  
9 ~~potentially dangerous. The owner shall be mailed written notice of~~  
10 ~~the appeal hearing no less than seven (7) days prior to the~~  
11 ~~hearing. The owner and any other persons having relevant evidence~~  
12 ~~concerning the dog's behavior as specified in MCC 8.10.270 shall be~~  
13 ~~allowed to present testimony and documentary evidence at the~~  
14 ~~hearing. The Hearings Officer shall determine whether behavior~~  
15 ~~specified in MCC 8.10.270 was exhibited by the dog in question.~~  
16 ~~The Hearings Officer may reduce or increase the classification~~  
17 ~~level. The Hearings Officer shall have discretion ordering~~  
18 ~~restrictions. The order shall state what, if any, level of~~  
19 ~~classification has been applied and shall impose the applicable~~  
20 ~~restrictions under this code. The order shall be signed and dated~~  
21 ~~by the Hearings Officer and shall be mailed to the last known~~  
22 ~~address of the owner and any person who gave testimony at the~~  
23 ~~appeal hearing. The order shall be final on the date of mailing.]~~

24 ~~{(E)}~~ (D) Upon receipt of notice of the dog's classification  
25 as a Level 1, 2, 3, or 4 potentially dangerous dog pursuant to  
26 subsection (C) of this section, the owner shall comply with the

08/27/92:1

1 restrictions specified in the notice unless ~~{as the Director's~~  
2 ~~decision is}~~ reversed on appeal. Failure to comply with the  
3 specified restrictions shall be a violation of this chapter for  
4 which a fine can be imposed. Additionally, the Director shall have  
5 authority to impound the dog pending completion of all appeals.

6 ~~{(F)}~~ (D) If ~~{the Director}~~ the Director's decision or the  
7 Hearings Officer's decision finds that a dog has engaged in Level  
8 5 behavior, the dog shall be impounded pending the completion of  
9 any appeals. ~~{In addition to the appeal fee set forth in MCC~~  
10 ~~8.10.275(C) the owner shall be required to post a deposit with the~~  
11 ~~Director in the amount of \$100, at the time an appeal is requested~~  
12 ~~to apply towards the expenses of sheltering the dog during the~~  
13 ~~appeal process. If the Director's decision is upheld on appeal,~~  
14 ~~the dog's owner shall be liable for the cost of the dog's~~  
15 ~~impoundment, and the owner shall pay all fees incurred for the~~  
16 ~~sheltering of the dog or forfeit the deposit. If the Director's~~  
17 ~~decision to classify the dog as a potentially dangerous dog is~~  
18 ~~reversed, the deposit shall be refunded.}~~

19 ~~{(G) The Board shall adopt procedural rules governing the~~  
20 ~~scheduling of the appeals provided for in this section.}~~

21 ~~{(H) The imposition of regulations pursuant to this section~~  
22 ~~shall be prevent the Director from also issuing a citation pursuant~~  
23 ~~to MCC 8.10.900.} [Ord 517 s 3 (1986); Ord 550 s 2 (1987); Ord~~  
24 ~~591 s 3 (1988)]~~

25 SECTION XVII. AMENDMENT.

26 MCC 8.10.280 is amended to read as follows:

08/27/92:1

1 8.10.280 Regulation of potentially dangerous dogs. In addition to  
2 the other requirements of MCC Chapter 8.10, the owner or keeper of  
3 a potentially dangerous dog shall comply with the following:

4 (A) Dogs classified as Level 1 dogs shall be restrained in  
5 accordance with MCC 8.10.010(B) by a physical device or structure,  
6 in a manner that prevents the dog from reaching any public  
7 sidewalk, or adjoining property and must be located so as not to  
8 interfere with the public's legal access to the owner's property,  
9 whenever that dog is outside the owner's home and not on a leash.

10 (B) Dogs classified as Level 2 dogs shall be confined within  
11 a secure enclosure whenever the dog is not on a leash or inside the  
12 home of the owner. The secure enclosure must be located so as not  
13 to interfere with the public's legal access to the owner's  
14 property. In addition, the Director may require the owner to  
15 obtain and maintain proof of public liability insurance. In  
16 addition, the owner may be required to pass a responsible pet  
17 ownership test administered by the Director.

18 (C) Dogs classified as Level 3 or Level 4 dogs shall be  
19 confined within a secure enclosure whenever the dog is not on a  
20 leash or inside the home of the owner. The secure enclosure must  
21 be located so as not to interfere with the public's legal access to  
22 the owner's property, and the owner shall post warning signs, which  
23 are provided by the Director, on the property where the dog is  
24 kept, in conformance with rules to be adopted by the Director. In  
25 addition, the Director may require the owner to obtain and maintain  
26 proof of public liability insurance. the owner shall not permit

08/27/92:1

1 the dog to be off the owner's property unless the dog is muzzled  
2 and restrained by and adequate leash and under the control of a  
3 capable person. In addition, the Director may require the owner to  
4 satisfactorily complete a pet ownership program.

5 (D) Dogs classified as Level 5 dogs as described in  
6 MCC 8.10.270 shall be euthanized. In addition, the Director may  
7 suspend, for a period of time specified by the Director, that dog  
8 owner's right to be the owner of any dog in Multnomah County,  
9 including dogs currently owned by that person.

10 (E) All dogs classified as Level 5 potentially dangerous dogs  
11 shall be euthanized at any time not less than [~~ten (10)~~] twenty  
12 (20) days after the date of classification [~~by the Director~~].  
13 Notification to the Director of any appeal to the Hearings Officer  
14 as provided for in MCC [~~8.10.275(B)~~] 8.10.054(A) or to any court of  
15 competent jurisdiction shall delay destruction of the dog until a  
16 date not less than [~~ten (10)~~] fifteen (15) days after a final  
17 decision by the Hearings Officer or final judgment by the court.

18 (F) To insure correct identification, all dogs that have been  
19 classified as potentially dangerous may be marked with a permanent  
20 identifying mark, photographed, or fitted with a special tag or  
21 collar provided by the Director. The Director shall adopt rules  
22 specifying the type of required identification.

23 (G) In addition to the normal licensing fees established by  
24 MCC 8.10.220(A)(1) and (2), there shall be an annual fee of \$15 for  
25 dogs that have been classified as potentially dangerous. This  
26 additional fee shall be imposed at the time of classification of

08/27/92:1

1 the potentially dangerous dog, and shall be payable within 30 days  
2 of notification by the Director. Annual payment of this additional  
3 fee shall be payable within 30 days of notification by the  
4 Director.

5 (H) The owner of a potentially dangerous dog shall not permit  
6 the warning sign to be removed from the secure enclosure, and shall  
7 not permit the special tag or collar from being removed from the  
8 classified dog. The owner of a potentially dangerous dog shall not  
9 permit the dog to be moved to a new address or change owners  
10 without providing the Director with ten (10) days prior written  
11 notification.

12 (I) Declassification of potentially dangerous dogs. Any  
13 owner of a classified potentially dangerous dog may apply to the  
14 Director or the hearings officer, in writing, to have the  
15 restrictions reduced or removed.

16 (1) The following conditions must be met:

17 (a) Level 1 or Level 2 dog has been classified for  
18 ~~{two}~~ one years without further incident, or ~~{five}~~ two years for  
19 Level 3 or Level 4 dogs; and

20 (b) The owner provides the Director with written  
21 certification of satisfactory completion of obedience training for  
22 the dog classified; and

23 (c) There have been no violations of the specified  
24 regulations; and

25 (d) In addition, the Director may require the dog  
26 owner to provide written verification that the classified dog has

08/27/92:1

1 been spayed or neutered.

2 (e) Any reclassification request submitted under  
3 this subsection must include \$25 review fee.

4 (2) When the owner of a potentially dangerous dog meets  
5 all of the conditions in this subsection, the restrictions for  
6 Level 1 and Level 2 classified dogs may be removed. Restrictions  
7 for Level 3 and Level 4 dogs may be removed, with the exception of  
8 the secure enclosure. ~~{Ord 517 s 3 (1986); Ord 591 s 4 (1988)}~~

9 SECTION XVIII. AMENDMENT

10 The following section is added to MCC 8.10:

11 MCC 8.10.290 Restrictions In Cases Other Than Potentially  
12 Dangerous Dogs, Directors' Authority, Notice:

13 (A) The Director shall have authority to determine whether  
14 any infraction of this chapter warrants other restrictions and  
15 conditions be imposed on the party in violation as provided in MCC  
16 8.10.900(c), in addition to the civil fine.

17 (B) This determination may be based upon an investigation  
18 that includes observation of and testimony about the circumstances  
19 and the nature of the infraction, including the animal's behavior,  
20 the owner's control of the animal, the care and treatment of the  
21 animal, and other relevant evidence as determined by the Director.  
22 These observations and testimony can be provided by Multnomah  
23 County Animal Control officers or by other witnesses who personally  
24 observed the circumstances. They shall sign a written statement  
25 attesting to the observed circumstances and agree to provide  
26 testimony, if necessary.

08/27/92:1

1 (C) The Director shall give the party in violation written  
2 notice by certified mail or personal service of the Director's  
3 decision imposing a fine and any conditions or restrictions under  
4 this section and MCC 8.10.900(c). The notice shall contain a brief  
5 explanation why the additional conditions and restrictions were  
6 imposed. If the party wishes to challenge the Director's decision,  
7 the party may appeal, as provided under MCC 8.10.054.

8  
9 SECTION XIX. AMENDMENT

10 MCC 8.10.900 is amended to read as follows:

11 8.10.900 Penalties, generally. ~~{Offenses committed in violation~~  
12 ~~of provisions of this chapter shall be prosecuted in the manner~~  
13 ~~provided in ORS 203.810. conviction of a violation of any~~  
14 ~~provision of this chapter not specifically listed in MCC 8.10.900~~  
15 ~~to 8.10.940, shall be subject to a fine not to exceed}~~

16 (A) Violations of the provisions of this chapter shall be  
17 classified as provided below.

18 (1) Class A infractions. Violations of the following  
19 sections or subsections shall be Class A infractions:

- 20 (a) MCC 8.10.030
- 21 (b) MCC 8.10.180
- 22 (c) MCC 8.10.190 (B)(3)
- 23 (d) MCC 8.10.190 (B)(8)
- 24 (e) MCC 8.10.190 (B)(9)
- 25 (f) MCC 8.10.190 (B)(10)
- 26 (g) MCC 8.10.190 (B)(12)

08/27/92:1

1           (h) MCC 8.10.200

2           (2) Class B Infractions: Violations of the following  
3 sections or subsections of this chapter shall be Class B  
4 infractions:

5           (a) 8.10.150

6           (b) 8.10.155

7           (c) 8.10.190(B)(4)

8           (d) 8.10.190(B)(5)

9           (e) 8.10.190(B)(6)

10          (f) 8.10.190(B)(7)

11          (g) 8.10.190(B)(11)

12          (3) Class C Infractions. Infractions of the following  
13 sections or subsections of this chapter shall be Class C  
14 infractions:

15          (a) 8.10.070

16          (b) 8.10.170

17          (c) 8.10.190(B)(1)

18          (d) 8.10.190(B)(2)

19          (e) 8.10.210

20          (4) Any other violation of this chapter not listed in  
21 this subsection shall be a Class A infraction.

22          (B) Fines:

23           (1) Class A Infraction. A fine for Class A infraction  
24 shall be no less than \$100 nor more than \$500 for a first offense.  
25 The fine for a second Class A infraction committed within 12 months  
26 from the date that the first offense was committed shall be no less

08/27/92:1

1 then \$200, nor more than \$500. The fine for a third Class A  
2 infraction committed within 12 months from the date that the first  
3 offense was committed, the fine shall be not less than \$500.

4 (2) Class B Infraction. A fine for Class B infraction  
5 shall be no less than \$50 nor more than \$250 for a first offense.  
6 If the violator committed either a Class A or B infraction within  
7 the 12 month period immediately prior to the date of the second  
8 infraction, the fine shall be no less than \$100 nor more than \$250.  
9 If the violator has committed two or more Class A or B infractions  
10 within the twelve month period immediately prior to the date of the  
11 most recent notice of infraction for a Class B infraction, the fine  
12 shall be \$250.

13 (3) Class C Infractions: A fine for a Class C  
14 infraction shall be no less than \$25 nor greater than \$150 for a  
15 first offense. If the violator has committed a class A, B, or C  
16 infraction within the 12 month period immediately prior to the date  
17 of the second infraction, the fine shall be no less than \$50 nor  
18 more than \$150. If the violator has committed two or more Class A,  
19 B, or C infractions within the 12-month period immediately prior to  
20 the date of the most recent notice of infraction for a Class C  
21 infraction, the fine shall be \$150.

22 (C) Additional Conditions and Restrictions. In addition to  
23 the monetary civil penalties imposed for infractions of this  
24 chapter, and the regulations applicable under MCC 8.10.280, the  
25 Director and the Hearings Officer shall have authority to order  
26 additional restrictions and conditions upon the party in violation,

08/27/92:1

1 including but not limited to:

2 (1) Require the violator to satisfactorily complete an  
3 obedience program approved by the Director or Hearings Officer at  
4 owner's expense;

5 (2) Require the violator to attend a responsible pet  
6 ownership program adopted and/or approved by the Director or  
7 Hearings Officer, at the violator's expense;

8 (3) Require the owner or keeper of an animal that  
9 unreasonably causes annoyance, as described in 8.10.190 (B)(6), to  
10 keep the animal inside the owner or keeper's residence between the  
11 hours of 10:00 p.m. and 7:00 a.m.;

12 (4) Any other condition(s) that would reasonably abate  
13 the infraction;

14 (5) Require the owner or keeper to have the animal  
15 surgically sterilized within a time period determined by the  
16 Director or Hearings Officer.

17 (D) Late Payment Penalties. If a civil penalty is unpaid  
18 after 30 days, the fine then due shall be increased by 25% of the  
19 original amount; if the civil penalty is not paid after 60 days,  
20 the fine then due shall be increased by 50% of the original amount.

21  
22 (E) At the discretion of the Director, any civil penalty(ies)  
23 not paid within thirty (30) days from the date of issuance of the  
24 notice of infraction may be assigned to a collections agency for  
25 collection.

26 (F) Ten percent (10%) of the fines and penalties collected

08/27/92:1

1 under this chapter shall be placed in a separate fund for the  
2 purpose of providing training for animal control personnel.

3 SECTION XX. AMENDMENT

4 MCC 8.10.910 is amended to read as follows:

5 8.10.910 Facilities: operation without license or in  
6 violation of license standards.

7 (A) ~~{Any person convicted of operating}~~ The operation of a  
8 facility without a license for which licensing is required under  
9 MCC 8.10.100 to 8.10.145 shall be {subject to a fine not to exceed  
10 \$500} a Class A infraction, and, in addition, the {court} Director  
11 or hearings officer may order removal of all animals housed in the  
12 facility which exceed the number allowed under this chapter and  
13 require them to be removed from the County or to be impounded  
14 subject to ~~{subsection (D) of MCC 8.10.040.}~~ MCC 8.10.040(D).

15 8.10.910(B)

16 ~~{Any person holding a facility license issued under MCC~~  
17 ~~8.10.100 to 8.10.145 who is convicted of violation of any provision~~  
18 ~~of this chapter applicable to that license or the care of animals~~  
19 ~~housed in the facility, shall, in addition to the revocation~~  
20 ~~proceedings provided in MCC 8.10.100 to 8.10.145, be subject to a~~  
21 ~~fine not to exceed \$500, and in addition, the court may order~~  
22 ~~removal of any or all animals from the facility for impoundment~~  
23 ~~subject to subsection (D) of MCC 8.10.140. Ord. 156 s. VIII-2~~  
24 ~~1977)}~~ The operation of a facility by a person holding a facility  
25 license under MCC 8.10.100 to 8.10.145, in violation of any  
26 provision of this chapter applicable to that license or to the care

08/27/92:1

1 ~~of the animals housed in the facility, shall be a Class A~~  
2 ~~infraction; and in addition the Director or hearings officer may~~  
3 ~~order removal of any or all animals from the facility for~~  
4 ~~impoundment subject to MCC 8.10.040(D).~~

5 SECTION XXI. AMENDMENT

6 Sections MCC 8.10.920 through MCC 8.10.950 are repealed.

7 ~~{8.10.920 Poisonous food penalty. Any person convicted of~~  
8 ~~violation of MCC 8.10.180, shall be subject to imprisonment for not~~  
9 ~~more than one year and a fine not to exceed \$1,000 or both. Ord.~~  
10 ~~156 s. VIII-3 (1977)}~~

11 ~~{8.10.930 Animal owner regulation violations. Any person~~  
12 ~~convicted of violation of MCC 8.10.190, shall be subject to a fine~~  
13 ~~not to exceed \$500, and the court in its discretion may also order~~  
14 ~~destruction of the animals involved, subject to subsection (D) of~~  
15 ~~MCC 8.10.040 or surgical sterilization of any animal or appropriate~~  
16 ~~procedure to render an animal mute. Additionally, appropriate~~  
17 ~~procedure to render an animal mute. Additionally, the court in its~~  
18 ~~discretion may suspend, for a period of time specified by the~~  
19 ~~court, that person's right to be the owner of any dog in Multnomah~~  
20 ~~County, including dogs currently owned by that person. Ord. 156 s.~~  
21 ~~VII-4 (1977); Ord. 417 s. 5 (1986)}~~

22 ~~{8.10.940 Penalty for keeping gamecocks, animal fights and~~  
23 ~~fight training.}~~

24 ~~{(A) Any person convicted of violation of MCC 8.10.200, shall~~  
25 ~~be subject to a fine not to exceed \$500, and the court may order~~  
26 ~~impoundment of any animal caused to be engaged in the prohibited~~

08/27/92:1

1 ~~conduct, which animal may be disposed of by the Director.]~~

2 ~~{(B) Any person previously convicted under this section shall~~  
3 ~~be subject to punishment by imprisonment for a term of not more~~  
4 ~~than one year and a fine not to exceed \$1,000 or both. Ord. 156 s.~~  
5 ~~VIII-5 (1977).}~~

6 ~~{8.10.950 Penalty for violation of potentially dangerous dog~~  
7 ~~requirements.}~~

8 ~~{In addition to the provisions of MCC 8.10.930, any person~~  
9 ~~convicted of violating MCC 8.10.190 (B) (11) and (12) shall be~~  
10 ~~subject to a minimum fine of \$100 for the first offense, and a~~  
11 ~~minimum fine of \$500 for any subsequent offense. Minimum fines~~  
12 ~~shall not be suspendable by the court. Ord. 591 s. 6 (1988).}~~

13 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1992, being  
14 the date of its \_\_\_\_\_ reading before the Board of County  
15 Commissioners of Multnomah County, Oregon.

16 (SEAL)

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

19 REVIEWED:

20  
21 By Matthew O. Ryan  
Matthew O. Ryan, Assistant County Counsel  
22 For Multnomah County, Oregon

23 I:\MOR\043MOR.ORD\dp

24  
25  
26 08/27/92:1

Meeting Date: ~~JUL 23 1992~~ ~~JUL 30 1992~~

Agenda No.: ~~R-6~~ ~~R-5~~

(Above space for Clerk's Office Use)

AUG 27 1992

R-6

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Revision to Multnomah County Code 8.10

BCC Informal July 21, 1992 (date) BCC Formal July 23, 1992 (date)

DEPARTMENT Environmental Services DIVISION Animal Control

CONTACT Mike Oswald TELEPHONE 248-3790

PERSON(S) MAKING PRESENTATION Mike Oswald

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: X

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

See attached

BOARD OF  
COUNTY COMMISSIONERS  
1992 JUL 13 PM 3:39  
MULTNOMAH COUNTY  
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER no Paul Garbargh / blw

(All accompanying documents must have required signatures)

ORDINANCE FACT SHEET

Ordinance Title: Revision to Multnomah County Code 8.10

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

SEE ATTACHED

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Clark County, Washington.

What has been the experience in other areas with this type of legislation?

Civil violation ordinances have been successful in a growing number of jurisdictions across the country. Most jurisdictions have reported that the public has found the process to be fair and acceptable. Agencies have reported increases in revenue and encouraging compliance rates.

What is the fiscal impact, if any?

Revenues are projected to increase by 100% over last year's Court Fines. The administration of the new procedure will be done by existing staff.

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: \_\_\_\_\_

Planning & Budget Division (if fiscal impact): \_\_\_\_\_

Department Manager/Elected Official: ms Paul Yarbrough/bhw

# **Administrative Hearings Ordinance**

## **Animal Control**

### **Ordinance Goals:**

1. Establish the use of a "Notice of Civil Violation" as the primary procedure for addressing violations of the animal control ordinance.
2. Create one Administrative Hearings procedure to accommodate appeals to the chapter.
  - Combines the three existing procedures: District Court; Potentially Dangerous Dog hearings; and Facility revocations.
3. Establish a three-tiered schedule of reasonable Civil fines that are commensurate to the seriousness of the violation.
4. Establish a procedure to turnover late payment and non-payment of civil fines to a collection agency; and, refer failure to comply with corrective actions that affect public safety and animal welfare to District Court.
5. Increase revenue through civil fines to help off-set operating costs for providing animal control services throughout all Jurisdictions in Multnomah County.
6. Reduce the burden currently placed on the criminal justice system to adjudicate animal control violations in District Court.
  - Reduce the District Attorney's office case preparation and prosecution workload.
  - Reduce the need to take up District Court time for animal ordinance arraignments and trials.
7. Enable the Division to use "problem solving" methods to resolve the community's animal related problems.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

An ordinance relating to animal control, creating a Notice of Infraction procedure, expanded Hearing and Appeal process, and penalties for violations of animal control regulations and amending Chapter 8.10 of the Multnomah County Code.

Underlined sections are new or replacements; ~~bracketed~~ sections are deleted.)

Multnomah County ordains as follows:

SECTION I. AMENDMENT

MCC 8.10.010(I) and (M) are amended to read as follows:

(I) "Hearings Officer" means a person appointed by the chair ~~{Board to review the director's determination that a dog has engaged in any of the behavior specified in MCC 8.10.270}~~ to hear appeals decisions of the director concerning violations of this chapter, or license denial or revocation under MCC 8.10.100 - 8.10.145.

(M) "Owner" means any person or legal entity having a possessory right in the animal. ~~{or legal entity who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person.}~~

SECTION II. AMENDMENT

The following definitions are added to MCC 8.10.010:

(Y) "Keeper" means any person or legal entity who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person.

07/23/92:1  
Mike Oswald  
Agenda Item R-6

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

1 (Z) "Minimum care" has the meaning as provided in  
2 ORS 167.310(2) (1991).

3 SECTION III. AMENDMENT.

4 MCC 8.10.010 through 8.10.910 is amended to read as follows:

5 The phrase "owner or keeper" is hereby substituted for the  
6 word "owner" wherever the latter word is used throughout this  
7 chapter excepting MCC 8.10.010(M). County Counsel is directed to  
8 make the substitution in the codification of this ordinance.

9 SECTION IV. AMENDMENT.

10 The following section is added to MCC 8.10:

11 8.10.035 Notice of Infraction

12 (A) Whenever a County animal control officer has reasonable  
13 grounds to believe that an animal or facility is in violation of  
14 this chapter, that officer shall be authorized to issue the owner  
15 or keeper notice of civil infraction containing the following  
16 information:

17 (1) The name and address, if known, of the owner or  
18 person in violation of this chapter and description of the animal,  
19 if applicable; and

20 (2) The Code section allegedly violated plus a brief  
21 descriptive statement of the nature of the violation; and

22 (3) A statement of the amount due as a civil fine for  
23 the infraction and notice that the animal is to be impounded if  
24 impoundment is authorized hereunder.

25 (4) A statement explaining all fines are due within 30  
26 days of service of the notice;

07/23/92:1

1       (5) A statement setting out the corrective action  
2 necessary to bring the condition into compliance with code, and a  
3 compliance deadline if applicable. A reasonable time to correct  
4 the infraction shall be allowed;

5       (6) A statement advising that if any required corrective  
6 action is not timely completed or any civil fine is not timely  
7 paid, the failure to comply may lead to enhancement of the original  
8 fine or additional fines;

9       (7) A statement that the determination of violation is  
10 final unless appealed by filing a written notice of appeal  
11 including a \$25 non-refundable hearing fee with the director of  
12 animal control department within twenty (20) days of the date of  
13 the notice of infraction was served.

14       (B) If the infraction is based on behavior of any dog which  
15 would subject the animal to classification under MCC 8.10.265 -  
16 8.10.285, the notice of infraction shall specify any other  
17 additional restrictions placed on the owner or keeper of the dog as  
18 required under MCC 8.10.280.

19 SECTION V.       AMENDMENT

20       The following section is added to MCC 8.10:

21       8.10.036 Service.

22       The Notice Of Infraction shall be served on the owner or  
23 keeper of the animal or facility in violation of this chapter by  
24 personal service or by certified mail with return receipt  
25 requested.

26 SECTION VI.       AMENDMENT

07/23/92:1

1 The following section is added to MCC 8.10:

2 8.10.037 Dismissal of Pet License Violations.

3 Notices of infraction issued for violations of the pet  
4 licensing requirement as set forth in 8.10.060 through 8.10.080 may  
5 be dismissed by the director upon reasonable proof that the  
6 required pet license(s) have been obtained within ten (10) days of  
7 service of the notice(s) of infraction.

8 SECTION VII. AMENDMENT

9 The following section is added to MCC 8.10:

10 8.10.038 Admission of Infraction, Conditions. Any party who  
11 is issued a notice of infraction for any offense listed under MCC  
12 8.10.900 (A) may, in lieu of requesting a hearing, admit the  
13 infraction and submit the fine as stated on the notice of  
14 infraction to the Animal Control Division. The party may attach a  
15 written explanation of mitigating circumstances with the payment of  
16 the fine. An admission of violation under this subsection shall be  
17 construed as an acceptance of all other conditions and restrictions  
18 imposed in addition to the fine, necessary to correct the  
19 infraction, as provided in the notice of infraction.

20 SECTION VII. AMENDMENT

21 MCC 8.10.050 is amended to read as follows:

22 ~~{8.10.050 State laws incorporated by reference.}~~

23 ~~In addition to provisions of this chapter regulating animals,~~  
24 ~~the following statutes shall apply in Multnomah County and shall be~~  
25 ~~enforced by the director in the same manner as though set forth~~  
26 ~~fully in this chapter, and by this reference, they are incorporated~~

07/23/92:1

1 ~~within this chapter:~~

2 ~~(A) ORS 433.340 to 433.390, relating to rabies control,~~  
3 ~~provided, however, that the term "administrator of the~~  
4 ~~health division" used therein shall mean the director of~~  
5 ~~the department of environmental services for Multnomah~~  
6 ~~County.~~

7 ~~(B) The following sections of ORS chapter 609, relating to~~  
8 ~~dogs, and no others:~~

9 ~~609.020 Dogs as personal property;~~

10 ~~609.095 When dog is public nuisance; public nuisance~~  
11 ~~prohibited; complaint;~~

12 ~~609.097 Exception to dog as public nuisance;~~

13 ~~609.140 Right of action by owner of damaged livestock;~~

14 ~~609.150 Right to kill dog that kills or injures~~  
15 ~~livestock;~~

16 ~~609.155 Impounding dog that kills or injures~~  
17 ~~livestock; testing dog; killing dog; release;~~

18 ~~609.157 Disputable presumption that dog kills or~~  
19 ~~injures livestock; and~~

20 ~~609.160 Keeping dog with knowledge that it has injured~~  
21 ~~livestock.]~~

22 8.10.050 Relationship to Certain State Statutes

23 (A) Pursuant to ORS 609.015(1), this chapter supersedes  
24 enforcement in Multnomah County of the following  
25 state statutes: ORS 609.010(2), 609.030, 609.040,  
26 609.060, 609.090, 609.092, 609.095, 609.097.

07/23/92:1

609.100, 609.110, 609.150, 609.155, 609.160,  
609.170, 609.180, 609.190.

(B) Enforcement of ORS 433.340-433.390 shall be the  
responsibility of the Director and the County  
Health Officer. Provided such enforcement  
procedures shall comply with the state law and are  
not subject to the enforcement provisions of this  
chapter.

SECTION IX. AMENDMENT

The following section is added to MCC 8.10:

8.10.054 Appeals, Fee.

(A) Any party issued a notice of infraction under this  
chapter may appeal the infraction by submitting a notice of appeal  
in writing along with the \$25 non-refundable hearing fee to the  
Animal Control Division within twenty (20) days of the date the  
notice of infraction was served on the party.

(B) Any party whose application for a facility license was  
denied or issued subject to conditions may appeal the license  
denial or conditional approval by submitting a notice of appeal in  
writing along with the \$25 non-refundable hearing fee to the Animal  
Control Division within twenty (20) days of the date the denial or  
conditional approval was mailed to the applicant by certified mail.

(C) Any party whose facility license has been revoked may  
appeal that revocation as provided in subsection (B).

SECTION X. AMENDMENT

07/23/92:1

1 The following section is added to MCC 8.10:

2 8.10.055 Hearings, Procedure.

3 (A) The board shall adopt procedural rules governing the  
4 conduct and scheduling of the appeal hearings under this chapter.

5 (B) Upon the receipt of a timely appeal, Animal Control  
6 Division shall set the matter for hearing on the next available  
7 date scheduled for Animal Control Appeals Hearings.

8 (C) Any party appealing a notice of infraction or license/  
9 denial revocation under this Chapter shall be given a written  
10 notice of the hearing date no less than ten (10) days prior to the  
11 scheduled hearing.

12 (D) The hearings officer shall hold a public hearing on any  
13 timely appeal from a notice of infraction issued under this Chapter  
14 or the denial/revocation of a facility license. The party who  
15 brought the appeal or any other person having relevant evidence  
16 concerning the nature of the infraction or license  
17 denial/revocation shall be allowed to present testimony and  
18 documentary evidence at the hearing. The hearings officer may  
19 consider mitigating or extenuating circumstances presented on  
20 behalf of a party.

21 (E) If the hearing is held to address a notice of infraction,  
22 the hearings officer shall determine whether the infraction  
23 contained in the notice did occur.

24 (F) If the hearing is held to address a facility license  
25 denial or revocation, the hearings officer shall determine whether  
26 the license was rightfully denied or revoked as provided under MCC

07/23/92:1

1 8.10.120.

2 (G) The hearings officer shall issue a written decision  
3 containing findings of fact addressing the allegations contained in  
4 the notice of infraction or the license denial revocation under MCC  
5 8.10.100 - 8.10.145. The decision shall clearly state the hearings  
6 officer's conclusion and the reasoning based on the findings of  
7 fact. The decision shall be signed and dated by the Hearings  
8 Officer and shall be served by personal service or certified mail  
9 to the last known address of the party who filed the appeal. The  
10 decision shall be final on the date of mailing.

11 (H) In all appeals under this Chapter the Hearings Officer  
12 shall have discretion ordering restrictions and penalties, except  
13 for the mandatory minimum fine penalties as provided under MCC  
14 8.10.900, which are not subject to waiver upon the entry of a  
15 decision upholding a notice of infraction.

16 (I) Failure of a party to file an appeal as provided in this  
17 section or unexcused failure of a party to appear at a duly  
18 scheduled hearing shall constitute a waiver by the party of any  
19 further appeal under this Chapter. Upon the entry of a waiver in  
20 the record, the last decision issued by the Animal Control Division  
21 shall become final.

22 SECTION XI.

23 The following section is added to MCC 8.10:

24 8.10.056 Stay of Enforcement, Exceptions.

25 (A) Enforcement of any notice of infraction or decision of  
26 the director shall be stayed during the pendency of an appeal.

07/23/92:1

1 except:

2 1. Restrictions placed on animal owner or keeper by the  
3 director under MCC 8.10.265 through 8.10.280; or

4 2. The impoundment of an animal as required under this  
5 Chapter or because it was necessary for the protection of the  
6 animal under MCC 8.10.040.

7 (B) Notwithstanding paragraph (A) of this subsection, in any  
8 case wherein the subject animal has been impounded and is to be  
9  euthanized pursuant to a hearings officer's decision, a party  
10  seeking a Writ of Review under ORS 34.010 to 34.100 of that  
11  decision, may obtain a stay of the destruction of the animal  
12  pending the resolution of the Writ of Review proceeding only as  
13  provided in this paragraph. The party shall submit a written  
14  notice to the Director within fifteen (15) days of the date of the  
15  Hearings Officer's decision of the party's intent to file a Writ of  
16  Review. The written notice shall be submitted with a deposit as  
17  required under MCC 8.10.057(B), if applicable.

18 (C) In any case subject to paragraph (B), the written notice  
19  to the director shall stay the destruction of the animal until a  
20  date not less than fifteen (15) days after final judgment by the  
21  court or the party's rights have expired under ORS 34.030.

22 SECTION XII. AMENDMENT

23 The following section is added to MCC 8.10.

24 8.10.057 Impoundment of Animals Pending Appeals, Fees.

25 (A) In any appeal wherein the subject animal has been  
26  impounded pending appeal of the notice of infraction to the

07/23/92:1

1 hearings officer, the owner or keeper of the animal shall be  
2 required to post a deposit with the director in the amount of \$100  
3 at the time an appeal is requested to apply towards the expense of  
4 sheltering the animal during the appeal process.

5 (B) If an animal not previously impounded under this Chapter  
6 is subsequently ordered to be impounded by a Hearings Officer and  
7 the owner or keeper appeals the Hearings Officer's decision by Writ  
8 of review to the Circuit Court, the owner or keeper of the animal  
9 shall be required to post a deposit with the director in the amount  
10 of \$100 at the time the notice of intent to file the Writ of Review  
11 is submitted under MCC 8.10.056(B) to apply towards the expense of  
12 sheltering the animal during the pendency of the Writ of Review  
13 proceeding.

14 (C) In either situation described above in a subsection (A)  
15 or (B), if the finding of a violation is upheld on appeal, the  
16 animal's owner or keeper shall be liable for the cost of the  
17 animal's impoundment and shall pay all fees incurred for sheltering  
18 and caring for the animal, or forfeit any amount remaining of the  
19 original deposit. If the Animal Control Division's finding is  
20 reversed on appeal the deposit shall be refunded.

21 SECTION XIII. AMENDMENT

22 MCC 8.10.120 is amended to read as follows:

23 8.10.120 Denial and revocation of licenses; ~~{appeals.}~~

24 (A) A license required by MCC 8.10.100 to 8.10.140 may be  
25 denied or revoked for any of the following reasons:

26 (1) Failure to comply substantially with any provision

07/23/92:1

1 of this chapter.

2 (2) Conviction of the owner or any person subject to the  
3 owner's direction or control for the infraction of any provision of  
4 this chapter or other applicable state or federal law, rule, order  
5 or regulation pertaining to any activity relating to animals.

6 (3) Furnishing false information on an application for  
7 a license under this chapter.

8 (B) The director shall refund 50 percent of any fee paid upon  
9 denial of a license, provided, however, no refund shall be made  
10 upon revocation.

11 (C) If the Director denies an application for a license ~~{is~~  
12 ~~denied,}~~ or approve~~{d}~~s subject to conditions, the determination is  
13 final unless the applicant ~~{may}~~ appeals the denial or conditional  
14 approval. ~~{to the Board of County Commissioners by filing a written~~  
15 ~~request including the \$25 appeal fee, within 15 days of the date~~  
16 ~~denial or conditional approval was mailed to the applicant by~~  
17 ~~certified mail.}~~

18 (D) The director shall investigate any complaint concerning  
19 licensed facilities and, upon determination that a license should  
20 be revoked, shall serve written notice upon the licensee of that  
21 determination by certified mail. ~~{and schedule a hearing at which~~  
22 ~~the licensee may appear and be heard. The hearing shall be public,~~  
23 ~~and notice of the hearing shall be mailed to the licensee by~~  
24 ~~certified mail no later than 10 days before the date of the~~  
25 ~~hearing.}~~ The director's determination shall become final unless  
26 appealed.

07/23/92:1

1       ~~(E) {If the director confirms the revocation, the holder of~~  
2 ~~a revoked license may appeal the revocation to the Board of County~~  
3 ~~Commissioners by filing a written request to the director within 15~~  
4 ~~days after notice of the director's determination of revocation was~~  
5 ~~mailed by certified mail.}~~ Failure to file a timely request shall  
6 terminate any appeal right, and the director's decision revoking  
7 the license shall not be reviewable otherwise.

8       ~~{(F) A hearing upon an appeal under subsection (C) or (E) of~~  
9 ~~this section shall be conducted by the Board of County~~  
10 ~~Commissioners within 30 days of the request, with notice to be~~  
11 ~~mailed to the applicant by certified mail no later than 10 days~~  
12 ~~prior to the hearing, provided, however, that the board may refer~~  
13 ~~the matter to a hearings officer for the purpose of taking~~  
14 ~~evidence, making findings of fact and law and making~~  
15 ~~recommendations to the board, which shall act on any~~  
16 ~~recommendations within the time fixed in this subsection.}~~

17       ~~{(G) A decision of the Board of County Commissioners resulting~~  
18 ~~from any appeal under this section shall be reviewable only as~~  
19 ~~provided in ORS Chapter 34 and not otherwise.}~~ [Ord. 156 s V 3  
20 (1977)]

21       SECTION XIV. AMENDMENT.

22       MCC 8.10.190 (B)(7), (B)(9), (B)(11), and (B)(12) are amended  
23 to read as follows:

24       8.10.190(B)(7) Leave an animal unattended for more than 24  
25 consecutive hours without ~~{adequate}~~ minimum care.

26       8.10.190(B)(9) Physically mistreat any animal either by

07/23/92:1

1 deliberate abuse or neglect to furnish ~~{adequate}~~ minimum care,  
2 including medical care.

3 ~~{8.10.190(B)(11) Fail to comply with the regulations~~  
4 ~~applicable to potentially dangerous dogs.}~~

5 8.10.190(B)(11) Permit any dog to engage in any of the  
6 behaviors described in MCC 8.10.270(A) or (B).

7 8.10.190(B)(12) Permit any dog to engage in any of the  
8 behaviors described in MCC 8.10.270(C) through 8.10.270(E);

9 SECTION XV

10 MCC 8.10.191: Failure to Comply; Enforcement

11 (A) The failure to comply with any conditions or restrictions  
12 or other corrective action lawfully imposed pursuant to  
13 a notice of infraction not otherwise stayed under MCC  
14 8.10.056 is a violation of this chapter. Failure to pay  
15 the civil fine shall be a infraction under this section.  
16 A notice of infraction issued under this section for  
17 failure to comply shall be of the same classification as  
18 the original infraction. The first notice of infraction  
19 issued under this section shall not be construed as a  
20 second offense under MCC 8.10.900(B).

21 (B) Except as provided in MCC 8.10.191(C), all enforcement  
22 actions under this section shall be brought before  
23 Hearings Officers.

24 (C) Any enforcement action for failure to comply wherein the  
25 circumstances of the failure to comply by the party in  
26 violation are determined by the director to:

07/23/92:1

- 1) Be a substantial risk to public safety; or
  - 2) Be a substantial risk to the care and treatment of the subject animal(s); or
  - 3) Be a failure to pay past-due fines on three or more infractions within a 12-month period;
- shall be brought in the State Court as provided under ORS 203.810 and ORS 30.315.

SECTION XVI. AMENDMENT.

MCC 8.10.275 is amended to read as follows:

8.10.275 Potentially dangerous dogs; appeals; restrictions pending appeal.

~~{(A) The director shall have authority} to determine whether any dog has engaged in the behaviors specified. in MCC 8.10.270. This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's control of the dog, and other relevant evidence as determined by the director. These observations and testimony can be provided by Multnomah County animal control officers or by other witnesses who personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior of necessary.}~~

~~{(B)}~~ {(A)} The director shall have the discretion to increase or decrease a classified dogs restrictions based upon relevant circumstances.

07/23/92:1

1       ~~{(C) [The director shall give the dog's owner written notice~~  
2 ~~by certified mail or personal service of the dog's specified~~  
3 ~~behavior, of the dog's classification as a potentially dangerous~~  
4 ~~dog and of the restrictions applicable to that dog by reason of its~~  
5 ~~classification. If the owner denies that the behavior in question~~  
6 ~~occurred, the owner may appeal the director's decision to the~~  
7 ~~Hearings Officer by filing a written request for a hearing with the~~  
8 ~~director within ten (10) days of the notice was mailed to the owner~~  
9 ~~by certified mail or the owner was personally served. Level 1~~  
10 ~~classifications are not appealable. The director shall establish~~  
11 ~~a non-refundable appeal fee of not less than \$25 that must~~  
12 ~~accompany the written request for appeal. Failure to meet all~~  
13 ~~appeal requirements within ten (10) days shall result in the~~  
14 ~~classification being final.]~~

15       ~~{(D) [The Hearings Officer shall hold a public hearing on any~~  
16 ~~appeal from the director's decision to classify a dog as~~  
17 ~~potentially dangerous. The owner shall be mailed written notice of~~  
18 ~~the appeal hearing no less than seven (7) days prior to the~~  
19 ~~hearing. The owner and any other persons having relevant evidence~~  
20 ~~concerning the dog's behavior as specified in MCC 8.10.270 shall be~~  
21 ~~allowed to present testimony and documentary evidence at the~~  
22 ~~hearing. The Hearings Officer shall determine whether behavior~~  
23 ~~specified in MCC 8.10.270 was exhibited by the dog in question.~~  
24 ~~The Hearings Officer may reduce or increase the classification~~  
25 ~~level. The Hearings Officer shall have discretion ordering~~  
26 ~~restrictions. The order shall state what, if any, level of~~

07/23/92:1

1 ~~classification has been applied and shall impose the applicable~~  
2 ~~restrictions under this code. The order shall be signed and dated~~  
3 ~~by the Hearings Officer and shall be mailed to the last known~~  
4 ~~address of the owner and any person who gave testimony at the~~  
5 ~~appeal hearing. The order shall be final on the date of mailing.]~~

6       ~~{(E)}~~ (B) Upon receipt of notice of the dog's classification  
7 as a Level 1, 2, 3, or 4 potentially dangerous dog ~~{pursuant to~~  
8 ~~subsection (C) of this section,}~~ by the notice of infraction the  
9 owner shall comply with the restrictions specified in the notice  
10 unless ~~{as the director's decision is}~~ reversed on appeal. Failure  
11 to comply with the specified restrictions shall be a violation of  
12 this chapter for which a fine can be imposed. Additionally, the  
13 director shall have authority to impound the dog pending completion  
14 of all appeals.

15       ~~{(F)}~~ (D) If ~~{the director}~~ the notice of infraction or the  
16 Hearings Officer's decision finds that a dog has engaged in Level  
17 5 behavior, the dog shall be impounded pending the completion of  
18 any appeals. ~~{In addition to the appeal fee set forth in MCC~~  
19 ~~8.10.275(C) the owner shall be required to post a deposit with the~~  
20 ~~director in the amount of \$100, at the time an appeal is requested~~  
21 ~~to apply towards the expenses of sheltering the dog during the~~  
22 ~~appeal process. If the director's decision is upheld on appeal,~~  
23 ~~the dog's owner shall be liable for the cost of the dog's~~  
24 ~~impoundment, and the owner shall pay all fees incurred for the~~  
25 ~~sheltering of the dog or forfeit the deposit. If the director's~~  
26 ~~decision to classify the dog as a potentially dangerous dog is~~

07/23/92:1

1 ~~reversed, the deposit shall be refunded.]~~

2 ~~{(G) The Board shall adopt procedural rules governing the~~  
3 ~~scheduling of the appeals provided for in this section.]~~

4 ~~{(H) The imposition of regulations pursuant to this section~~  
5 ~~shall be prevent the director from also issuing a citation pursuant~~  
6 ~~to MCC 8.10.900.} [Ord 517 s 3 (1986); Ord 550 s 2 (1987); Ord~~  
7 ~~591 s 3 (1988)]~~

8 SECTION XVII. AMENDMENT.

9 MCC 8.10.280 is amended to read as follows:

10 8.10.280 Regulation of potentially dangerous dogs. In addition to  
11 the other requirements of MCC Chapter 8.10, the owner or keeper of  
12 a potentially dangerous dog shall comply with the following:

13 (A) Dogs classified as Level 1 dogs shall be restrained in  
14 accordance with MCC 8.10.010(B) by a physical device or structure,  
15 in a manner that prevents the dog from reaching any public  
16 sidewalk, or adjoining property and must be located so as not to  
17 interfere with the public's legal access to the owner's property,  
18 whenever that dog is outside the owner's home and not on a leash.

19 (B) Dogs classified as Level 2 dogs shall be confined within  
20 a secure enclosure whenever the dog is not on a leash or inside the  
21 home of the owner. The secure enclosure must be located so as not  
22 to interfere with the public's legal access to the owner's  
23 property. In addition, the director may require the owner to  
24 obtain and maintain proof of public liability insurance. In  
25 addition, the owner may be required to pass a responsible pet  
26 ownership test administered by the director.

07/23/92:1

1 (C) Dogs classified as Level 3 or Level 4 dogs shall be  
2 confined within a secure enclosure whenever the dog is not on a  
3 leash or inside the home of the owner. The secure enclosure must  
4 be located so as not to interfere with the public's legal access to  
5 the owner's property, and the owner shall post warning signs, which  
6 are provided by the director, on the property where the dog is  
7 kept, in conformance with rules to be adopted by the director. In  
8 addition, the director may require the owner to obtain and maintain  
9 proof of public liability insurance. the owner shall not permit  
10 the dog to be off the owner's property unless the dog is muzzled  
11 and restrained by and adequate leash and under the control of a  
12 capable person. In addition, the director may require the owner to  
13 satisfactorily complete a pet ownership program.

14 (D) Dogs classified as Level 5 dogs as described in  
15 MCC 8.10.270 shall be euthanized. In addition, the director may  
16 suspend, for a period of time specified by the director, that dog  
17 owner's right to be the owner of any dog in Multnomah County,  
18 including dogs currently owned by that person.

19 (E) All dogs classified as Level 5 potentially dangerous dogs  
20 shall be euthanized at any time not less than [~~ten (10)~~] twenty  
21 (20) days after the date of classification [~~by the director~~].  
22 Notification to the director of any appeal to the Hearings Officer  
23 as provided for in MCC [~~8.10.275(B)~~] 8.10.054(A) or to any court of  
24 competent jurisdiction shall delay destruction of the dog until a  
25 date not less than [~~ten (10)~~] fifteen (15) days after a final  
26 decision by the Hearings Officer or final judgment by the court.

07/23/92:1

1 (F) To insure correct identification, all dogs that have been  
2 classified as potentially dangerous may be marked with a permanent  
3 identifying mark, photographed, or fitted with a special tag or  
4 collar provided by the director. The director shall adopt rules  
5 specifying the type of required identification.

6 (G) In addition to the normal licensing fees established by  
7 MCC 8.10.220(A)(1) and (2), there shall be an annual fee of \$15 for  
8 dogs that have been classified as potentially dangerous. This  
9 additional fee shall be imposed at the time of classification of  
10 the potentially dangerous dog, and shall be payable within 30 days  
11 of notification by the director. Annual payment of this additional  
12 fee shall be payable within 30 days of notification by the  
13 director.

14 (H) The owner of a potentially dangerous dog shall not permit  
15 the warning sign to be removed from the secure enclosure, and shall  
16 not permit the special tag or collar from being removed from the  
17 classified dog. The owner of a potentially dangerous dog shall not  
18 permit the dog to be moved to a new address or change owners  
19 without providing the director with ten (10) days prior written  
20 notification.

21 (I) Declassification of potentially dangerous dogs. Any  
22 owner of a classified potentially dangerous dog may apply to the  
23 director or the hearings officer, in writing, to have the  
24 restrictions reduced or removed.

25 (1) The following conditions must be met:

26 (a) Level 1 or Level 2 dog has been classified for

07/23/92:1

1 {two} one years without further incident, or {five} two years for  
2 Level 3 or Level 4 dogs; and

3 (b) The owner provides the director with written  
4 certification of satisfactory completion of obedience training for  
5 the dog classified; and

6 (c) There have been no violations of the specified  
7 regulations; and

8 (d) In addition, the director may require the dog  
9 owner to provide written verification that the classified dog has  
10 been spayed or neutered.

11 (e) Any reclassification request submitted under  
12 this subsection must include \$25 review fee.

13 (2) When the owner of a potentially dangerous dog meets  
14 all of the conditions in this subsection, the restrictions for  
15 Level 1 and Level 2 classified dogs may be removed. Restrictions  
16 for Level 3 and Level 4 dogs may be removed, with the exception of  
17 the secure enclosure. ~~{Ord 517 s 3 (1986); Ord 591 s 4 (1988)}~~

18 SECTION XVIII. AMENDMENT

19 MCC 8.10.900 is amended to read as follows:

20 8.10.900 Penalties, generally. ~~{Offenses committed in violation~~  
21 ~~of provisions of this chapter shall be prosecuted in the manner~~  
22 ~~provided in ORS 203.810. conviction of a violation of any~~  
23 ~~provision of this chapter not specifically listed in MCC 8.10.900~~  
24 ~~to 8.10.940, shall be subject to a fine not to exceed}~~

25 (A) Violations of the provisions of this chapter shall be  
26 classified as provided below.

07/23/92:1

1 (1) Class A infractions. Violations of the following  
2 sections or subsections shall be Class A infractions:

- 3 (a) MCC 8.10.030
- 4 (b) MCC 8.10.180
- 5 (c) MCC 8.10.190 (B)(3)
- 6 (d) MCC 8.10.190 (B)(8)
- 7 (e) MCC 8.10.190 (B)(9)
- 8 (f) MCC 8.10.190 (B)(10)
- 9 (g) MCC 8.10.190 (B)(12)
- 10 (h) MCC 8.10.200

11 (2) Class B Infractions: Violations of the following  
12 sections or subsections of this chapter shall be Class B  
13 infractions:

- 14 (a) 8.10.150
- 15 (b) 8.10.155
- 16 (c) 8.10.190(B)(4)
- 17 (d) 8.10.190(B)(5)
- 18 (e) 8.10.190(B)(6)
- 19 (f) 8.10.190(B)(7)
- 20 (g) 8.10.190(B)(11)

21 (3) Class C Infractions. Infractions of the following  
22 sections or subsections of this chapter shall be Class C  
23 infractions:

- 24 (a) 8.10.070
- 25 (b) 8.10.170
- 26 (c) 8.10.190(B)(1)

07/23/92:1

1 (d) 8.10.190(B)(2)

2 (e) 8.10.210

3 (4) Any other violation of this chapter not listed in  
4 this subsection shall be a Class A infraction.

5 (B) Fines:

6 (1) Class A Infraction. A fine for Class A infraction  
7 shall be no less than \$100 nor more than \$500 for a first offense.  
8 The fine for a second Class A infraction committed within 12 months  
9 from the date that the first offense was committed shall be no less  
10 than \$200, nor more than \$500. The fine for a third Class A  
11 infraction committed within 12 months from the date that the first  
12 offense was committed, the fine shall be not less than \$500.

13 (2) Class B Infraction. A fine for Class B infraction  
14 shall be no less than \$50 nor more than \$250 for a first offense.  
15 If the violator committed either a Class A or B infraction within  
16 the 12 month period immediately prior to the date of the second  
17 infraction, the fine shall be no less than \$100 nor more than \$250.  
18 If the violator has committed two or more Class A or B infractions  
19 within the twelve month period immediately prior to the date of the  
20 most recent notice of infraction for a Class B infraction, the fine  
21 shall be \$250.

22 (3) Class C Infractions: A fine for a Class C  
23 infraction shall be no less than \$25 nor greater than \$150 for a  
24 first offense. If the violator has committed a class A, B, or C  
25 infraction within the 12 month period immediately prior to the date  
26 of the second infraction, the fine shall be no less than \$50 nor

07/23/92:1

1 more than \$150. If the violator has committed two or more Class A,  
2 B, or C infractions within the 12-month period immediately prior to  
3 the date of the most recent notice of infraction for a Class C  
4 infraction, the fine shall be \$150.

5 (C) Additional Conditions and Restrictions. In addition to  
6 the monetary civil penalties imposed for infractions of this  
7 chapter, the Director and the Hearings Officer shall have authority  
8 to order additional restrictions and conditions upon the party in  
9 violation, including but not limited to:

10 (1) Require the violator to satisfactorily complete an  
11 obedience program approved by the Director or Hearings Officer at  
12 owner's expense;

13 (2) Require the violator to attend a responsible pet  
14 ownership program adopted and/or approved by the Director or  
15 Hearings Officer, at the violator's expense;

16 (3) Require the owner or keeper of an animal that  
17 unreasonably causes annoyance, as described in 8.10.190 (B)(6), to  
18 keep the animal inside the owner or keeper's residence between the  
19 hours of 10:00 p.m. and 7:00 a.m.;

20 (4) Suspend for a period of time determined by the  
21 Director or Hearings Officer not to exceed five years, that  
22 person's right to be a licensed owner or keeper of any dog or cat  
23 in Multnomah County, including animals currently owned by that  
24 person;

25 (5) Any other condition(s) that would reasonably abate  
26 the infraction;

07/23/92:1

1           (6) Require the owner or keeper to have the animal  
2 surgically sterilized within a time period determined by the  
3 director or Hearings Officer.

4           (D) Late Payment Penalties. If a civil penalty is unpaid  
5 between 30 and 60 days, the fine then due shall be double the  
6 original amount on the notice of infraction.

7           (E) At the discretion of the director, any civil penalty(ies)  
8 not paid within thirty (30) days from the date of issuance of the  
9 notice of infraction may be assigned to a collections agency for  
10 collection.

11           (F) Ten percent (10%) of the fines and penalties collected  
12 under this chapter shall be placed in a separate fund for the  
13 purpose of providing training for animal control personnel.

14 SECTION XIX.    AMENDMENT

15           MCC 8.10.910 is amended to read as follows:

16           8.10.910 Facilities:       operation without license or in  
17 violation of license standards.

18           (A) ~~{Any person convicted of operating}~~ The operation of a  
19 facility without a license for which licensing is required under  
20 MCC 8.10.100 to 8.10.145 shall be {subject to a fine not to exceed  
21 \$500} a Class A infraction, and, in addition, the {court} director  
22 or hearings officer may order removal of all animals housed in the  
23 facility which exceed the number allowed under this chapter and  
24 require them to be removed from the County or to be impounded  
25 subject to ~~{subsection (D) of MCC 8.10.040.}~~ MCC 8.10.040(D).

26           8.10.910(B)

07/23/92:1

1 ~~{Any person holding a facility license issued under MCC~~  
 2 ~~8.10.100 to 8.10.145 who is convicted of violation of any provision~~  
 3 ~~of this chapter applicable to that license or the care of animals~~  
 4 ~~housed in the facility, shall, in addition to the revocation~~  
 5 ~~proceedings provided in MCC 8.10.100 to 8.10.145, be subject to a~~  
 6 ~~fine not to exceed \$500, and in addition, the court may order~~  
 7 ~~removal of any or all animals from the facility for impoundment~~  
 8 ~~subject to subsection (D) of MCC 8.10.140. Ord. 156 s. VIII-2~~  
 9 ~~1977)}~~ The operation of a facility by a person holding a facility  
 10 license under MCC 8.10.100 to 8.10.145, in violation of any  
 11 provision of this chapter applicable to that license or to the care  
 12 of the animals housed in the facility, shall be a Class A  
 13 infraction; and in addition the director or hearings officer may  
 14 order removal of any or all animals from the facility for  
 15 impoundment subject to MCC 8.10.040(D).

16 SECTION XX. AMENDMENT

17 Sections MCC 8.10.920 through MCC 8.10.950 are repealed.

18 ~~{8.10.920 Poisonous food penalty. Any person convicted of~~  
 19 ~~violation of MCC 8.10.180, shall be subject to imprisonment for not~~  
 20 ~~more than one year and a fine not to exceed \$1,000 or both. Ord.~~  
 21 ~~156 s. VIII-3 (1977)}~~

22 ~~{8.10.930 Animal owner regulation violations. Any person~~  
 23 ~~convicted of violation of MCC 8.10.190, shall be subject to a fine~~  
 24 ~~not to exceed \$500, and the court in its discretion may also order~~  
 25 ~~destruction of the animals involved, subject to subsection (D) of~~  
 26 ~~MCC 8.10.040 or surgical sterilization of any animal or appropriate~~

07/23/92:1

1 ~~procedure to render an animal mute. Additionally, appropriate~~  
2 ~~procedure to render an animal mute. Additionally, the court in its~~  
3 ~~discretion may suspend, for a period of time specified by the~~  
4 ~~court, that person's right to be the owner of any dog in Multnomah~~  
5 ~~County, including dogs currently owned by that person. Ord. 156 s.~~  
6 ~~VII 4 (1977); Ord. 417 s. 5 (1986)}~~

7 ~~{8.10.940 Penalty for keeping gamecocks, animal fights and~~  
8 ~~fight training.}~~

9 ~~{(A) Any person convicted of violation of MCC 8.10.200, shall~~  
10 ~~be subject to a fine not to exceed \$500, and the court may order~~  
11 ~~impoundment of any animal caused to be engaged in the prohibited~~  
12 ~~conduct, which animal may be disposed of by the director.}~~

13 ~~{(B) Any person previously convicted under this section shall~~  
14 ~~be subject to punishment by imprisonment for a term of not more~~  
15 ~~than one year and a fine not to exceed \$1,000 or both. Ord. 156 s.~~  
16 ~~VIII 5 (1977).}~~

17 ~~{8.10.950 Penalty for violation of potentially dangerous dog~~  
18 ~~requirements.}~~

19 ~~{In addition to the provisions of MCC 8.10.930, any person~~  
20 ~~convicted of violating MCC 8.10.190 (B) (11) and (12) shall be~~  
21 ~~subject to a minimum fine of \$100 for the first offense; and a~~  
22 ~~minimum fine of \$500 for any subsequent offense. Minimum fines~~  
23 ~~shall not be suspendable by the court. Ord. 591 s. 6 (1988).}~~

24 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1992, being  
25 the date of its \_\_\_\_\_ reading before the Board of County  
26 Commissioners of Multnomah County, Oregon.

07/23/92:1

1 (SEAL)

2  
3 Gladys McCoy, Chair  
Multnomah County, Oregon

4 REVIEWED:

5 By *Matthew O. Ryan*  
6 Matthew O. Ryan, Assistant County Counsel  
7 For Multnomah County, Oregon

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07/23/92:1

*Regular meeting  
8-27-92  
Agenda #2  
R-6*

Board of County Commissioners  
Room 605, County Courthouse  
1021 S.W. Fourth Avenue  
Portland, Oregon 97204

As a former Animal Control Officer, I find it very hard to believe that the County Council is even considering passing an ordinance like the one before you now.

As a citizen of Multnomah County, and the U.S., I consider what you are doing a violation of the U.S. Constitution under the FIFTH and FOURTEENTH AMENDMENTS by depriving the accused, due-process of law.

My question to you all, is how can you in good faith charge a person \$25.00 to have the right to prove to a Hearings Officer that no violation has been committed. It has always been my understanding that it was up to the System to prove GUILT, once proven then a fine assessed.

As I understand the new process, once accused of a violation the owner has to post a \$25.00 hearing fee, which is not refundable even if found not guilty. If found guilty, the pet owner will be fined another \$25.00 on top of the hearings fee, plus losing a days work, which could add up to another \$30.00 to \$50.00, now making the fine or lose of money at or near \$100.00. WHO CAN AFFORD THAT KIND OF MONEY.

Multnomah County Animal Control officials are hoping to make it as hard as possible for the owner, so that there will be very few persons willing fight through the system. I was amazed with how clearly Ms. McCoy picked up on the fact that if the hearings fee were refunded to the owner upon being found not guilty, the cost would then fall Multnomah County Animal control. A cost that she was willing to pass on to the innocent.

No one should be forced to pay for the right to prove that they have not violated any law. As I stated 7-30-92 MCAC is very upset with the Judicial System, and it's handling of the citations that were being processed through the Courts. As a Officer with MCAC I stood before no less that Five Judges in three and a half years. Some of the Judges belived in Animal Control some didn't, some enforced the laws most didn't.

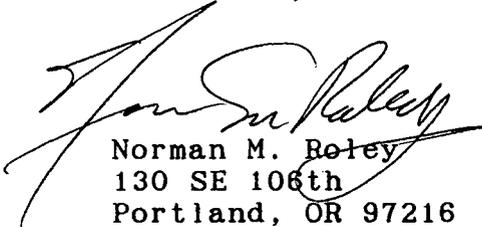
The straw that broke the camels back was an incident where an owner was cited a number of times for a violation, found guilty four times, placed on a six month bench probation. This very same owner was cited for violation of the bench probation, fined \$500.00, then had \$499.96 suspended and paid 4 cents total. What message do you think MCAC received from the Judge that handed down that decision.

Given all this information, it is not hard to see why Mr. Oswald and Mr. Flagler are trying to push this process through the County Council. Both want to hire a hearings officer that will sit on a process that will be a no win situation for the PET OWNERS, COUNTY COUNCIL, but will be a WIND Fall for MCAC, which will profit whether the owner is GUILTY or not.

Mr. Oswald stated that he would like to run the hearings process like the Potentially Dangerous Dog hearings process. The one big difference in the two hearings processes is that in the (PDD) hearings process you have an owner who is requesting a hearing on a animal that has been a proven threat, by having gone through the judicial process and having been found guilty of a violation in the courts. What the owner is trying to do is get the PDD level dropped or reduced by showing the hearings officer that there were extenuating circumstances in the case, that would preclude the animal from being classified a PDD Animal.

Ms. McCoy stated twice that the county needed to cut \$5,000,000 from the budget. When I was a officer I made several recommendations on how MCAC could save money and generate funds that would help release the dependence on the general fund money provided by the County Budget. With the implementation of some of my suggestions MCAC could almost be self supporting, thus releaving the drain on the general fund. If the prospect of this is interesting to you please feel free to contact me.

THANK YOU,



Norman M. Rokey  
130 SE 106th  
Portland, OR 97216  
503-253-2186 (home)  
505-248-5233 (work)

## FIVE WAYS TO INCREASE REVENUES FOR OPERATION OF MCAC

Facts as of 1989:

Estimated number of calls MCAC responds to that require owner contact..	24,000
Estimated number of dogs in Multnomah County.	104,000
Estimated number of cats in Multnomah County.	125,000
Number of (PDD) Potentially Dangerous Dogs.	1,652
Number of Citations and Warning Notices issued.	4,400

These numbers will have increased about 7 to 10 percent in the last three years, due to the increase in the population in Multnomah County.

By requiring all (ACO's) Animal Control Officers, to clear all (SRC') Service Request Cards with either a Warning Notice number, Citation Number, or a License Number, MCAC could increase the over all number of animals that are licensed by at least 24,000 to 36,000 each year, that could bring in \$240,000 to \$360,00 every year if the cost of a license were only \$10.00.

MCAC has a policy that allows for a higher price on a license for all dogs that have been classified PDD, by collecting the back license fees, and getting current with the present fees, MCAC could collect another \$33,000 to \$38,000 a year, every year until the dog has been declassified.

By MCAC making the license more affordable to the public, and educating the public on licensing laws, they could raise enough money every year to run Animal Control without the need for money from the General fund. Ms. McCoy states that Multnomah County needs to cut \$5,000,000 from the budget this next year, and I have a plan that could allow Animal Control to be free of Public assistance, and self supporting every year.

- 1) A dog license is \$10.00 and \$25.00, and a cat license will be \$5.00 and \$15.00. Over \$2,000,000 could be raised each year if only 50 % were licensed. Each license would expire on December 31st each year, and all animals would have to be licensed by February 15th of the following year, or there would be a late fee of \$25.00 added to the license cost. This fee would be doubled every year the owner did not comply. Violators would pay for the cost of following up on non compliance.
- 2) If an animal is impounded, there would be no impound fee for first time violators, as long as the animal has a current license. If not currently licensed when impounded there would be a \$15.00 impound fee, as well as the cost of a license, and a \$50,00 Rabies deposit. MCAC has almost 500 rabies follow up notices on animals where the owner never came into compliance with the laws. A\$50.00 deposit would help pay for any follow up that was needed, this could take as long as 10 hours of county time.

- 3) Collect the past and current fees on the PDD classified animals. This amount will increase each year because of the number of animals that will be classified every year. Fees could be set at \$25.00 for all Level # 3 and # 4 dog, and a \$15.00 Fee for all Level # 1 and # 2.
- 4) Hire another Field Aid (FA). This would allow for seven days a week coverage for impounding stray, sick, and injured animals. By working the FA's four day work weeks ten hours a day, and by working a later work day this would cut the need for a private service contractor for as many hours, allowing for some of the FA's wage. This would also allow the officers to work more in their districts, thus giving them more time to answer their request for service, and reducing the back log of calls.
- 5) Reduce the number of Field Supervisors by one. Put that officer back into the field raising the number of officers to twelve, cutting the work load for all officers and giving the public better service. The remaining Field Supervisor would work a five day a week, starting later in the day. On weekends the senior officer would be an acting Field Supervisor.

Simply doing these five things, will allow MCAC to become self supporting in less that a year. The harder MCAC works at getting the number of animals licensed every year, the sooner it will be able to cut the strings from the general funds purse. This will allow MCAC to function each year without fear of losing their funding. MCAC will not be forced to depend on money that is received from court fines. There will be no need for a hearing officer process, because MCAC will have the funding to cover the court time, which will allow the court system to work without being pressured to make money to keep Animal Control funded.

Everyone will win in this situation, MCAC will have the funding, owners of pets will know that their pets will be well cared for, the public will get better service, without having to pay for it out of their own pockets, and the Multnomah County Council will be looking good.

#### FUNDING AMOUNTS

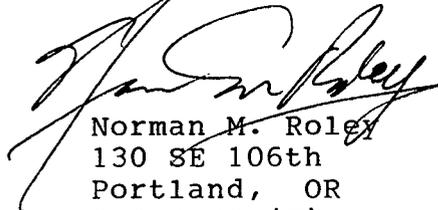
License Money from only 50% of animals	\$2,000,000
PDD License fees	\$ 25,000
Money received from repeat violators	\$ 15,000
Money received from Court Fines	\$ 18,000
Money saved on cutting a position (Field Super)	\$ 10,000
Money Saved by adding a position (FA)	\$ 30,000
TOTAL	<u>2,098,000</u>

One last thing that could really help the funding of all Animal Control Systems in the State of Oregon, would be to put a  $\frac{1}{2}$ ¢ a can tax on all pet food, and 2¢ added on to the price of a bag of dog food for every 10 pounds purchased. This could add up to about \$275,000 each year for Multnomah County alone.

If you add all this together, and take into consideration that there could have been a 10% error, Multnomah County Animal Control could through hard work and changing their attitude towards dealing with the public, and providing good service, stands to make as much as \$2,400,000 each year. Their budget is only \$1,875,000.

This is only a rough outline of what could be, I would be more than happy to sit down with the County Council, or Mike Oswald to show where I got the figures, and show how it could be done within the next six to eight months.

THANK YOU



Norman M. Roley  
130 SE 106th  
Portland, OR  
256-2186 (H)  
248-5233 (W)



MULTNOMAH COUNTY ANIMAL CONTROL  
RABIES DEPOSIT FOLLOW-UP

Name Luis Alvarado Address 5205 N. Montana, Ptld  
 Phone # 284-2757 DOB 8-9-38 ODL 3549066  
 Date of Redemption 8-11-89 Breed Dobie x  
 Color blk/brn Sex M Invalid License # 807679  
 Date Letter Sent 8-29-89 Date to Field 9-18-89  
 ACTION TAKEN: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Rabies Certificate Info: \_\_\_\_\_ / \_\_\_\_\_  
 (If applicable) Expiration Date Veterinary Clinic  
 Officer's Name \_\_\_\_\_ Date \_\_\_\_\_

A/C-45



MULTNOMAH COUNTY ANIMAL CONTROL  
RABIES DEPOSIT FOLLOW-UP

Name William Bates Address 2148 N. Bryant, Ptld  
 Phone # 285-9546 DOB 11-30-54 ODL 1928364  
 Date of Redemption 8-4-89 Breed Shep x  
 Color blk/tan Sex F/S Invalid License # 759153  
 Date Letter Sent 8-29-89 Date to Field 9-18-89  
 ACTION TAKEN: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Rabies Certificate Info: \_\_\_\_\_ / \_\_\_\_\_  
 (If applicable) Expiration Date Veterinary Clinic  
 Officer's Name \_\_\_\_\_ Date \_\_\_\_\_

A/C-45



MULTNOMAH COUNTY ANIMAL CONTROL

RABIES DEPOSIT FOLLOW-UP

Name Mary Stew Address 914 N Roselawen  
 Phone # 287-303 DOB 8-11-15 ODL 7354  
 Date of Redemption 12-13-88 Breed Poodle  
 Color brn/wh Sex M Invalid License # 784640  
 Date Letter Sent 2-3-89 Date to Field 4-25-89  
 ACTION TAKEN: 6/17/90 - UP NEXT GOOD FC

Rabies Certificate Info: \_\_\_\_\_ / \_\_\_\_\_  
 (If applicable) Expiration Date Veterinary Clinic

Officer's Name \_\_\_\_\_ Date \_\_\_\_\_

A/C-45

Woodrey



MULTNOMAH COUNTY ANIMAL CONTROL

RABIES DEPOSIT FOLLOW-UP

Name Carla Kozell Address 9211 N Trenton Pl 899  
 Phone # \_\_\_\_\_ DOB 10-23-61 ODL 3503078  
 Date of Redemption 11-23-88 Breed Spaniel  
 Color blk Sex F Invalid License # 784074  
 Date Letter Sent 2-10-89 Date to Field 4-25-89  
 ACTION TAKEN: \_\_\_\_\_

Rabies Certificate Info: \_\_\_\_\_ / \_\_\_\_\_  
 (If applicable) Expiration Date Veterinary Clinic

Officer's Name \_\_\_\_\_ Date \_\_\_\_\_

A/C-45



MULTNOMAH COUNTY ANIMAL CONTROL

RABIES DEPOSIT FOLLOW-UP

Name Shawn Tolman Address 7019 N. Kerby  
 Phone # 286-4482 DOB 3/6/58 ODL 2170971  
 Date of Redemption 2/16/89 Breed Rott  
 Color Blk/Brn/Whi Sex M/n Invalid License # ~~788783~~  
 Date Letter Sent 9-25-89 Date to Field 8-3-89  
 ACTION TAKEN: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Rabies Certificate Info: \_\_\_\_\_ / \_\_\_\_\_  
 (If applicable) Expiration Date Veterinary Clinic  
 Officer's Name \_\_\_\_\_ Date \_\_\_\_\_

A/C-45



MULTNOMAH COUNTY ANIMAL CONTROL

RABIES DEPOSIT FOLLOW-UP

Name Roxanna Smothers Address 6626 N Fenwick (P)  
 Phone # 285-2826 DOB 10-14-53 ODL 6886510  
 Date of Redemption 8-28-89 Breed Spaniel  
 Color blk/whi Sex F Invalid License # ~~805873~~  
 Date Letter Sent 9-18-89 Date to Field 10-20-89  
 ACTION TAKEN: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Rabies Certificate Info: \_\_\_\_\_ / \_\_\_\_\_  
 (If applicable) Expiration Date Veterinary Clinic  
 Officer's Name \_\_\_\_\_ Date \_\_\_\_\_

A/C-45

MARCH 1990

\$2.50 / \$2.95 Can.

# The Atlantic

*Regular Meeting  
8-27-92  
Handout #1  
R-6*

*THE INVENTION OF LOS ANGELES / THE MISLEADING METAPHOR OF DECLINE*

## THE POLITICS OF DOGS



**HOW GREED AND AKC POLICIES  
ARE ENDANGERING THE HEALTH AND  
QUALITY OF AMERICAN DOGS**

*by MARK DERR*

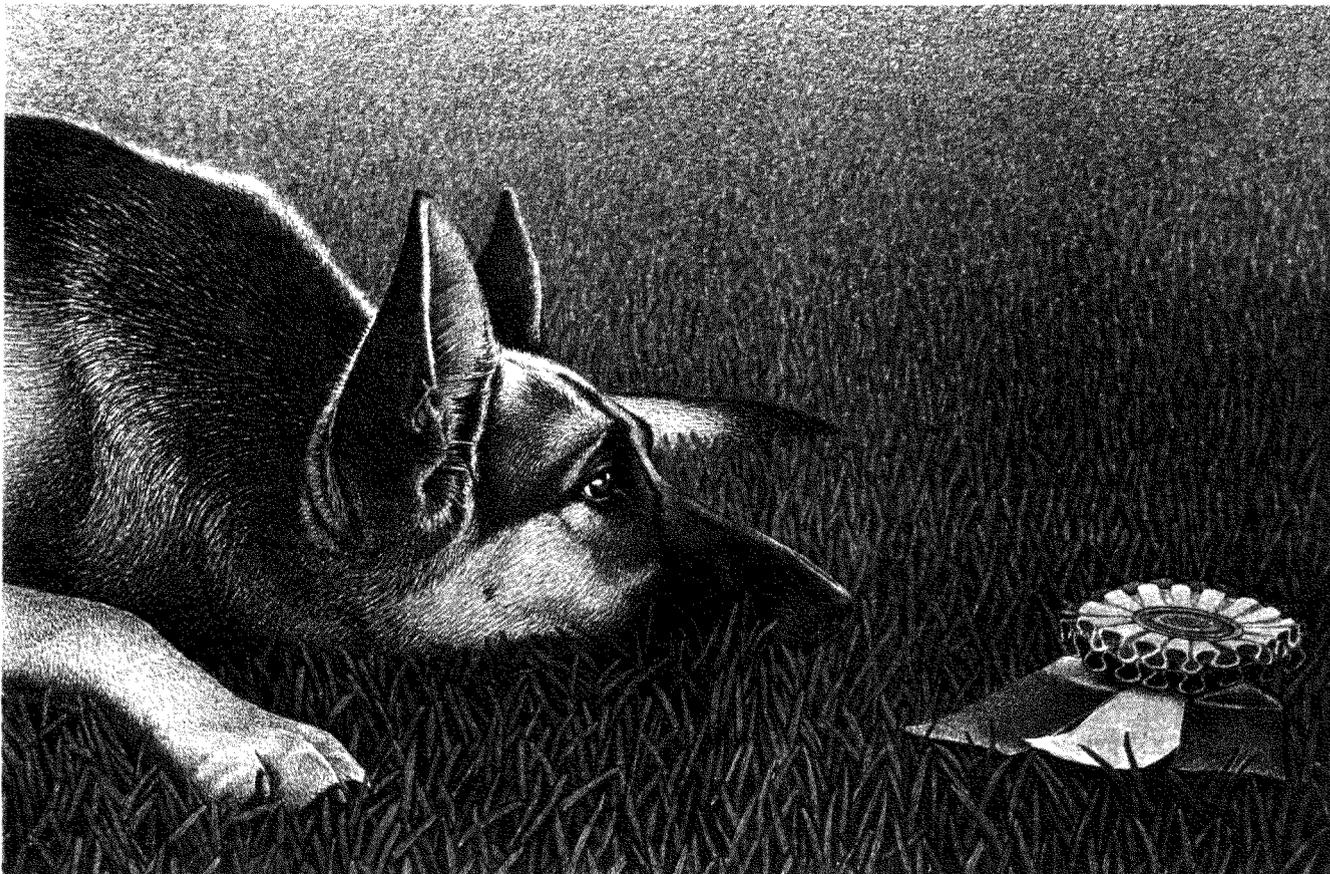
BAUTHIEN



*An organization created to protect the purity of dog bloodlines has become, a journalist argues, misguided in its view of "quality" and guilty of encouraging destructive forms of inbreeding that have robbed dogs of traditional skills and left them vulnerable to crippling disease*

# THE POLITICS OF DOGS

BY MARK DERR



**F**OR MORE THAN A CENTURY THE AMERICAN Kennel Club has presided over American dogdom with a confidence verging on arrogance, proclaiming itself the "principal registry agency for purebred dogs in the United States." From its headquarters in New York City the AKC sets the rules and regulations, certifies the judges, and publishes the results of the competitions sponsored annually by its more than 3,200 membership units and affiliates. For a fee (\$6 for a dog; \$15 for a litter) it records the offspring of all AKC-registered parents in its stud book and provides them with official certificates of pedigree. Its *Complete*

*Dog Book*, published periodically, with frequent updates, since 1929 and the best-selling canine reference book in America, contains photographs of and detailed information about the 130 breeds that the AKC currently recognizes, while ignoring the remaining 300 or so that exist in the world today.

"AKC information and shows create a market and demand for purebred dogs," says Alan Stern, the AKC's vice-president for communications. Dogs represent a \$7-billion-a-year industry in the United States, and much of that money is spent on the purchase, care, and feeding of purebred animals, especially those boasting AKC-recog-

nized bloodlines. Of the roughly 57 million dogs now residing in 35 million American households, some 12 million possess AKC papers—half of those eligible. Another four to six million are registered with other organizations, the largest of which is the United Kennel Club, of Kalamazoo, Michigan. So dominant is the AKC that even those breeders choosing to remain outside its aegis must define themselves and their dogs in relation to it. Consumers wanting non-AKC purebreds are hard pressed even to find them.

Despite its wealth and power, the AKC has come under fire from an increasing number of critics who charge that it has done purebred dogs sometimes irreparable harm. The arguments of these veterinarians, breeders, trainers, and animal-rights advocates focus on three inter-related areas.

First, the AKC defines quality in a dog primarily on the basis of appearance, paying scant heed to such other canine characteristics as health, temperament, and habits of work. Over the years this policy has led to destructive forms of inbreeding that have created dogs capable only of conforming to human standards of beauty. Many can no longer perform their traditional tasks—herding, tracking, hunting—while more than a few cannot live outside a human-controlled environment.

Second, because it benefits financially from the registration of dogs produced and sold commercially, the AKC has failed to take a stand against the puppy mills and pet stores that exploit purebred dogs. It will neither refuse to register those animals—although many dogs, produced and sold under inhumane conditions, are of questionable pedigree and genetic fitness—nor cooperate with authorities seeking to regulate them. The result has been a decline, which even the AKC recognizes, in the quality of the animals that nearly 500,000 Americans buy from retailers each year.

Third, the AKC and its member clubs define purity in a breed according to an outmoded notion that is destructive of the health of the dogs. Unquestioning obedience to this notion has led the AKC to make arbitrary decisions regarding which breeds to recognize (on the grounds of such physical traits as coat texture and ear shape), to take no stand relating to the rescue of rare dogs, and to ignore issues relating to the proliferation of inheritable canine diseases. The AKC has also failed to act forcefully in response to breed-specific “vicious dog” ordinances proliferating around the country, though even the Humane Society of the United States considers these ordinances ill conceived.

In aggregate these criticisms imply a fundamental re-examination of the relationship of human beings to the dog, their oldest and most faithful domestic companion. Emerging from this re-examination is an expanded defi-

nition of “purebred,” grounded in science and taking into account internal qualities and characteristics as well as appearance.

The American Kennel Club is “elitist, grossly undemocratic, and operationally secretive,” according to Herm David, the influential columnist and self-styled AKC ombudsman for *Dog World* magazine. Having expelled its last individual members in 1923 on the grounds that they were gadflies, the AKC today has a membership that consists of some 450 clubs. They send representatives to a meeting of delegates, who elect a board of directors, which in turn selects a president. The board’s deliberations, like those of the delegates, are closed to the media; its decisions appear in the official AKC *Gazette*.

The AKC and its apologists have met its critics with disdain, accusing some of wanting to abolish breeds in general and others of fear of competing in the canine big leagues. Reformers within the organization—like the current president, Kenneth Marden—often find themselves squeezed between people pressing for immediate action and powerful traditionalists who view any change as a fundamental attack on the cult of pedigree and the show dog.

The AKC relies on its certificate of pedigree, or papers, to guarantee that the bloodlines of, say, a Chesapeake Bay retriever are pure for at least three generations, and on its written standards to determine that the dog resembles others of its breed. These standards describe the overall appearance of a typical specimen and list such phenotypic characteristics as size, shape, coat, head, neck, ears, eye color, tail length, gait, and bite. The standards do not demand that a dog be able to perform its traditional function—that the Chesapeake be able to swim and fetch, for example.

All show dogs are judged against the ideal summed up in the standards, and in recent years the AKC has moved to have its “parent” clubs—those relating to specific breeds, which make up only about a third of its members—revise their standards, ostensibly to cull out ambiguity, so that judges can better understand what they should reward. Critics among the clubs contend that this “standardization of standards” is part of a broader effort to create a circuit of international dog shows, which would require a breed (the Saint Bernard, for example) to conform to the standards of foreign organizations for that breed. The ambiguity in the old standards, some of which date to the nineteenth century, allows wider latitude in judging animals, the critics argue, than will the precise statements of the new ones, which will restrict the already limited variability of American show dogs.

Alan Stern says, “The parent clubs are responsible for writing the standards for their breeds, and we can’t make them change.” However, he adds that the board must



Staffordshire Bull Terrier



a breed according to an outmoded notion that is destructive of the health of the dogs. Unquestioning obedience to this notion has led the AKC to make arbitrary decisions regarding which

breeds to recognize (on the grounds of such physical traits as coat texture and ear shape), to take no stand relating to the rescue of rare dogs, and to ignore issues relating to the proliferation of inheritable canine diseases. The AKC has also failed to act forcefully in response to breed-specific “vicious dog” ordinances proliferating around the country, though even the Humane Society of the United States considers these ordinances ill conceived.

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nonetheless approve them. "But if they don't revise those standards, judges may have a difficult time interpreting the old ones, and the dogs may suffer in judging."

The standards and the stud book form what geneticists call a "breed barrier," separating a certain strain or type of domestic animal from the larger population. Breed barriers may also occur naturally, with geographic isolation, as they did for the New Guinea singing dog and the basenji, a hound found in Central Africa. The dingo of Australia, usually classified as a separate species of canid, is a dog that was carried to that isolated continent and then went wild. In fact, subspecies of wild animals—of wolves, for example—arise because of natural breed barriers.

### The Problem of Defining Breed

**A** BREED IS A GROUP OF GENETICALLY RELATED individuals with a common phenotype—physical characteristics, such as ear and muzzle shapes, and behavioral tendencies, such as those of a retriever to swim or a border collie to herd—which are capable of producing offspring of the same type. Fixed through selective breeding, traits could vanish over several generations if people became careless in choosing their dogs' mates. Practically and politically, breeds are human constructs. "While the differences between breeds are genetic," says Donald Patterson, the chief of medical genetics at the University of Pennsylvania School of Veterinary Medicine, "the determination of when a breed becomes a breed is a human one."

I. Lehr Brisbin, a wildlife ecologist with the Department of Ecology at the University of Georgia, bluntly expresses the political definition employed by the AKC, for which he frequently serves as an expert witness: "The only way you can tell whether you have a purebred dog is by examining its papers." (Purebred dogs without papers represent a "type" in this view, rather than a "breed.")

AKC president Kenneth Marden presented the *reductio ad absurdum* of that perspective last May, during a hearing in a federal district court in Miami. The hearing had been ordered to determine the constitutionality of an ordinance in Dade County, Florida, regulating (and ultimately banning) by name the AKC's American Staffordshire terrier, the Staffordshire bull terrier, the United Kennel Club's American pit bull terrier, and any animal substantially conforming

to their written standards, on the grounds that these dogs are inherently dangerous to human beings. Marden testified that based on looks alone he could not identify Lassie as a collie. He would have to examine the dog's certificate of pedigree.

Marden and his counterpart at the UKC, Fred Miller, who appeared in July as part of the same case, were attempting to show how difficult it is to define—and thus outlaw—"pit bulls," both the purebred strains the clubs register and the crossbreeds with other dogs, such as mastiffs. They both testified that they could not name a dog's breed by comparing the animal with an official standard. But they could not agree on whether the American pit bull terrier, which the for-profit UKC has registered since the late nineteenth century, is identical to the American Staffordshire terrier, which the nonprofit AKC first listed in 1936, several decades after dogfighting was outlawed. Miller said they were; the UKC cross-registers the AKC breed. Following AKC policy, Marden would not acknowledge that they were the same.

The squabbling over arcana, political infighting on the AKC's board of directors, and also what critics call an aversion among its members to becoming involved with owners of mongrels have caused the AKC to respond slowly to the most ill-considered of the "vicious dog" ordinances that have proliferated in recent years. Dade County acted in April of last year. In June the New York City Health Department promulgated a ban on dogs that substantially conform to the UKC's phenotypic standards for the American pit bull terrier. At the time, New York City's chief veterinarian boasted that he would soon identify the gene that made pit bulls meaner than any other breed. Joining the fray, other municipalities have added to their "breed-specific" legislation German shepherds, Rottweilers, Doberman pinschers, akitas, and chow chows. Although the Dade County ordinance was upheld, the New York regulation was suspended by the state supreme court after being challenged by the AKC and other groups. (Subsequently city officials failed to produce the mean gene.) Ironically, nearly everyone involved with dogs recognizes these breed-specific bans as bad legislation, passed in response to hysterical media reports of fatal attacks by "pit bulls." The Humane Society's surveys show that UKC- and AKC-registered American pit bull terriers, American Staffordshire terriers, and Staffordshire bull terriers,

Chesapeake Bay  
Retriever

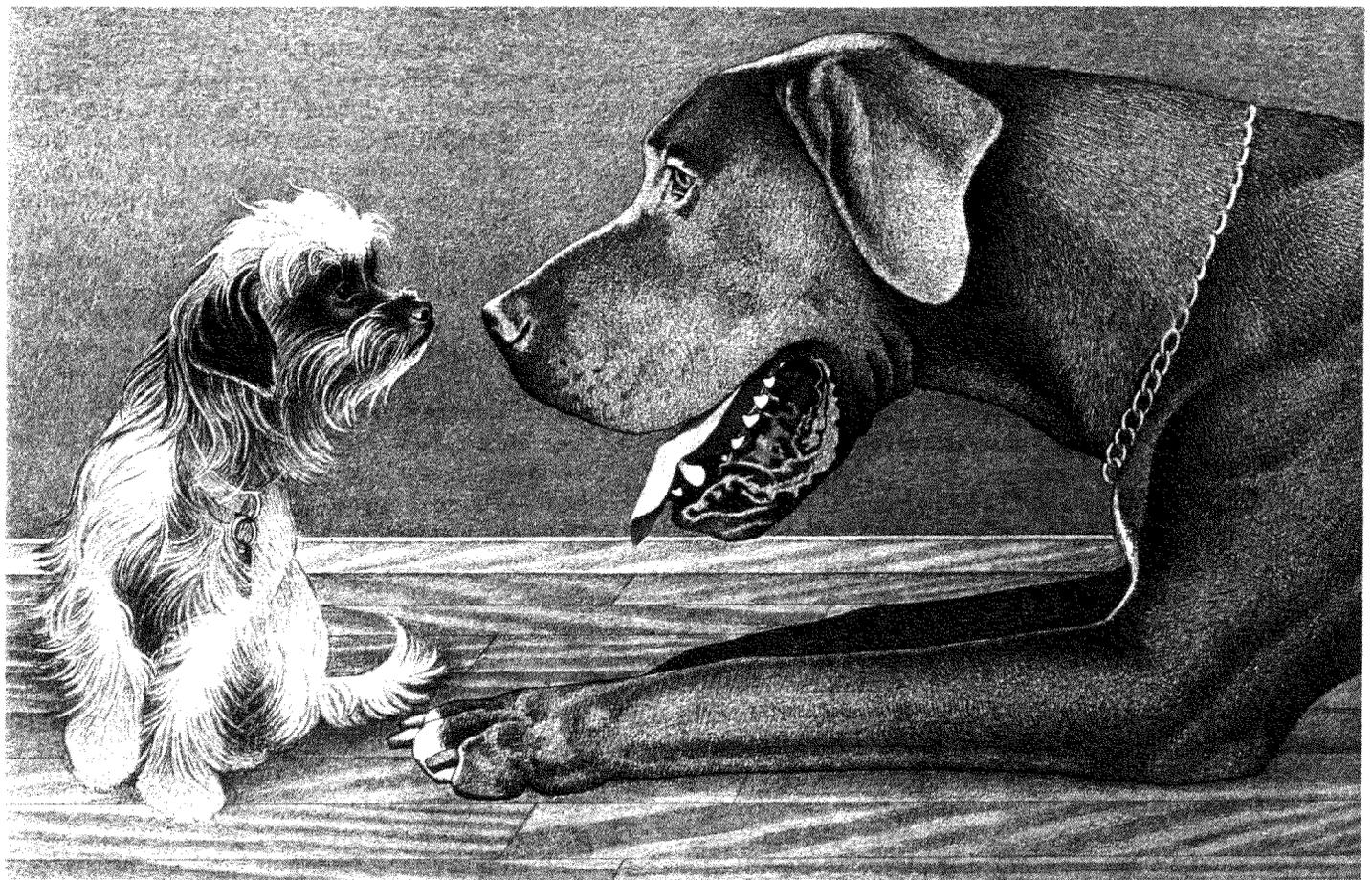


their once-belligerent temperaments gentled over the years through selective breeding, are thus far not guilty. The perpetrators are both mixed breeds and non-registered purebred animals made vicious by people. Those who illegally fight dogs today do so with animals whose bloodlines they jealously guard and maintain.

The legislation has spurred research into canine genetics, which, although not well funded, has already helped expand our limited understanding. Last October, Joe W. Templeton, a professor of veterinary pathology and genetics at Texas A&M University, hosted a workshop to examine issues relating to breed identification based on

these breeds are more heterogeneous than we thought." The dog is, in fact, the most variable species in the animal kingdom next to man, and that variability accounts for its remarkable intelligence and talents. Dogs range in size from four pounds (the Chihuahua) to 220 pounds (the Tibetan mastiff), and in temperament from the placid to the ferocious. They vary widely in shape, from the low-slung dachshund to the long-legged wolfhound. Some are capable of learning to retrieve fallen prey or to flush a fox from its den, others to rescue drowning people.

Patton believes that with more research, biologists will be able to connect specific genes to distinctive morpholo-



genetic analyses. "Right now, looking at chromosomes and genetic fingerprinting, we cannot distinguish between breeds," Templeton says. (Genetic fingerprinting does allow one to distinguish between individual dogs.) "In fact, in a comparison of two American Staffordshire terriers with a whippet, one terrier appeared more closely related to the whippet than to the other terrier. Genetic differences between breeds, and even between dogs and wolves, are apparently very subtle. Probably just a handful of genes expressed in various combinations account for the different phenotypes we see." John Patton, an evolutionary biologist at Washington University, in St. Louis, and a participant in the workshop, says, "A lot of

gies and tendencies of breeds, and to determine what combinations create a Yorkshire terrier, say, rather than a Great Dane. Already the inquiries are casting new light on the natural history of the dog.

### A Short History of Dogs

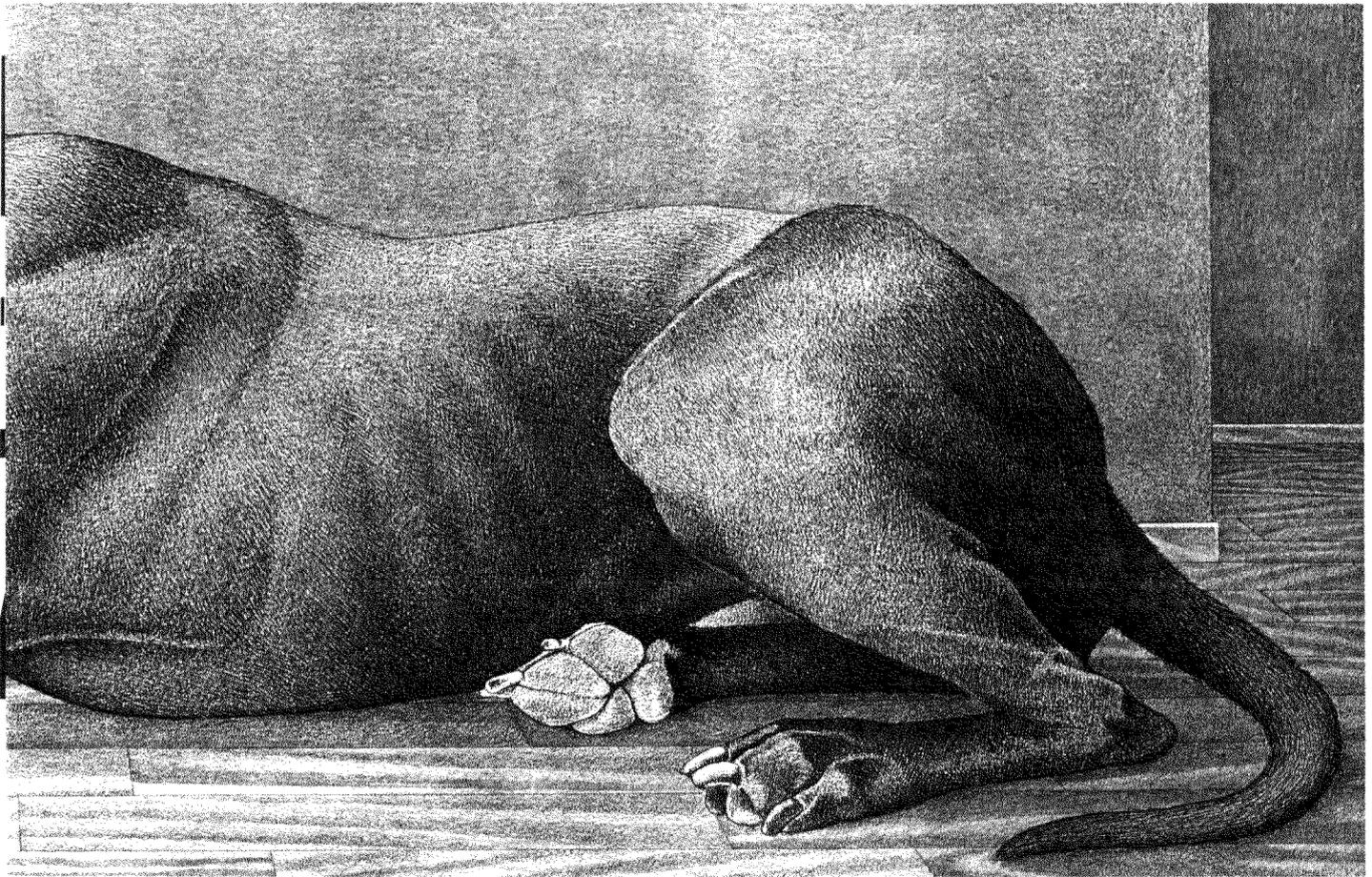
**I**N RECENT YEARS A CONSENSUS HAS BEGUN TO FORM around the wolf, *Canis lupus*, as the primary progenitor of the dog, contrary to arguments set forth in the past for the jackal or even a form of wild dog as the primary progenitor. Going a step further, Patton says flatly, "As far as we can tell from our genetic analyses, *Canis*

*familiaris*, the dog, doesn't exist. It's *Canis lupus*. They hybridize freely and their offspring are fertile. All the breeds we see, from the teacup Chihuahua to the giant mastiff, are subsets of the grey wolf. The dog is a man-made artifact." The wolf, like its domestic cousin, is variable in terms of color, size, and personality, is socialized within its packs, and is capable of a range of specialized behavior. Wolves are known to herd their prey, for example, and within a pack one or more may serve as trackers while others hunt.

Though genetically one species, the wolf and the dog are worlds apart culturally and socially. Templeton says,

proximately forty subspecies of *Canis lupus* living throughout the Northern Hemisphere, which were competing with them for food, and traveling in their shadow. (The Southern Hemisphere has its own species of wild canids, some of which may one day be reclassified as wolves.) Stanley J. Olsen, an anthropologist at the University of Arizona and the author of *Origins of the Domestic Dog*, has identified early centers of this activity as the North American Arctic, Northern Europe (from Russia to the British Isles), the Near East, and China.

These domesticated animals became differentiated from their wild progenitors in subtle ways, developing



"Wolves, and even crosses between wolves and dogs, are wild animals that you don't want as a pet. Even when hand-raised from infancy, they retain a certain wildness, a wariness and distrust of humans that make them unpredictable and untrainable except by the most skilled experts. But dogs are bred to live with people. Their behavior, as well as their physical appearance, has been altered by man."

Although some paleontologists continue to seek an evolutionary Eden and a single ancestor for the dog, the apparent truth is that toward the end of the last Ice Age and of the Pleistocene Epoch itself, small bands of hunters and gatherers began to domesticate several of the ap-

shorter jaws, weaker teeth, curved tails, and a tendency to show white spots and red coloration on their coats. Most important, they learned to accept human beings as their pack leaders. Eventually dogs matured sexually at a younger age, with bitches going into first heat at six to nine months old and then coming into season twice a year—as opposed to two years and annually for the wolf.

We surmise that the first dog was a totem animal associated with cults of the dead, a camp scavenger, an occasional hunter and tracker, a playmate (as a puppy) for children, and a food source in times of necessity and celebration. Curbing its tendency to howl, the dog made barking—a little-used wolf talent—its primary form of

**THE DOG IS, IN FACT, THE MOST VARIABLE  
SPECIES IN THE ANIMAL KINGDOM NEXT TO MAN, AND  
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ABLE INTELLIGENCE AND TALENTS.**

vocalization, and became in the process a valued sentinel. (For unknown reasons the basenji doesn't bark.) By the dawn of the Neolithic Age, as people in the ancient Near East learned to cultivate grain and husband sheep and cattle, the role of the dog as a companion and helper began to expand considerably. Into the present Native Americans have maintained dogs of the ancient type that could draw a travois or sled and could assist in the hunt.

Many canine historians, seeking the most ancient prototype, attempt to trace even distinctly modern breeds to the Neolithic. But these histories are mostly stories, according to Olsen: "Authors repeat the same material without documentation or proof." Faced with scant records—a few figurines and line drawings—all one can reasonably do is speculate about the order of appearance of a few types, and sometimes their wolf forebears. At an early date *Canis lupus pallipes*, the small Asian wolf, probably gave rise to animals resembling the New Guinea singing dog, the dingo, and the pariahs of the Middle East and India, as well as certain Native American dogs. *Canis lupus arabs*, the desert wolf, might have been the progenitor of the sight hounds appearing in the Middle East 7,000 to 9,000 years ago. In the Fertile Crescent herds- men raised large guardians for their flocks, animals capable of besting wolves, the bane of domestic livestock, in combat. These may have been related to the mastiff types, believed to have originated in the mountains of Tibet and northern India from *Canis lupus chanco*, the Chinese or woolly-coated wolf. *Canis lupus lupus*, the grey wolf, produced the wolfish Eskimo dogs and related animals.

Evidence indicates that for several millennia people throughout the world regularly crossed their dogs with local wild canids, and the practice continues in some areas to the present day. The ancient Greeks tied bitches in heat outside so that wolves could mate with them. Native Americans on the Great Plains apparently sought the coyote, the Trickster, as an occasional sire to instill intelligence in their dogs. And sled dogs were also bred to wolves, to produce pups with the stamina needed for survival in the Arctic. At Texas A&M, Templeton crossed a Labrador retriever with a grey wolf and came up with a "black wolf with floppy ears" that was at once wary and delicate in his approach to human beings. Dogs and wolves are

hybridized by some kennels to produce exotic guard dogs and pets.

Differentiation into breeds has occurred accidentally and on purpose for as long as dogs have been known, but most early distinctions clearly had to do with place or tribe of origin or with function. At the dawn of their empire the Romans recognized companion, hunting, war, draft, and guard dogs, and sight and scent hounds.

Monasteries served as centers for dog breeding during the Middle Ages, especially the early years, and Crusaders brought new animals from the Middle East for their hunting packs and castles. While feral dogs often terrorized the countryside, and giant hounds capable of dragging a man from his horse went to war, the companion dog symbolized the Christian virtues of fidelity and domesticity. During the sixteenth and seventeenth centuries European adventurers and traders served as agents for the dispersal and mixing of breeds around the world.

One of the first attempts at the classification of dogs during this period was made by the physician Johannes Caius, in his 1576 treatise *Of English Dogges*. Caius grouped his dogs according to function, identifying the Terrare, or terrier, developed on the British Isles and named for its ability to pursue game under ground; the Bludhunde; the Harier; the Gasehunde; the Grehunde; the Leuimer, which is lost to history; spaniels, setters, and Fynders, or water spaniels, probably like poodles; and the Shepherd Dogge and Mastiue, or Bandogge—mastiffs that helped butchers in their work and that were also used for the popular blood sports of bull and bear baiting. Caius also identified a "Spaniell gentle," which resembled the modern Cavalier King Charles spaniel; a "theevishe," or poaching dog; and a "tumbler," or rabbit dog. A distinguishing characteristic of all these animals was that when properly bred, they "kept their type"; that is, they produced offspring that looked and behaved like their parents, whereas mongrels—the wappe, the turnspete, and the dauncer—did not. Even so, the purebred dogs varied more greatly from the phenotype than do today's show dogs.

The English Bandogge, which had a shortened muzzle and strong jaws, would grasp a bull by its nose so that a butcher could bleed it to death, a process believed to produce the best meat. Into the nineteenth century some owners would attempt to prove a dog's tenacity by muti-

Mastiff



BY THE 1950S, AFTER A CENTURY OF TRYING,  
PEOPLE HAD LEARNED TO PRODUCE SOUND DOGS. BUT  
NOW THEY WANTED SOMETHING MORE EXTREME AND  
BEAUTIFUL TO ATTRACT JADED OFFICIALS.

lating its feet and legs while it held the bull in its jaws. These bulldogs were larger than present-day show bulldogs, which are noteworthy for their low-slung bodies, unnaturally large heads, pushed-in faces, and undershot jaws. But the American bulldog, a non-AKC animal, which weighs 100 to 130 pounds, is believed to continue in the old style. Mixed with terriers, the bull and bear dogs became pit bulls in the nineteenth century, when dogfighting peaked in popularity in England and North America.

Through the eighteenth and into the nineteenth century people continued to mix and match dogs to their needs. European paintings and descriptions from the period portray many of the animals Caius identified, plus a few others—the rough water dogs called Newfoundlanders, whippets for chasing rabbits and rats, various pointers, and retrievers. We know that people bred their dogs for the work habits and traits they desired, often carefully tracking their lineage. But all these animals, even companion dogs like the Pomeranian, were more robust than the dogs we know today.

### The Modern Concept of Breeds

**T**HROUGH THE SECOND HALF OF THE NINETEENTH century people in Britain, Europe, the United States, Canada, and Australia set out to control the dog's evolution scientifically, fixing standards and creating detailed registries. They saved from extinction a number of ancient types, such as the Scottish deerhound and the Irish wolfhound. They blended others and constructed scores of new breeds through selective crosses to emphasize working characteristics, size, color, markings, ear shape, or muzzle formation.

By some estimates as many as a thousand distinct breeds of dog have existed during the past ten thousand years, 400 to 440 of which are alive today. Warfare, trade, annihilation of indigenous peoples, and natural extinction account for the disappearance of the others. The current count is vague because the process of establishing breeds, either from old types never entered in modern registries or from new crosses, continues.

In recent years a few individuals and groups have searched for animals representing ancient types that they could consolidate into a modern

breed. The wildlife ecologist I. Lehr Brisbin is working to establish a registry for the pariah "Carolina dog"—threatened by hybridization with other feral dogs and loss of habitat—which he believes is a direct descendant of the ancient dog kept by Native American tribes of southeastern North America and, perhaps, a key to understanding canine evolution. He and John Patton are also interested in helping Native Americans preserve their distinctive tribal dogs, only a few of which are believed to remain in their pure state.

Worldwide, too, a few breeds dwell outside the fold in isolated regions, and some, like the Australian kangaroo dog and the New Guinea singing dog, may perish, victims of dwindling interest, usefulness, and habitat. No national kennel club works to save these and other breeds nearing extinction, nor do the animals appear on international lists of endangered species.

**I**N ESTABLISHING WHAT WE KNOW AS MODERN BREEDS, nineteenth-century sportsmen kept careful records, and began to organize competitions to display and test their dogs. The first recorded dog show took place in Newcastle-on-Tyne, England, in 1859; six years later the first field trial was held at Southill in Bedfordshire. In 1873 English dog fanciers organized The Kennel Club to impose order on their new "sport" and to maintain the stud book for their dogs. The dog competition spread rapidly through the British Empire, North America, and Western Europe. The first American dog show took place in Mineola, New York, in 1874; the first Westminster Kennel Club Show, in New York in 1877, drew 1,201 dogs, and the show has been held annually since then.

In 1884 sportsmen in the United States formed the American Kennel Club as an umbrella organization for clubs devoted to promoting specific breeds and sponsoring shows. Two years later Nicholas Rowe presented to the fledgling organization the first three volumes of his *American Kennel Stud Book*, listing 5,397 spaniels, pointers, Chesapeake dogs and retrievers, and setters, among others. That stud book now contains entries for 32 million dogs, representing 130 breeds, not including crossbred setters that Rowe recognized and the AKC stopped registering because they were not pure. Incongruously, the AKC keeps a sepa-

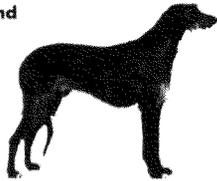
Chow Chow



rate registry for the American Coon Hunters Association, while recognizing formally one of its seven breeds, and maintains as quasi-members clubs for ten breeds in its "miscellaneous" class. In contrast, The Kennel Club of England recognizes more than 180 breeds, and the Federation Cynologique Internationale, in Belgium, recognizes 300.

Since 1955 the AKC's board of directors has followed a formal procedure that requires new breeds to have been registered by a foreign kennel club for at least thirty years or by a domestic registry for several generations and to be represented in the United States by a club with a minimum of a hundred members, who own more than a hundred dogs. The animals must be free only of the sort of genetic deformities that would keep them out of the show ring without corrective surgery (for example, eyelids that obscure vision) and must produce offspring conforming to the standard written by their sponsoring club and approved by the AKC. The club must also maintain a registry, according to AKC specifications. After a period of "development" in the miscellaneous class, which typically lasts two to five years and is designed to introduce the dog to the show world and ensure that a sufficient number of the breed exist around the country to make its registration financially feasible, it will be recognized, if the AKC and the sponsoring club agree.

Scottish  
Deerhound



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Dogs in the miscellaneous class can appear at shows but cannot compete for championship points or best-of-show titles. They can also compete in AKC-sanctioned obedience trials and tracking tests but are ineligible for all other competitions—field trials, herding tests, and the like. (Although nonaffiliated animals are not allowed in AKC competitions, a growing number of local clubs are organizing "rare" breed shows or "super matches" for all purebred dogs.)

James Crowley, the AKC's director of dog events and a primary contact for supplicants, says, "There's a lot of variability in some of these dogs that must be bred out before they can be registered." Such comments confirm the worst fears of the AKC's critics—that membership means disaster, an emphasis on appearance to the exclusion of other characteristics. Clubs for the Australian kelpie, the border collie, and the Cavalier King Charles spaniel—all in the miscellaneous class for at least twenty-five years—shun full recognition for that reason.

But for members of these clubs and others seeking admission, the miscellaneous class provides access to the large number of AKC-sanctioned obedience tests, which, they believe, challenge a dog's abilities. (Most small rare-breed clubs simply cannot offer enough events around the country to satisfy those wanting to compete.) Inclusion in the AKC's miscellaneous class also provides a club

with a certain legitimacy and national visibility as the representative of its breed.

Asked how long the AKC will tolerate breed clubs that make no move toward full recognition, Crowley says he doesn't know. The AKC does not benefit materially from dogs in the category, because it doesn't register them. For popular breeds like the border collie and the Cavalier King Charles spaniel, the number of dogs is not insubstantial.

## Breeding Dogs for Show

**D**URING THE PAST FORTY YEARS EXPLOSIVE growth has turned the once genteel sport of breeding and showing purebred dogs into an often brutal business, replete with charges of inhumane treatment, commercial exploitation, fraud, and the ruination of entire breeds.

In 1956 the AKC listed five million dogs in its stud book. Since then it has registered 27 million, roughly half of those eligible, averaging a million a year since 1977. The number of AKC-sponsored events has increased from 1,750 a year to more than 11,000, with the number of dogs participating rising fivefold, from 300,000 to 1.5 million. Shows make up 60 percent of the events and draw about 90 percent of the participants.

Until the 1920s dog shows were the domain of local clubs. Then, responding to demands for uniformity, the AKC began to set rules and otherwise consolidate its power. During this period the AKC, for judging purposes, divided purebred dogs into groups, based loosely on their function: sporting, including pointers, retrievers, spaniels, and hounds; working, including the herding breeds; terriers; toy breeds; and nonsporting, including dalmatians, poodles, and bulldogs, which had ceased to perform their respective tasks as hunting and then coach dogs, water dogs, and butcher's helpers. In 1937 a separate group was established for hounds, in 1983 for herding dogs.

Dogs, grouped according to sex, compete in various classes—puppy, novice, bred-by-exhibitor, American-bred, and open—and then the victors in all classes vie for the titles of Winner's Dog and Winner's Bitch. Those two then compete against dogs that are already Champions for Best of Breed. Those dogs compete against others holding that title for Best of Group, and the winners are then judged against one another to determine Best of Show. The Winner's Dog and Winner's Bitch earn points toward the title Champion, which becomes a prefix to their names and enhances the value of their offspring in the marketplace.

Through the Second World War most American dog

Basenji



shows were two- to three-day displays of breeding stock, largely featuring wealthy collectors' animals, handled by professional kennel men. After the war, shows became ever shorter, benches were removed (except at prestigious competitions like the Westminster Kennel Club show), and judging became a race against the clock. Today at large events as many as 4,000 dogs—the vast majority with professional handlers—may be judged in one day.

By the 1950s, after a century of trying, people had learned to produce sound dogs. But now they wanted something more extreme and beautiful to attract jaded

line breeding—mating a dog back to its granddam or grandsire, for example. They may also inbreed: daughter to father, son to mother. (Geneticists consider line breeding a form of inbreeding and do not bother with such euphemistic distinctions.) “You can’t be successful raising show dogs without line breeding, because that’s the only way you can know what you’re dealing with genetically,” says Robert Hetherington, the chairman of First Jersey Savings and Loan and, with his wife, Jean, the owner and breeder of the top-winning bulldog in recent years. “But problems do arise when people aren’t careful.”



officials, so they exaggerated particular features—coats, heads, even the overall size of the dog. By the AKC's own estimates, a majority of newcomers to the sport, obsessed with championship ribbons, stick with it an average of five years. When they give up or move on to a new hobby, they leave behind a trail of damaged bloodlines, since they breed dogs not just to conform to standards but also to match those winning in the ring.

Because the dog is genetically highly variable, consistently ideal specimens are difficult to produce, making the breeding process uncertain. That and the overall decline in quality cause veterans to guard their successful bloodlines jealously, engaging in what they like to call

Line breeding sometimes produces superstars of the ring—admirable animals in all respects. But it is dangerous, and lately the practice has been blamed for the loss of natural instincts, talents, health, and temperament in many dogs. Partisans of the border collie, considered the finest sheepherder in the world, eschew the practice in favor of mating unrelated dogs with exceptional ability, as do many other breeders of working dogs—be they herders or hunters.

Critics like Michael W. Fox, a veterinarian and animal behaviorist with the Humane Society, contend that the cult of conformation, with its reliance on inbreeding and selective breeding for extreme traits, has ruined a num-

ber of otherwise respectable breeds. Of the AKC's Irish setters Fox says, "They're so dumb they get lost on the end of their leash."

The cocker spaniel, along with the poodle, the perennial favorite of American pet buyers, has not competed in field trials since 1965, having lost its ability to hunt. Elizabeth Spalding, a leading breeder of Cavalier King Charles spaniels, says, "Most people don't know it, but up until the 1970s a sentence in the cocker-spaniel standard stated that a dog could be penalized for excessive coat. But for twenty years cockers had been bred for long coats, which brought them championships." The long-

Many of the toy breeds are so small and fragile that they cannot live outside artificial environments. The bulldog and the Boston terrier have difficulty whelping naturally, because of the breeds' exaggerated heads, and bitches are regularly subjected to cesarean sections. Hetherington says, "The bulldog is a man-made dog, and man has to be responsible for it. The dog hasn't come out perfectly, but that's reason to keep trying [to improve the breed], not to abandon it."

The problem exists throughout the world. In Australia the kelpie, which is considered a rival to the border collie in the management of sheep, became the darling of the



haired little hunter has developed a reputation as a foul-tempered, possessive, and nervous creature.

In the 1950s show people turned the German shepherd into a weak-hipped animal with a foul temper and bizarre downward-sloping hindquarters. A few breeders are trying to restore the dog to its former dignity. The Monks of New Skete, a religious order in the Orthodox Catholic Church, near Cambridge, New York, have for twenty-two years worked to produce dogs without those problems. "We stopped using American dogs and turned to German ones, because breeding there is better controlled," says Brother John, a member of the order, which has a waiting list of more than a year for its dogs.

show ring in the 1930s and within three decades had nearly lost its herding instinct. In the 1960s the Working Kelpie Council of Australia began to rescue the breed, by establishing a registry for working stock. In the United States the Australian kelpie has been in the AKC's miscellaneous class since 1941, and Susan Thorp, the secretary of Working Kelpies, the American breed club, wants to keep it there. "In the AKC," she says, "the dog becomes an object. People get dogs, don't use them, and then selectively breed them for characteristics other than work."

Peter Borchelt, an animal behaviorist in Forest Hills, New York, says that springer spaniels, mostly the males,

## DURING THE PAST FORTY YEARS EXPLOSIVE GROWTH HAS TURNED THE ONCE GENTEEL SPORT OF BREEDING AND SHOWING PUREBRED DOGS INTO AN OFTEN BRUTAL BUSINESS.

born of a particular show line frequently develop dominance-related behavioral problems that lead them to become aggressive toward their owners, while those from field stock don't manifest that tendency. Among Labrador retrievers there are as many as three distinct varieties with different characteristics—show dogs, somewhat large and slow afoot; dogs adept at AKC field trials, smaller and more high-strung; and working dogs, varying in appearance but bred for their ability to swim and retrieve.

Among other AKC-recognized hunting breeds—including the German shorthaired pointer, the Chesapeake Bay retriever, the pointer, the Brittany, the Gordon setter, and the English setter—are dogs that can point, retrieve, or flush birds as well as any ever have. People work hard to preserve those traits, and they don't intend to stop. (Many register their dogs not with the AKC but with American Field, an organization in Chicago devoted to field dogs.) But the trend among people who want breeds unspoiled by an overemphasis on appearance is toward animals the AKC doesn't deign to register, such as the Catahoula leopard dog, Australian and English shepherds, the beauceron, and European pointers (including the English).

The trend has not escaped the notice of the AKC. Kenneth Marden, the AKC's president, says, "We have gotten away from what dogs were originally bred for. In some cases we have paid so much attention to form that we have lost the use of the dog." Marden has supervised the establishment of herding tests, which are scheduled to begin this winter and are subject to a great deal of controversy among people with working stock dogs, who argue that AKC animals like the collie and the Old English sheep dog will prove unable to complete them. Marden has also expressed interest in terrier tests to measure the dogs' ability to flush game from underground dens, and in lure coursing for sight hounds and whippets.

He has publicly recognized the need to emphasize function as well as form, despite strong opposition from the AKC's powerful traditionalists, who argue that he is denigrating shows. They have nothing to fear. In some European countries dogs must excel both in the field and in the ring, and be judged physically sound, before they can become Champions. But an AKC dog can become a Champion in the show ring alone.

Boston Terrier



### The Growth of the Puppy Mill

"I HAVE TO ADMIT THAT PART OF THE MOTIVATION for these new activities is mercenary," Marden says. "Our programs are funded by registration. By providing more ways for people to enjoy their dogs, we're giving them more reasons to register them." In 1988, for the first time in memory, according to Herm David, of *Dog World*, the AKC registered fewer than 50 percent of the dogs born in AKC-registered litters. (Much of the AKC's increase in absolute numbers over the past decade has come, he says, through the recognition of new breeds.) David believes that the slippage represents an organization in decline.

Beginning in the 1950s, breeding "AKC dogs" for sale to a seemingly insatiable public became a way for hobbyists to earn extra money, and for kennel owners to earn a living. The "doggie in the window" became a commodity, mass-produced in a puppy mill and sold to a broker and then to a pet store. (Department stores routinely carried pets through the 1960s, when animal-protection advocates brought an end to the practice; now animals are sold through pet-store chains.) The AKC earned money each step of the way—with registration of the litter by the breeder, from transfer slips filled out whenever the puppies passed through middlemen, and when the proud new owner registered his or her pup. The AKC grew as the number of dogs grew, regardless of their quality.

After extensive lobbying by the Humane Society, in 1970 puppy mills and brokers were brought under the jurisdiction of the federal Animal Welfare Act, which authorized the U.S. Department of Agriculture to license and inspect dealers, exhibitors, transporters, and researchers dealing with animals "not raised for food or fiber." But this step has brought little change.

Robert Baker, an investigator for the Humane Society, says, "For the past twenty years the USDA hasn't been enforcing its regulations, and the AKC hasn't taken any action because it profits from the sale of half a million dogs a year through pet stores. The AKC charter says it has authority to regulate breeders to preserve the health and welfare of purebred dogs, but it does nothing." In the winter of 1980-1981 Baker conducted an investigation of 294 commercial breeders in the Midwest, out of 3,886 breeders

and brokers licensed by the USDA, and documented unsanitary, inhumane practices by nearly all of them. Many of the breeders were elderly farmers trying to eke out their income, who regarded their dogs much as they would have chickens or any other cash-producing livestock.

Baker found that brokers, the middlemen, may deal with as many as 200 kennels, which produce anywhere from four to more than a hundred litters a year. Although the shipment of animals is regulated, brokers show little concern for what they consider a commodity.

Baker also concluded that many of these puppy-mill products were fraudulently registered with the AKC, and to prove how easy it was to cheat, he registered nonexistent Labrador retrievers. When he publicized his action, the AKC, following the venerable policy of killing the messenger, suspended him indefinitely from any of its

Newfoundland



activities, a punishment he doesn't rue. "I estimate that fifty percent of the dogs in the AKC registry have impure bloodlines," he says. Alan Stern, the AKC's vice-president for communications, dismisses the charge, saying that registration is based on honesty and trust, which Baker callously violated and for which he, like any other miscreant, was punished. No one knows the degree of impurity in the stud book's bloodlines.

Baker's report aroused public protest but not federal action. Throughout the Reagan years the USDA asked for less money than it received to run its Animal and Plant Health Inspection Service, which is charged with licensing commercial breeders and brokers. (In 1989 the number nationwide stood at 4,415.) And under the Bush Administration the service continues to have an abysmal record on regulating dog abusers.

## Finding a Dog

**D**ESPITE CLAIMS OF GENIUS FOR the border collie—a current rage—no breed of dog is perfect, free of genetic and behavioral problems, superior in every talent. Some that are robust and intelligent may not be especially social, and within every breed individual lines and dogs will vary markedly. A poorly bred border collie can be as temperamentally unsound and as dumb as a cocker spaniel. A well-bred German shepherd can be unsurpassed. And a poor environment and improper socialization can turn even the best-bred dog into a terror.

That said, a few observations and tips might help people seeking a canine companion of sound mind and body.

- Avoid extremes in size and appearance—the giant breeds are short-lived; toys tend to be fragile and sickly; short-nosed breeds have respiratory problems. No rule says that the only suitable apartment dogs are those under ten pounds (toys). Among companion dogs, the Cavalier King

Charles spaniel (thirteen to eighteen pounds) is highly prized, but difficult to breed. Some terriers and nonsporting dogs are also worth considering.

- For overall intelligence and versatility, look to the herding, hunting, and working dogs—retrievers, pointers, setters (except Irish), and some hounds; stock dogs, including the non-AKC border collies, Australian kelpies, Australian and English shepherds, Catahoula leopard dogs; a few of the terriers, like the Jack Russell, which, small and hardy, also often adapt to urban life better than larger breeds. Bred for work, these dogs require obedience training, proper socialization, and regular exercise, whether they live in an apartment or have access to a fenced yard. A poorly conditioned animal becomes bored, destructive, and sickly.

- Investigate thoroughly the characteristics of the type of dog (retriever, for example) that interests you and of the various breeds (Labrador, golden, Chesapeake Bay, flat- and curly-coated) in that type. Books are a good place to start, especially those that include discussions of potential health problems. The best sources for wisdom about dogs are breeders, trainers, and veterinarians, who can be found through area kennel clubs and animal shelters; dog owners; and participants in and judges at dog events—especially field trials and obedience tests.

- Having settled on a likely breed or two, seek a reputable breeder in your area who is producing dogs for their ability, not for appearance alone. You may have located several kennels through the previous step; if not, you can check the extensive and well-regarded classified advertising that appears in every issue of *Dog World* magazine. The American Kennel Club (51 Madison Avenue, New York, N.Y. 10010) will refer people to local kennel and breed clubs. National rare-breed clubs (many of which advertise in *Dog World*) will do the same. Local classifieds are sometimes helpful as well.

- Select your dog from among those being bred for ability and temperament—whether you want the dog to perform a function or merely to serve as a pet. If you settle on an AKC-registered puppy whose parents are AKC Champions, make sure that they performed well not just in the show ring but in obedience or field trials as well.

- When you go to see a litter, always ask to see the dam, and the sire and grandparents if possible. These animals give you a hint of how the grown puppy will appear and behave. Observe the puppy that interests you for as long as possible, to see how it interacts with people and its litter mates. The puppy should be at least six and preferably seven or eight weeks old.

Frustrated by federal inaction, a state representative in Kansas, Ginger Barr, authored legislation in 1987 to regulate the puppy mills in her state through inspection and licensing. "I was raised to think of AKC papers like the Good Housekeeping Seal of Approval," Barr says, "but they wouldn't help us. They're the largest registry in the world, but they won't give us the names of breeders in Kansas." Stern says that providing the list would amount to an invasion of privacy and would wrongly lump responsible kennel owners with those engaged in exploitation. He also says that although the USDA is responsible for licensing commercial breeders, it hasn't prosecuted violators. Kansas, he argues, has failed to hire enough inspectors to enforce the 1987 law properly, and should not expect the AKC to do its work. All these charges are true, but it is also the case that the AKC has not acted vigor-

German Shorthaired  
Pointer



ously to regulate its breeders; in 1989 it canceled for fraud the papers of 460 litters out of a total of 550,300 and some 785 dogs out of 1.2 million.

It has a long way to go. In 1987 a reporter for *Parade*, Michael Satchell, asked William F. Stifel, then the president of the AKC, whether the AKC would register a blind, deaf, three-legged purebred pup with hip dysplasia and green fur. According to *Parade*, Stifel said, "We would register the dog. AKC unfortunately does not mean quality." Stern's post, as it happens, was created soon after.

Stern is not as blunt as Stifel, but the AKC prints similar caveats in its guides to buying a dog. One brochure states, "Many people breed their dogs with no concern for the *qualitative* demands of the standard for their breed. When this occurs repeatedly over several generations, the animals, while still purebred, can be of ex-

- For all large and medium-size breeds, make sure the parents, and preferably also the grandparents, are certified free of hip dysplasia by the Orthopedic Foundation for Animals, the only agency in the country that evaluates the hips of dogs. Even if you are interested in a small dog, such as the Cavalier King Charles spaniel, you may want to make sure its parents are OFA certified, because many of these breeds are dysplastic too. Do not take the breeder's word on the soundness of his or her dogs' hips unless you are ready to risk finding out that your two-year-old pet is partly crippled. (The OFA will not certify a dog under two years of age.) Similarly, question the breeder about other genetic abnormalities and problems with the breed and his or her line. Rigorous investigation is essential when dealing with backyard breeders.

- If the answers are not satisfactory, or the puppy seems not quite right, walk away from the deal—not an easy thing to do, but one that saves heartache later.

- Often only the most popular AKC breeds are available locally; sometimes you can find a stray litter of a rare dog, but little else. If you are fixated on a particular breed and on finding the best dog possible, you should be willing to travel, wait, and pay. Top breeders command top dollar and may have waiting lists. They also will in-

terview buyers and may refuse to sell to those they don't believe will care properly for a dog. A local kennel owner or trainer can be commissioned to assist you in finding a dog, or you can deal with a reputable kennel by phone and mail. But you may be better off changing to a different breed if you can't find any suitable specimens of your first choice locally.

- Make sure in buying a dog from any source that you are given the proper registration material if it is purebred, and a guarantee specifying that you can take the dog to a veterinarian for examination and if the dog is found defective, it will be replaced or your money refunded. In some states, such as New York, New Jersey, and Massachusetts, this guarantee is required by law. (These warranties can expire before a problem like hip dysplasia or even parvovirus, a killer of puppies, becomes manifest. But they are better than nothing.) Better yet, if dysplasia is the worry, accept a restricted transfer, which will protect you until the dog can be certified free of the condition at two years of age.

- Do *not* buy a puppy from a pet store. Its origins are uncertain, its health and temperament suspect.

- A sound alternative to a purebred is a mongrel. Although the practice is anathema to many people in the purebred-dog world, people around the country are crossbreeding dogs to cure

defects or simply to create a hybrid more healthy and vigorous than either pedigreed parent. Local kennel clubs and veterinarians should be able to tell you who some of these breeders are.

Besides deliberate first-generation crosses, of course, there are accidental mixes, common mutts, which can be more healthy, even-tempered, intelligent, and enjoyable than purebreds. In picking a mongrel you should exercise as much caution as with a purebred. Remember that without knowing what kinds of dogs the parents are, it is nearly impossible to guess what the mature dog will look like.

Local animal shelters often have adoption programs, but sometimes they are so restrictive in determining where they will place their dogs that it is easier to buy a purebred dog.

- People unable or unwilling to raise a puppy might consider an older dog. In addition to animal shelters, some local breed clubs sponsor rescue programs for abandoned purebred dogs, and some dog tracks help people adopt greyhounds unsuited or too old for racing which otherwise would be destroyed.

- Remember that a dog represents a large investment of time, emotion, and money, and will be a member of the household for ten years, more or less. Its selection warrants more than a passing fancy.

tremely low quality. . . .” Stern insists that competition in the marketplace will force commercial breeders to produce healthy puppies. “Whenever we do take action,” he adds, “we are accused of restraint of trade.”

Evidence from scores of breeders and from owners of store-bought pets strongly suggests that Stern is wrong about the effects of competition. Then too, more than physical well-being is at stake in this conflict. Joe Templeton, of Texas A&M, says, “Puppy-mill dogs are poorly socialized. The crucial periods for puppies to form human contact are six to twelve weeks and again from four to six months. Without that, they often have behavioral problems. Most puppies sold through stores are more than three months old and have missed the first of these periods.”

A few states, notably Pennsylvania, Massachusetts, Iowa, and Illinois, inspect pet stores, and some, including New York and New Jersey, require limited guarantees for consumers. But, Baker says, these are weak statutes, often erratically enforced. At most stores puppies (not to mention kittens) receive no medical care and can suffer from worms, dehydration, and malnutrition, in addition to genetic defects. Animals that are sickly and remain unsold are sometimes killed and thrown away.

Baker and other critics charge that the AKC has refused to take an active stand against commercial exploitation because it derives more than 70 percent of its annual income (which was \$19.4 million in 1988) from the registration of litters and dogs. That money, they point out, supports all AKC activities, including those in behalf of dog shows and trials, which promote appearance—conformation to an idealized breed standard—as the essence of quality.

The Humane Society of the United States calculates that the roughly 500,000 dogs (representing 100,000 litters) sold each year by pet stores come almost exclusively from puppy mills. By the most conservative estimate

Border Collie



these dogs make up 20 percent of those the AKC registered in 1988.

Like all responsible dog people, Marden urges potential buyers to investigate the characteristics of the breed and the health of the parents. He says flatly, “Don’t buy the dog in the pet store! See the dam, and the sire, if possible.” But, Baker says, such advice is meaningless so long as no action is taken to curb the abuses of the puppy trade. The AKC fails even to support those of its constituent clubs that prohibit members from selling through pet stores.

A recent example of greed run amok involves a breed not recognized by the AKC, the Chinese shar-pei. This fighting and guard dog neared extinction in China during the 1950s and 1960s, when Mao Zedong campaigned against the ownership of dogs, calling it bourgeois re-

cidivism. A dozen of the dogs were exported from Hong Kong to the United States in the late 1960s and became the foundation stock for all subsequent American shar-pei.

During the 1980s the demand for non-AKC—and therefore “unruined”—rare breeds, combined with a fascination with the wrinkled appearance of shar-pei, made them a yuppie fad. Some sold for as much as \$10,000, as compared with \$6,500 for a top working-stock dog, like an Australian kelpie. During the height of the craze one puppy mill produced 150 dogs a year, which sold for an average of \$1,000, and a pair appeared in the 1983 Neiman-Marcus Christmas catalogue, to the consternation of dog-lovers. From a dozen the population exploded in twenty years to 50,000.

There are shar-pei, mini-pei, and pug-pei. Sloppily bred from a limited gene pool, these dogs have developed auto-immune deficiencies leading to severe skin disorders, and faulty bites that sometimes make it impossible for them to eat. Their hips are bad; their eyelids need to be surgically cut from over the eye. Many display the foul temper of a punch-drunk fighter. They are what veterinarians call a genetic disaster.

Last summer the market collapsed on shar-pei, and the breed’s defenders hope that the protection of the AKC miscellaneous class, which the breed entered in 1988, will allow them to correct genetic flaws—a Sisyphean task. Meanwhile, many shar-pei are appearing in animal shelters, abandoned by owners no longer interested in supporting a dog that has fallen from vogue.

An ironic result of the shar-pei saga is that it seems to have encouraged some breed clubs to seek AKC recognition for their animals, in the hope that it will prevent them from becoming the next “hot” dog. They hope that as just another member of the registry, the dogs will lose the classification “rare” and avoid exploitation.

The successor to the shar-pei would appear to be the non-AKC dogue de Bordeaux, the homely French mastiff, which rode a starring role in last summer’s popular film *Turner and Hooch* into the hearts of faddists. They want “one just like Hooch.” People cashing in proclaim that the dogue is a sweetheart with children. The truth—that it is a large dog with a short temper, requiring a firm hand and sound training—would hurt sales.

### Breeding as Corruption

COMMERCIAL BREEDING—INCLUDING THAT practiced by backyard hobbyists—is the ugly underbelly of the purebred-dog world. “The unrestricted breeding of dogs has produced a situation in which four-and-a-half million unwanted animals are put to death each year,” says Guy Hodge, the di-



Shar-Pei

**THE AKC NOT ONLY HAS BEEN SLOW IN  
INVESTIGATING GENETIC DISORDERS BUT ALSO HAS NOT  
TAKEN STEPS TO ENCOURAGE THEIR ELIMINATION.  
THIS FAILURE IS INEXPLICABLE.**

rector of data and information at the Humane Society. "And many of those who survive lead lives of quiet despair in kennels, on the street, even in homes."

To dog fanciers of the old school, commercialization corrupts absolutely. "A breed can be ruined when it becomes popular and people raise dogs to make a lot of money," Robert Hetherington, the bulldog breeder, says. John Glass, the clerk and keeper of the registry for the Masters of Foxhounds Association, says that among hunt clubs, which are admittedly bastions of privilege, the trade in puppies is noncommercial and stud fees are nonexistent. But questions of quality, of producing healthy dogs free of genetic abnormalities, affect everyone in the business.

The AKC has shown little interest in addressing the severe genetic defects associated with dog breeding. Stern, for example, argues that hip dysplasia, a malformation of the ball and socket, is both a genetic problem and a consequence of the dog's nutrition and upbringing, while the Orthopedic Foundation for Animals, in Columbia, Missouri, which was established to study the problem, states unequivocally that the crippling ailment is genetic—albeit one involving a number of genes, working in combinations as yet unknown.

In some breeds (for example, the Saint Bernard) dysplasia is nearly universal, although it varies in intensity from occasionally uncomfortable to so debilitating that either total hip replacement or destruction of the animal is necessary. Greg Keller, one of the principal veterinarians at the OFA, says that in theory dogs from a litter in which even one member developed dysplasia should not be bred—but such a radical step would spell economic disaster for most kennel owners. "The best they can do," he says, "is breed the most-normal dogs they have." In Europe, and in the United States, that practice has produced improvement in some breeds.

Genetic ailments affect the eyes, bones and joints, urinary tract, skin, heart, lungs, mouth and teeth, and endocrine and metabolic systems. Some dogs, for example, have problems absorbing specific vitamins. Even the predisposition of the Doberman pinscher, the Rottweiler, and other breeds to parvovirus, a killing disease among puppies and old dogs, may be genetic. Studies have also shown that 15 to 30 percent of purebred puppies die before weaning, and that the closer the inbreeding that produced the litter,

the higher the mortality rate. This "fading puppy syndrome" obviously has a genetic component, but research has yet to find it.

Donald Patterson, at the University of Pennsylvania School of Veterinary Medicine, is establishing a data bank of genetic defects to which particular breeds are susceptible, with funding from the AKC. He says that more than 300 diseases in dogs are currently known to be hereditary, and an average of ten new ones are found each year. Many of those are associated with recessive genes, which can become expressed during inbreeding for desirable characteristics. Thus Catahoulas with double-glass, or pale blue, eyes, which are prized, often produce deaf puppies when mated with each other. Even dogs whose parents are from unrelated bloodlines can have problems. Border collies, for example, are prone to progressive retinal atrophy, a degenerative eye disease, and increasingly to hip dysplasia. Naturally, defects can be bred out of a line, providing that sound scientific principles are applied.

Dogs being a particularly apt model for research on certain human disorders, canine genetics has become better understood to date primarily as a result of research sponsored by the National Institutes of Health. Funds are scarce for programs devoted solely to dogs.

The AKC not only has been slow in investigating genetic disorders but also has not taken steps to encourage their elimination. This failure is inexplicable, given that dog shows are supposed to present breeding stock. Unlike some European kennel clubs, the AKC does not require that dogs be free of dysplasia and other cytoskeletal ailments before they can compete for championships. In fact, only surgery to correct defects brings disqualification in the show ring, notwithstanding that many alterations go undetected. Nearly all of the several score of breeders I interviewed for this article mentioned illegal cosmetic surgery as a major problem among show dogs.

(The AKC is typically ambivalent about this issue, prohibiting operations to correct eye problems while endorsing ear-cropping, a painful operation to make ears stand erect, in Doberman pinschers, boxers, Great Danes, and others. Britain abolished ear-cropping seventy years ago for humanitarian reasons; most other nations—and some states—have followed suit.)

The traditional solution of destroying genetically unsatisfactory animals is considered inhu-

Irish Wolfhound



mane by some; others feel that it is economically impractical. Glass says that most hunt clubs maintain their own kennels and breeding programs, and that the master of the hounds will destroy any puppy that appears defective. This controversial, if once commonplace, practice of culling is still practiced by other breeders of hunting and stock dogs, and sometimes of show animals, on the grounds that neither they nor anyone else should be burdened with an unsound dog.

Some animal-rights advocates argue that breeds with severe problems, like the shar-pei, breeds unable to whelp naturally, like the bulldog and the Boston terrier, and the tiny toy breeds that are unable to live normal lives should be eliminated or modified. "We must address the ethical issue of whether we can continue to create mutant animals for our own ego gratification," Michael Fox, of the Humane Society, says. Behavioral and temperament problems, he adds, are often associated with genetic defects, and so correcting one set of problems can be expected to help restore the overall health of many animals.

One way to effect reform would be to ban the registration and reproduction of dogs with problems. Recently some clubs have urged their members and those who buy dogs from members to agree to a "restricted" transfer, stipulating that the dog will be bred only after it has reached one or even two years of age, and is certified free of defect by a veterinarian. At that time, if the dog cannot be certified, the seller will replace it. The offspring of dogs with restrictions on their pedigree would not be registered. Without opposing such non-breeding contracts outright, AKC officials say that a dog with a restriction cannot be shown because it is not, technically, breeding stock. Since many AKC Champions win their title before they are a year old, the policy makes the restricted transfer anathema to people wanting to compete. (The OFA deems even a one-year-old dog too young to certify for normal hips.)

Sometimes the AKC's structure and internal politics have become impediments to reform, as breed clubs and the national leadership have vied over policy. A case in point involves the dalmation.

Nearly a decade ago Robert H. Schaible, who was then a geneticist at the Indiana University School of Medicine in Indianapolis, reported on an experiment he had conducted to free the dalmatian from a recessive genetic defect (associated with deafness, a skin problem, and urinary stones) that can result in death and excessive medical expense. He crossed a dalmatian with a closely related English pointer, which is unaffected, and then immediately bred back to dalmatians. After five genera-

tions the defect-free backcrossed dogs were indistinguishable from purebred dalmatians.

The AKC board approved registration of the backcrossed dogs in February of 1981. Then-president William Stifel wrote in the official *Gazette*, in April of 1981: "If there is a logical, scientific way to correct genetic health problems associated with certain breed traits and still preserve the integrity of the breed standard, it is incumbent upon the American Kennel Club to lead the way." The board's decision might have set the stage for other dramatic actions to improve the health and welfare of dogs. But members of the Dalmatian Club of America objected that the purity of their breed was being compromised and forced cancellation of the registration. John Patton, of Washington University, says, "The Dalmatian Club action shows the ludicrous politics of the AKC, in which dogs suffer. They'd rather have their animals die than get rid of a disease. Genetically you couldn't tell the difference between those dogs and dalmatians." AKC officials say they had no choice but to honor the wishes of the majority of the Dalmatian Club of America that they not register the crosses. But critics contend that the board simply bowed to misinformed protest and has since then declined to press the case—through education or action. The AKC is more intent on avoiding conflict with its member clubs, they say, than on working to improve the lot of purebred dogs. The truth may lie between. Marden says the board is willing to work with the clubs and cites its decision to allow the incorporation of basenjis from Africa, judged purebred on the basis of appearance and place of origin, into American bloodlines. However, the decision appears not to reflect a formal policy change, especially with regard to registering crossbred dogs.

**F**OR MANY SPORTSMEN AND FADDISTS, THE DOG HAS become little more than equipment for a game. They justify the game in the name of freedom, arguing that no organization or governmental body has the right even to recommend changes in their approach, despite its destructiveness, and the AKC has endorsed their ideology through word and policy. Its ability to change direction is now being put to the test.

The necessary course ahead, as many animal-rights advocates and dog-lovers see it, involves the acceptance of a more expansive and traditional definition of purebred dogs, which recognizes their essential characteristics as herders, hunters, and companions, as intelligent and uniquely talented creatures, not as objects of beauty alone. □

*Copy for Betsy Williams*

*Regular Meeting  
R-6  
8-27-92*

**MEMO**

**To: Multnomah County Board of Commissioners**

**From: Roger Troen & Joan Dahlberg,**

**Roger Troen, President  
Animal Advocates & Cascade Dog Defenders  
(Bus.) 231-1515**

**Joan Dahlberg, President  
Pet Owners' Association of Oregon  
(Bus.) 297-0289**

**Date: August 21, 1992**

**We respectfully request that the proposed revisions to Multnomah County Code 8.10 designated for a second reading on August 27th be rejected and that the attached proposal be scheduled for readings and adoption instead.**

**Please also consider placing this measure on elective ballot for vote by the residents of Multnomah County.**

**Thank you.**

*Copy for  
Carrie*

**SECTION \_\_\_\_\_ AMENDMENT**

The following definitions are added to MCC 8.10.\_\_\_\_

**AA. Commercial Breeder means any person, household, sole proprietorship, partnership, corporation, nonprofit or otherwise, or other entity who breeds any puppies or kittens either with the intention of selling at least one of the puppies or kittens bred in any given year for \$100 or more or who ultimately sells at least one of the puppies or kittens bred in any given year for \$100 or more.**

**Commercial Breeder also means any person, household, sole proprietorship, partnership, corporation, nonprofit or otherwise, or other entity who breeds three or more litters of puppies or kittens per year with the intention of selling at least one of the puppies or kittens bred in said year, regardless of purchase price, or who ultimately sells at least one of the puppies or kittens bred in said year, regardless of purchase price.**

**BB. Commercial Breeding Facility means any premises upon which any person, household, sole proprietorship, partnership, corporation, nonprofit or otherwise, or other entity breeds any puppies or kittens either with the intention of selling at least one of the puppies or kittens bred in any given year for \$100 or more or who ultimately sells at least one of the puppies or kittens bred in any given year for \$100 or more.**

**Commercial Breeding Facility also means any premises upon which any person, household, sole proprietorship, partnership, corporation, nonprofit or otherwise, or other entity breeds three or more litters of puppies or kittens in any given year with the intention of selling at least one of the puppies or kittens, regardless of purchase price, or who ultimately sells at least one of the puppies or kittens, regardless of purchase price.**

**CC. Purchase Price means the total dollar amount actually received by any breeder from a purchaser in the sale of a puppy or kitten.**

**DD. Imported pet means a pet imported from anyplace outside Multnomah county, including anyplace out of state, or out of country by persons engaged in the buying or selling of pets for purposes of profit. The term does not apply to a private pet owner's personal pet or pets.**

**EE. Puppy or kitten means under six months of age.**

**FF. Seller means any person who sells a puppy or kitten.**

**SECTION IV. AMENDMENT**

The following section is added to \_\_\_\_\_.

**BREEDING PERMIT.** Any commercial breeder shall apply annually for a breeding permit from Multnomah Animal Control, the annual charge for which shall be \$100.

**LITTER REGISTRATION.** Within 15 days of birth, any commercial breeder shall register with Multnomah Animal Control the number, sex, breed or mix, color, and date of birth of all puppies or kittens in each litter.

A \$25 surtax for each puppy or kitten of each litter shall accompany the registration if the Commercial Breeder has bred, intends to breed or does breed, in the given year any puppies or kittens either with the intention of selling at least one puppy or kitten bred in the given year for \$100 or more or who ultimately sells at least one puppy or kitten bred in the given year for \$100 or more.

A \$15 surtax for each puppy or kitten of each litter shall accompany the registration if the Commercial Breeder breeds three or more litters of puppies or kittens in any given year with the intention of selling at least one of the puppies or kittens bred in the given year, or who ultimately sells at least one of the puppies or kittens bred in the given year, and the purchase price is in all instances of sale below \$100.

**EXCISE TAX.** Within 30 days of sale, any commercial breeder shall register with Multnomah Animal Control the sale of any puppy or kitten and remit with said registration an excise tax in the amount of 12% of the purchase price.

The requirements for a permit, litter registration, registration of sale, and all charges pursuant to Section \_\_\_\_\_ including annual permit charges, surtax, and excise tax shall not apply to commercial breeders if the animals at issue are bred for bonafied scientific, medical or educational research or purpose or if the animals at issue are bred for sale to bonafied medical, scientific or educational research facilities or to other facilities for bonafied scientific, medical or educational purpose.

Exempt from the excise tax pursuant to Section \_\_\_\_\_ are any puppies or kittens bred by commercial breeders and not sold by same until age 18 weeks or older.

#### **ENFORCEMENT DUTIES**

Multnomah Animal Control has total responsibility for enforcement of provisions pursuant to Section \_\_\_\_\_, Subsections \_\_\_\_\_ and the collection of all permit charges, surtaxes, and excise taxes specified therein.

**A reasonable penalty for late payment of any permit charge, surtax, or excise tax pursuant to Section \_\_\_\_\_ may be charged any Commercial Breeder.**

**Multnomah Animal Control may require any documentation from the Commercial Breeder deemed necessary to verify the purchase price.**

**All transactions between breeder and purchaser must be made by check rather than cash and deposited into a single designated checking or savings account at a bank.**

**SECTION \_\_\_\_\_ AMENDMENT  
SALE OF IMPORTED PUPPIES AND KITTENS**

**No puppy or kitten shall be imported into Multnomah County from outside the county, state, or country for sale or for purpose of sale by any breeder, seller, pet store, sole proprietorship, partnership or corporation unless the following conditions are met:**

**1. Said puppy or kitten is given a thorough health examination by a veterinarian certified by both the director of Animal Control and the State Veterinarian's Office of the State Department of Agriculture. The charges for examination of any puppy or kitten shall in no case be less than \$100 and shall exceed that amount if diagnostic and examination procedures in individual cases warrant it. Charges shall be remitted to Animal Control by seller in receipt of pets in Multnomah County.**

**2. Pets found to be sick or injured shall be provided medical care by seller in receipt of pets in Multnomah County. Evidence of proper and appropriate medical care shall be provided the examining veterinarian.**

**3. The premises of seller of said puppy or kitten in Multnomah County are thoroughly inspected by said veterinarian or other qualified individual for evidence of disease or potential disease or conditions under which disease could be potentially spread to incoming puppies or kittens. Inspections shall take place following the medical examinations and in conjunction with any and all incoming shipments of puppies and kittens. Total costs for inspections shall be paid by the seller of said puppies or kittens in Multnomah County and shall be remitted to Animal Control by seller within 30 days from the date of inspection.**

**4. Fines shall be set by the Multnomah County Board of Commissioners for evidence of unhealthful conditions on premises of seller as defined in subsection 3 above.**

5. Requirements pertaining to imported puppies and kittens pursuant to this subsection shall not apply to commercial breeders if the animals at issue are imported from outside Multnomah county, the state, or country for bonafied scientific, medical or educational research or purpose or if the animals at issue are imported for sale to bonafied medical, scientific or educational research facilities or to other facilities for bonafied scientific, medical or educational purpose.

**SECTION \_\_\_\_\_ . AMENDMENT.  
PUBLIC RECORD**

Any member of the public shall have complete access to all filings, records, data and statistics pertaining to permits, litter registrations, registrations of sale, importation of pets from out of county for sale or purposes of sale, and any other information or data obtained by Animal Control in conjunction with Sections \_\_\_\_\_.

**SECTION \_\_\_\_\_ . AMENDMENT.  
REIMBURSEMENT OF THE JUDICIARY**

The Court and Prosecuting Attorney's office shall charge the Animal Control fund for that portion of their expenses incurred on behalf of or ascribed to cases involving Animal Control.

In any instances in which fines or other penalties are levied, except as provided in Sections \_\_\_\_\_ of these amendments, a citation shall be issued referring the violator to the appropriate judicial body within the court system. There shall be no reviews by any substitute parties such as Hearings Officers, Referees, or other proxy.

**SECTION \_\_\_\_\_ . AMENDMENT.**

**FUNDING SOURCES FOR MULTNOMAH ANIMAL CONTROL.**

The permit charges, surtax , and excise tax charged Commercial Breeders pursuant to Section \_\_\_\_\_ are intended to provide all operational revenue for Animal Control except for those fees specifically allowed under Section \_\_\_\_\_ of these amendments (below).

All General Fund monies as well as revenue from all other current sources for Animal Control shall be replaced in the following way.

During any three-month period, monies raised through the permit charges, surtax or excise tax shall be collected and held for usage

during the subsequent three-month period or thereafter if monies beyond budget requirements are collected.

Monies collected in this manner during the first year may be matched by General Fund monies in the following proportions up to Animal Control's budgeted needs to allow Animal Control time for establishing collection procedures and full enforcement of the new fees.

The first four months, matching funds may be received by Animal Control from the General Fund on a 2 to 1 ratio. During the second four months, matching funds may be received by Animal Control on a 1 to 1 ratio. During the last four months, matching funds may be received by Animal Control on a 1 to 2 ratio. By the start of the thirteenth month after passage of this measure, Animal Control must derive all of its monies from the permit charges, surtax, or excise tax specified in Section \_\_\_\_\_ except for those fees specified under Section \_\_\_\_\_ (below).

The Multnomah County Board of Commissioners may at any time vote to increase the permit charges, surtax or excise tax if deemed necessary in order to adequately fund Animal Control.

Monies collected beyond current budgeted amounts shall be used to benefit pets and their owners in concrete, visible, and bonafied ways. Identification tags with collars shall be distributed to all pet owners. Holding periods shall be extended. Animal control officers shall be encouraged to take the time to negotiate solutions in a given neighborhood in lieu of impounding. Injured pets shall be given the medical care they need. New homes shall be found for pets not redeemed.

**SECTION \_\_\_\_\_ Subsection \_\_\_\_\_ AMENDMENT  
FEES & FINES REFERRING TO PRIVATE PET OWNERS**

In no instance may total fees charged by Animal Control for adoption or redemption by owner exceed \$45. Current services of bonafied value to pet owners and pets such as inclusion of license and shots with redemption or adoption shall be maintained and expanded.

Fees and fines charged individual pet owners shall in no instance be levied as a source of operational revenue but rather as a nominal charge to partially offset a small percentage of the costs of the service at issue.

A citation may be issued any pet owner in violation of the Animal Control Ordinance except in instances in which any fee has been charged for the redemption of the pet by owner. Animal Control must waive any fees or charges upon redemption by owner if a citation is

**issued for any violation or violations for which the pet was also impounded.**

**In no case shall any owner be denied the right to redeem his pet except in cases of bite, viciousness or cruelty, and unless it can be also clearly demonstrated by the Director that in alleged cases of viciousness or bite, other than quarantine, that such pet represents a serious hazard to the community or unless in cases of alleged cruelty it can be demonstrated that the pet needs immediate and/or continuous protection from the owner.**

**License fees may not exceed amounts in effect as of January 1992 for twelve years after the passage of this amendment.**

**XXXXXXXXXXXXXXXXXXXX**

# Cascade Dog Defenders' League

*Regalla Meeting*  
8-27-92  
R-6  
*Testimony*

League Coordinator  
**ROGER TROEN**  
P.O. Box 3453  
Portland, OR 97208

Bend Area Coordinator  
**RAY BOWLIN**  
P.O. Box 224  
Sisters, OR 97759

Eugene Coordinator  
**LINDA WRIGHT**  
1312 Oak Drive  
Eugene, OR 97404

The Dalles Coordinator  
**CHARLOTTE DeMOSS**  
2015 Ridge Road West  
The Dalles, OR 97058

Salem Coordinator  
**KAREN D. PARKISON**  
1903 5th St., N.E.  
Salem, OR 97303

Grants Pass Coordinator  
**SISTER AMBROSE**  
(World Mission for Animals)  
P.O. Box 816  
Glendale, OR 97442

Albany Coordinator  
**PEGGY LAY**  
P.O. Box 21  
Albany, OR 97321

Hillsboro Coordinator  
**BARBARA VOYLES**  
Rt. 5, Box 172  
Hillsboro, OR 97124

Emerson distilled truth into few words. I like these:  
"You have just dined, and however scrupulously the slaughter-house is concealed by the graceful distance of miles, there is complicity." Today I would like to reword this to read, "You have just bred your dogs and cats, and however scrupulously the killing rooms are concealed by the graceful distance of miles, there is complicity."

Isn't it time we took a hard look at what we have been doing over the years and in the distance and then end the horrors at these places we call shelters that are not what they claim. The first definition of shelter is, "something within which a person or animal is protected."

In the 1970's animal control and the Oregon Humane Society stuffed <sup>animals into</sup> barrels on tracks that ended in the decompression chambers where life was horribly sucked out of these precious innocents.

When progressive and compassionate citizens pleaded for injection with pentobarbital they were rejected as impractical visionaries. So the barrels were trundled to the chambers loaded with terrified animals. But finally at great personal expense of time, effort, money, and emotions these private citizens prevailed and these agencies were brought out of that dark age. Other counties followed the example of ours and a new kinder killing was adopted.

Today, we are here again to take a greater leap forward to a more civilized Multnomah County by proposing a more enlightened ordinance to replace the onerous and death dealing ones of the past. We plead for a life affirming ordinance somewhat modeled after those of Los Angeles, the State of Michigan, San Mateo and most recently Seattle's King County.

Let us join together with animal welfare, protection, and animal rights organizations and concerned citizens to end the killing. There are several compelling reasons for rejecting ordinances that put animals in grave danger and for adopting those that hold humans accountable for their complicity. I for one pledge myself to be part of this struggle and invite others to join together to work on all fronts in this fight for life.

Please accept these copies of the Atlantic Monthly 17 page expose' of what is behind these columns of animals advertised for sale in our daily and weekly papers. Thank you, Roger Troen

# Cascade Dog Defenders' League

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Albany, OR 97321

Hillsboro Coordinator

**BARBARA VOYLES**  
Rt. 5, Box 172  
Hillsboro, OR 97124

## IN TRIBUTE TO THE DOG

### SOME FACTS AND OBSERVATIONS

Dogs, born out of "wilderness" into our so-called civilized world and who have become dog-person members of our families have taught us by nature dogs are more civilized than people.

They have to be taught aggression and attack. Their instinct for protection emerges only when they, their own or you their loved ones are threatened. They know true from false.

A kick or a push can bring a lick of the hand in response. A reprimand can cause a lowered head and down-cast look that hurts you too. A scratching behind dog ears, or a dog tummy rub brings about a healthy and unique kind of mutual satisfaction.

They know who are their friends. Their responses expose innate understanding developed over generations of our partnership.

From dogs we can learn the value of unquestioned love, joy, compassion, kindness, understanding, tenderness, companionship, trust, and faith.

41 ✓  
**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 8-27-92

**NAME** SCOTT FARESTRAND

**ADDRESS** 1600 NE 137th AV

**STREET**

**CITY**

PTLD, OR

97230

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** R-8

**SUPPORT** \_\_\_\_\_

**OPPOSE** X

**SUBMIT TO BOARD CLERK**

PLEASE PRINT LEGIBLY!

MEETING DATE

8/27

NAME

TANVA Collier

ADDRESS

1641 SE 71<sup>st</sup>

STREET

Portland

97215

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

RB

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

I NEED TO LEAVE AT 10:40





**PLEASE PRINT LEGIBLY!**

**MEETING DATE** Aug 27

**NAME**

Magone Clinton

**ADDRESS**

52 NE Holland

**STREET**

Portland

**CITY**

97211

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #**

R-8

**SUPPORT**

**OPPOSE**

**SUBMIT TO BOARD CLERK**

6/ ✓  
**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 8-27-92

**NAME** OUTLAW, J.A.

**ADDRESS** 3601 SE-156<sup>th</sup> Ave

**STREET**  
Portland 97236

**CITY** **ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** R-8

**SUPPORT** \_\_\_\_\_ **OPPOSE**

**SUBMIT TO BOARD CLERK**

9/

PLEASE PRINT LEGIBLY!

MEETING DATE 8-27-92

NAME Jo Ann Pasco, Gresham Area Chamber

ADDRESS 150 W. Powell

STREET

Gresham

CITY

OR

97030

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-8

SUPPORT \_\_\_\_\_

OPPOSE

SUBMIT TO BOARD CLERK

8 ✓  
**PLEASE PRINT LEGIBLY!**

MEETING DATE 8/27/92

NAME Marc Abrams

ADDRESS 1753 NW Aspen  
STREET

Pt OR 97210  
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-8

*re: referred to ballot*

SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_

SUBMIT TO BOARD CLERK

9

PLEASE PRINT LEGIBLY!

MEETING DATE 8-27-92

NAME ED GROSSWILER

ADDRESS 1500 SW FIRST

STREET PORTLAND 97201

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R 8

SUPPORT \_\_\_\_\_ OPPOSE X

SUBMIT TO BOARD CLERK

10 ✓

**PLEASE PRINT LEGIBLY!**

MEETING DATE 8-27-92

NAME Susan Hathaway-Marxer

ADDRESS 2136 NE 22

STREET Portland

CITY 97212

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-8

SUPPORT X OPPOSE \_\_\_\_\_

SUBMIT TO BOARD CLERK

11 /  
**PLEASE PRINT LEGIBLY!**

MEETING DATE 8-27-92

NAME Ed Finklea

ADDRESS 1300 SW 5th Ave

**STREET**

Portland

**CITY**

97201

**ZIP CODE**

I ~~WISH~~ TO SPEAK ON AGENDA ITEM # R-8

SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_

SUBMIT TO BOARD CLERK

Amendment X

12 ✓

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** Aug. 27, 1992

**NAME** David Cordero

**ADDRESS** 6813 S.E. Cora

**STREET**

Portland, OR 97206

**CITY** **ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** R-8

**SUPPORT** ✓ **OPPOSE** \_\_\_\_\_

**SUBMIT TO BOARD CLERK**

Meeting Date: ~~AUG 20 1992~~ AUG 27 1992

Agenda No.: ~~R-1~~ R-8

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Ordinance for Library Utility Tax

BCC Informal \_\_\_\_\_ BCC Formal 8/20/92  
(date) (date)

DEPARTMENT Nondepartmental DIVISION Chair's Office

CONTACT Fred Neal TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION Ginnie Cooper, Bill Naito

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 hours

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Imposes 2% excise tax on suppliers of electricity, natural gas, and petroleum products used for heating. Increases rate to 4%, effective July 1, 1993. Dedicates proceeds to Library. Exempts low-income persons and public agencies.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Gladya McCay*  
Or

DEPARTMENT MANAGER \_\_\_\_\_

CLERK OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 AUG 13 AM 10:27

(All accompanying documents must have required signatures)

*Approved Ordinance Approved. Second Reading Approved. Copies of Ordinance 731 mailed to Ordinance Distribution.*

## ORDINANCE FACT SHEET

Title: An Ordinance Relating to the Imposition of an Excise Tax on the Provision of Utility Services; Providing for Administration and Collection; Dedicating the Revenues to a Special Fund of Library Purposes; and Related Matters.

*Brief statement of purpose of ordinance (including rationale for adoption of ordinance, a description of persons benefitted, and other alternatives explored).*

Commencing on the effective date of this ordinance, a 2% excise tax is placed on suppliers of electrical energy, natural gas, and petroleum products used for heating supplied to users within Multnomah County. Commencing on July 1, 1993, the rate will change to 4%. The revenue thus derived will be placed in a special fund dedicated solely to library needs, including operation and capital requirements and administration of this ordinance. Utility providers under this ordinance may pass this tax through to the users from which they derive taxable revenue. Utility users meeting established poverty guidelines will not be taxed. Government agencies are also exempt.

*What other jurisdictions in the metropolitan area have enacted similar legislation?*

The City of Portland imposes a 5% "Utility Franchise Fee" on natural gas, electricity, water, cable television, and other utility providers that use public rights-of-way within the city limits. Revenues are placed in the General Fund. Counties are prohibited by ORS from imposing franchise fees for the use of public rights-of-way.

*What has been the experience in other areas with this type of legislation?*

Portland collects over \$20 million annually from their Utility Franchise Fee. Administration and collection is managed by a two-person staff.

*What authority is there for Multnomah County to adopt this legislation? (State Statute. Home Rule Charter?) Are there constitutional problems?*

Authority is granted under the Home Rule Charter.

### *Fiscal Impact Analysis*

The Library is currently funded by three-year property tax serial levy that expires June 30, 1993, internally generated revenues, and a subsidy from the General Fund. The annual revenues from the \$10.3 million pre-Measure-5 levy is reduced to \$9 million by Measure-5 compression, discounts and delinquencies. Federal, state and internally generated funds (sales, fines, gifts, previous-year carry-overs) supply about \$5 million. The General Fund contributes another \$5 million. This \$19 million Library budget provides services below that offered prior to the passage of Measure 5 and does not include needed capital outlay for repair at the Central branch and expansion at the Midland branch.

The utility excise tax is expected to annually raise \$4.5 million per percent of tax. At the maximum of 4%, the new library fund will see \$18 million in fiscal year 1993-94, enough to fund library operations at a slightly higher level and also provide the funding mechanism for needed capital projects at Central and Midland. Current General Fund support can be used for other programs.

The average household spends about \$760 annually on the utilities to be taxed. A 4% tax would add \$30 (\$2.50 per month) to the household bill. Households meeting poverty guidelines would be exempt.

The elimination of the current Library serial levy would not bring the 1993-94 combined tax rate below the \$10 limit in areas now capped; those within Portland. Property tax payers in areas not at the cap or slightly over would see their property tax rate reduced about \$0.42 per thousand (\$42 on a \$100,000 home).

SIGNATURES:

Person Filling Out Form Ben Buruma 8-13-92

Planning & Budget Division (if fiscal impact) Ben Buruma

Department Head/Elected Official \_\_\_\_\_

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

An ordinance relating to the imposition of an excise tax on the provision of utility services; providing for administration and collection; dedicating the revenues to a special fund for library purposes; and related matters.

Multnomah County ordains as follows:

Section 1. Title

This ordinance shall be known as the Multnomah County Public Library Utility Excise Tax Ordinance.

Section 2. Definitions

For the purposes of this ordinance, unless the context requires otherwise, the terms below are defined as follows:

A. Administrator: the county, city or other governmental agency which administers this ordinance.

08/20/92:1

1 B. Board: Board of County Commissioners of Multnomah County,  
2 Oregon.

3  
4 C. Gross revenue: All revenues from the sale of utility  
5 services and from the use, rental or lease of the operating  
6 facilities providing these services derived from within the  
7 boundaries of Multnomah County, after adjustment for net write-off  
8 of uncollectible accounts. Gross revenue does not include:

9  
10 1. Proceeds from the sale of bonds, mortgages, or other  
11 evidences of indebtedness, securities or stocks;

12  
13 2. Proceeds from sales at wholesale when the purchaser is not  
14 the ultimate consumer;

15  
16 3. Proceeds from transmission facilities;

17  
18 4. Revenues paid directly by the United States of America or  
19 its agencies;

20  
21 5. Revenues paid directly by municipalities;

22  
23  
24  
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1 6. Revenues paid directly by families, family units,  
2 unrelated individuals and/or households below the poverty  
3 guidelines established annually by the Administrator, as set  
4 forth in Section 7 of this ordinance;

5  
6 7. Revenues from the sale of electrical energy not consumed  
7 within Multnomah County; and

8  
9 8. Revenues from the lease of residential space heaters.

10  
11 D. Library: the public library system of Multnomah County,  
12 Oregon.

13  
14 E. Municipality: Any city, political subdivision, municipal  
15 corporation, or district organized and existing pursuant to the  
16 laws of the State of Oregon, including school districts.

17  
18 F. Person: Individuals, joint ventures, partnerships,  
19 corporations, their officers, employees, agents, assignees,  
20 trustees or receivers, or any other legal entity whatsoever, but  
21 not including any municipality, state, or federal agency.

22  
23 G. Utility Service: All electrical energy, all natural gas,  
24 and petroleum products used for heating.

25  
26  
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1           Section 3. Interpretation

2  
3           For the purpose of this ordinance, words in the singular  
4 number include the plural, the word "shall" is mandatory and not  
5 directory, and the term "this ordinance" shall be deemed to  
6 include all amendments hereafter made.

7  
8           Section 4. Administration

9  
10          In order to carry out the duties imposed by this ordinance,  
11 the Administrator

12  
13          A. May recoup from the library all reasonable costs of the  
14 administration of this ordinance; and

15  
16          B. Shall draft for approval by the Board the rules and  
17 regulations necessary for the administration of this ordinance,  
18 including but not limited to, a procedure to implement the poverty  
19 guidelines and an administrative appeal procedure; and

20  
21          C. Shall have the authority to do the following acts, which  
22 enumeration shall not be deemed to be exclusive, namely:  
23 administer oaths; audit records; certify to all official acts;  
24 subpoena and require attendance of witnesses at hearings; require  
25 the production of relevant documents; swear witnesses; and take  
26 testimony of any person by deposition.

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1           Section 5.   Contracts

2  
3           The Board may contract with a city or other governmental  
4 agency for the administration of all, or any portion, of this  
5 ordinance.

6  
7           Section 6.   Imposition of Tax and Dedication of Revenues

8  
9           A.   Commencing on the effective date of this ordinance, an  
10 excise tax is imposed upon every person providing a utility  
11 service within the boundaries of Multnomah County, at the rate of  
12 two percent (2%) of the gross revenue. Revenue derived from the  
13 imposition of this tax shall be placed in a special fund and  
14 dedicated solely to library purposes, including but not limited  
15 to, the cost of administering this ordinance, ordinary capital  
16 needs and operational services.

17  
18           B.   Commencing on July 1, 1993, in addition to the tax imposed  
19 under subsection (A) of this section, an excise tax is imposed  
20 upon every person providing a utility service within the  
21 boundaries of Multnomah County, at the rate of two percent (2%) of  
22 the gross revenue. Revenue derived from the imposition of this  
23 tax shall be placed in the same special fund and dedicated solely  
24 to the same library purposes as set forth in subsection (A).

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1           Section 7. Poverty Guidelines

2  
3           A. Within thirty (30) days of the annual publication of the  
4 federal poverty guidelines, the Administrator shall draft poverty  
5 guidelines for approval by the Board and shall thereafter  
6 distribute them to the persons subject to this tax.  
7

8           B. The Administrator and the Board may use the federal  
9 poverty guidelines promulgated by the Office of the Secretary of  
10 the Department of Health and Human Services, may use another  
11 agency's adaptation of the guidelines, or may create its own  
12 adaptation of the guidelines.  
13

14           C. Until the Administrator's first determination in 1993, the  
15 1992 federal poverty guidelines promulgated by the Office of the  
16 Secretary of the Department of Health and Human Services pursuant  
17 to 42 USC 9902(2) shall apply:  
18  
19  
20  
21  
22  
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24  
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<u>Size of Family Unit</u>	<u>Poverty Guideline</u>
1	\$ 6,810
2	\$ 9,190
3	\$11,570
4	\$13,950
5	\$16,330
6	\$18,710
7	\$21,090
8	\$23,470

Each additional member, add \$2,380.

D. Until the Administrator's first determination in 1993, the definitions of family, family unit, household, income, and unrelated individual set forth in the Federal Register, February 14, 1992, pp. 5456-5457, shall apply.

#### Section 8. Collection of Utility Tax Prohibited

A. Utility providers shall not include the United States of America or its agencies, municipalities, or families, family units, households and/or unrelated individuals below the poverty guidelines in any pass-through of this tax.

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1           B. The Administrator shall draft for approval by the Board a  
2 procedure by which the persons subject to this tax shall be  
3 reimbursed for the reasonable cost of implementing the poverty  
4 guidelines.

5  
6           Section 9. Returns and Remittance

7  
8           A. Each person providing a utility service shall, on or  
9 before the twentieth (20th) day of each month, file a verified  
10 return with the Administrator. The return shall be on the forms  
11 supplied or in the manner prescribed and shall state the gross  
12 revenue and other information required to determine the tax to be  
13 paid for the preceding one month period.

14  
15           B. Each person shall, at the time of filing the verified  
16 return, remit to the Administrator the amount of the tax.

17  
18           C. If any person required to file the first return and pay  
19 the tax imposed therein is unable, despite diligent effort, timely  
20 to submit a verified return, the person shall submit a return as  
21 accurate as possible, based on good faith estimates, and shall pay  
22 the tax accordingly. Such return may be amended and additional  
23 tax paid thereon, at the next required return filing date;  
24 thereafter, claims for refunds and demands for deficiency payments  
25 shall be made as provided in Section 10.

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1           Section 10. Return Review, Deficiencies and Refunds

2  
3           A.    The Administrator shall examine all returns filed and  
4 shall verify the accuracy thereof and the correct amount of the  
5 tax imposed by this ordinance. If the tax imposed is greater than  
6 the amount remitted, the Administrator shall mail a notice of the  
7 deficiency to the person filing the return. The amount of the  
8 deficiency shall be paid, unless hearing is requested, within  
9 thirty (30) days from the date of the notice. If the tax imposed  
10 is less than the amount remitted, the Administrator shall give  
11 notice and refund the overpayment to the person who made it.

12  
13           B.    A claim for a refund shall be made by giving written  
14 notice to the Administrator within sixty (60) days from the date  
15 of filing the return upon which the claim is based. The right to  
16 claim a refund is thereafter waived. No interest shall be paid on  
17 any refund.

18  
19           1.    The Administrator may deny the full amount claimed, refund  
20 the full amount claimed, or allow only part of the amount  
21 claimed.    The Administrator shall give notice of the  
22 determination.

23  
24           2.    Claims for refunds are not assignable.

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1           Section 11. Delinquent Taxes and Interest

2  
3           All taxes which are not remitted on the dates specified are  
4 delinquent, except as provided in Section 9(C). Delinquent taxes  
5 shall bear interest at the rate of one percent (1%) per month, or  
6 fraction thereof, until paid.

7  
8           Section 12. Fraudulent Returns

9  
10          If a false or fraudulent return is filed with the intent to  
11 evade or reduce the tax imposed by this ordinance, or with  
12 intentional disregard of this ordinance but without intent to  
13 defraud, there shall be added the amount of interest imposed by  
14 Section 11 of this ordinance plus an amount equal to fifteen  
15 percent (15%) of the total amount of the deficiency, which  
16 interest and penalty shall become due and payable within ten (10)  
17 days after notice and demand by the Administrator.

18  
19          Section 13. Tax As Debt

20  
21          The tax imposed by this ordinance and any interest and  
22 penalties thereon shall be a debt due and owing to Multnomah  
23 County and may be collected by civil action in the name of  
24 Multnomah County.

25  
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1           Section 14.   Records  
2

3           Each person shall keep and preserve, for a period of three (3)  
4 years from the date required for filing the return, such records,  
5 books and accounts as may be necessary to determine the amount of  
6 gross revenues upon which this tax is imposed. All such records,  
7 books and accounts shall be open for examination by the  
8 Administrator at any reasonable time and at any reasonable place  
9 within the county.  
10

11           Section 15.   Penalties  
12

13           A. It shall be a violation of this ordinance and unlawful for  
14 any person to refuse to make any return required by this  
15 ordinance, to make any false or fraudulent return, or to fail or  
16 refuse to make payment to the Administrator of any tax due under  
17 this ordinance, or in any manner to evade the collection and  
18 payment of the tax, or any part thereof, imposed by this  
19 ordinance, or to aid or abet other persons in any attempt to evade  
20 the collection and payment of the tax imposed by this ordinance.  
21 Such a violation shall be deemed a county offense and shall be  
22 punishable, upon conviction, by a fine of not more than one  
23 thousand dollars (\$1000) or by imprisonment in the county jail for  
24 not more than six (6) months, or by both such fine and  
25 imprisonment.  
26

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1 B. Any officer, director, partner, or other individual having  
2 direction or control over any person violating this ordinance  
3 shall be subject to the fine and imprisonment provided by this  
4 Section.

5  
6 C. Each twenty-four (24) hour continuance of any violation  
7 shall constitute a distinct and separate offence.

8  
9 Section 16. Writ of Review

10  
11 Review of any action of the Administrator taken pursuant to  
12 this ordinance or of any rules and regulations promulgated by the  
13 Administrator shall be by writ of review.

14  
15 Section 17. Separability

16  
17 If any section, subsection, sentence, clause, phrase or  
18 portion of this ordinance is for any reason held invalid or  
19 unconstitutional by a court of competent jurisdiction, such  
20

21  
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1 portion shall be deemed a separate, distinct and independent  
2 provision, and such holding shall not affect the validity of the  
3 remaining portions of this ordinance.

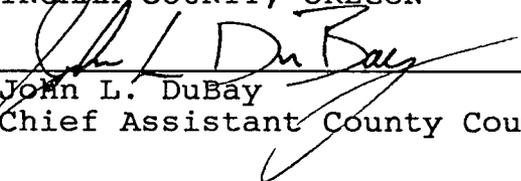
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5 Section 19. Adoption

6  
7 Adopted this \_\_\_\_ day of \_\_\_\_\_, 1992, being the date  
8 of its \_\_\_\_ reading before the Board of County Commissioners of  
9 Multnomah County, Oregon.

10  
11  
12  
13 By \_\_\_\_\_  
14 GLADYS MCCOY, CHAIR  
MULTNOMAH COUNTY, OREGON

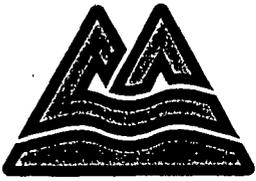
15 REVIEWED:

16 LAURENCE KRESSEL, COUNTY COUNSEL  
17 MULTNOMAH COUNTY, OREGON

18 By   
19 John L. DuBay  
Chief Assistant County Counsel

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08/20/92:1



OFFICE COPY

# 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  
GLADYS McCOY, CHAIR  
PAULINE ANDERSON  
RICK BAUMAN  
GARY HANSEN  
SHARRON KELLEY

## M E M O R A N D U M

TO: Board of County Commissioners  
Gladys McCoy, Chair  
Pauline Anderson  
Rick Bauman  
Gary Hansen  
Sharron Kelley

FROM: John L. DuBay

DATE: August 25, 1992

RE: Energy tax ordinance

COUNTY COUNSEL  
LAURENCE KRESSEL  
CHIEF ASSISTANT  
JOHN L. DU BAY  
ASSISTANTS  
J. MICHAEL DOYLE  
SANDRA N. DUFFY  
GERALD H. ITKIN  
H.H. LAZENBY, JR.  
STEVEN J. NEMIROW  
MATTHEW O. RYAN  
JACQUELINE A. WEBER

Attorneys representing some industrial users of natural gas request an amendment to the list of exclusions from taxation under the proposed ordinance. Their letter to me is enclosed.

The ordinance now excludes from taxation the "Proceeds from transmission facilities." The requestors say "transmission" applies only to electrical energy. The comparable term applied to natural gas is "transportation." Therefore, they request the exclusion be changed to read:

"Proceeds from transmission or transportation services."

Ginnie Cooper and staff responsible for developing the ordinance have no objections to the proposed amendment.

The amendment is not substantive and requires no additional public readings.

O:\FILES\228JLD.MEM\jld

HELLER, EHRMAN, WHITE & MCAULIFFE  
ATTORNEYS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

333 BUSH STREET  
SAN FRANCISCO, CALIFORNIA 94104-2878  
FACSIMILE (415) 772-6268  
TELEPHONE (415) 772-6000

3505 FIRST INTERSTATE BANK TOWER · 1300 S.W. FIFTH AVENUE  
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TELEPHONE (503) 227-7400 · FACSIMILE (503) 241-0950

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SEATTLE, WASHINGTON 98104-7098  
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TELEPHONE (415) 328-7600

1201 PACIFIC AVENUE  
TACOMA, WASHINGTON 98402-4308  
FACSIMILE (206) 572-6743  
TELEPHONE (206) 572-6666

601 SOUTH FIGUEROA STREET  
LOS ANGELES, CALIFORNIA 90017-5758  
FACSIMILE (213) 614-1868  
TELEPHONE (213) 689-0200

August 24, 1992

550 WEST 7TH AVENUE  
ANCHORAGE, ALASKA 99501-3571  
FACSIMILE (907) 277-1920  
TELEPHONE (907) 277-1900

PAUL M. MURPHY

PARTNER

VIA HAND DELIVERY

John L. DuBay, Esq.  
Multnomah County Counsel  
1120 S.W. Fifth Avenue, Suite 1530  
Portland, OR 97207-0849

RECEIVED

AUG 24 1992

MULTNOMAH COUNTY OR

Dear Mr. DuBay:

We represent industrial users of electricity and natural gas in Multnomah County who have technical concerns with the excise tax ordinance proposed for utility services that is pending before the Commissioners on August 27, 1992. Without addressing the merits of the tax proposal, we have one amendment to the proposed ordinance that we hope will clarify its applicability to certain natural gas and oil transportation services in the event the ordinance is enacted.

We propose changing the current language on page 2, Part (C) (3) to read:

"Proceeds from transmission or transportation services"

As you explained, the original language was intended to exempt from gross revenues those revenues electric utilities derive from providing transmission services. The intent of our proposed amendment is to treat the transportation of natural gas and oil the same as the transmission of electricity.

In the natural gas industry, a service analogous to transmission of electricity is provided by Northwest Pipeline Corporation and Northwest Natural Gas Company. Northwest Pipeline provides interstate transportation of natural gas from Canadian and domestic sources to delivery points in Multnomah County. Northwest Natural then transports that gas to some of its industrial customers. In the oil industry, there may also be situations where oil is transported

Mr. DuBay  
August 24, 1992  
Page 2

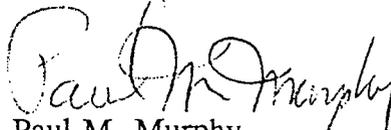
by barge and delivered in Multnomah County, even though the oil is purchased outside the county.

The amendment would clarify that revenues derived from transporting energy, whether the energy is electricity (where it is called transmission) or oil and natural gas (where the proper term is transportation) are exempt from the excise tax. We also propose changing the language from proceeds from "facilities" to proceeds from "services" because the proceeds are paid for "services" not "facilities."

Please bring this proposed amendment before the Commission at the meeting on August 27, 1992. If you or the Commissioners have any questions about the amendment we propose, please call me or my partner Ed Finklea and we will be happy to discuss them with you.

Also, I want to express my appreciation that the definition of "persons" who are subject to the excise tax was amended to eliminate the constitutional problem of subjecting the Bonneville Power Administration, an agency of the United States government, to the tax. By clarifying this point in the ordinance, the Commission has eliminated a source of uncertainty for Bonneville's direct service industrial customers in Multnomah County.

Very truly yours,

  
Paul M. Murphy

enc.

AMENDMENT TO SECTION 2, PARAGRAPH C, NUMBER 3 ON PAGE 2

3. Proceeds from transmission or transportation facilities  
services;



*Legal Meeting  
8-27-92  
L-8  
Handout  
Grover Simmons*

**INDEPENDENT EMPLOYER ASSOCIATION, INC.**

Park Plaza West

10700 S.W. Beaverton Highway — Suite 119

Beaverton, Oregon 97005

(503) 671-9794

AUGUST 27, 1992 TESTIMONY BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

Madame Chair and Members of the Board:

My name is Grover Simmons. I represent commercial printing companies and graphic arts businesses in Multnomah County who are members of the Pacific Printing Industries Association and the Independent Employer Association.

We oppose adoption of the ordinance imposing the four percent excise tax on utility services which will be passed on to consumers. We respectfully urge the Board of Commissioners to refer this proposal to a vote of all the people in the County.

In our view, there needs to be a determination by the general public whether they are willing to pay the cost of new taxes at this time. Not too surprising, this viewpoint is also shared by the editorial writers for the Oregonian Newspaper.

I want to make only three points in my brief testimony: First, the affect of this tax on printers; Second, a comment on the regressive nature of the tax; Third, an observation about how this proposal relates to House Joint Resolution 68 passed by the Oregon Legislature in 1991.

The printing and publishing industry is a major part of the economic base in Multnomah County. Yesterday the Oregon Department of Employment advised me there are 315 printing establishments in the County. They employ 6,200 people and have an annual payroll of over \$188,351,000

Yesterday I also did a telephone survey of twelve of these companies to get figures for you to show exactly how much this ordinance would cost them in new taxes. The following table shows the result of the survey:

**FOUR PERCENT TAX ON GAS AND ELECTRIC USAGE ANNUALLY**

Graphic Arts Center	\$ 39,175
Norwest Publishing Co.	25,000
Irwin Hodson Co.	5,000
Rono Graphic Communications	4,500
Lincoln And Allen	3,744
Wright Business Forms Co.	3,700
Dynagraphics	1,968
Standard Printing	1,360
Bridgetown Printing	905
Skillcraft Form Printers	790
Lane-Miles Standish Co.	528
Baldwin Foster Printers	170

Total new taxes from just these 12 companies would be \$86,840

Of the 315 printing companies in the county, most are small, family owned and operated businesses. Many are already on the edge as far as profitability goes because the average net profit, before taxes, of all printing companies in Multnomah County is only 3.0 percent of sales. These data are researched and published each year by the National Printing Industries of America.

To hit them with another four percent tax is just not warranted if your goal is to keep companies open and providing family wage manufacturing jobs for skilled workers in the County.

One of the companies I talked with yesterday told me they are already transferring work out of Multnomah County to another location to be printed because of lower total costs of production including lower taxes. Another four percent tax increase will only accelerate this trend and eliminate jobs for skilled workers in Multnomah County.

My second point is to again call your attention to the fact that, after you get above the poverty level exemption, this excise tax is regressive and is not based on the ability to pay. It's a flat tax, somewhat like a quasi-sales tax.

Low income families spend proportionately more of their income on utilities than families with substantially higher incomes. No progressive formula is built into the ordinance to overcome this situation.

Lastly, the Oregon Legislature in the last General Session passed House Joint Resolution 68 which said local government should promote a period of restraint in enacting new or increased taxes. And the Legislature should observe a policy of nonpreemption to allow a period of adjustment and consideration of a comprehensive tax system after passage of Measure 5.

The Resolution talks about a fundamental restructuring of state and local government finance. It says piecemeal imposition of new taxes may adversely impact the effort to come up with a balanced, equitable and comprehensive tax system throughout the state.

While the Resolution asks counties to hold the line only until July 1, 1992, we believe the date should be voluntarily extended by the Multnomah County Board of Commissioners to give the Legislature the opportunity to complete its work of responding to Ballot Measure 5. Attached is a copy of HJR 68

Thank you for considering these remarks from the printing industry.

**A-Engrossed**  
**House Joint Resolution 68**

Ordered by the House June 22  
Including House Amendments dated June 22

Sponsored by COMMITTEE ON REVENUE AND SCHOOL FINANCE

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Resolves that local government promote period of restraint in enacting new or increased taxes and legislature observe policy of nonpreemption to allow a period of adjustment and consideration of comprehensive tax system.

**JOINT RESOLUTION**

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Whereas reform of Oregon's current tax structure appears necessary in order to protect the ability of the State of Oregon to continue programs needed for the safety and welfare of its citizens; and

Whereas Ballot Measure Five's requirement that the state provide replacement revenues for schools has eclipsed the plight of many of the state's local governments which together will lose over \$162 million in property tax revenues over the 1991-1993 biennium; and

Whereas the unmet needs for public security, sewers, water, park and road systems and other services provided by local government will diminish the quality of life in Oregon; and

Whereas the Ballot Measure Five property tax limitation may aggravate the state's current system of taxation by placing over-reliance on revenues derived from income taxes, user fees and charges to pay for needed public services; and

Whereas a fundamental restructuring of state and local government finance must address the social, environmental and economic challenges confronting the citizens of Oregon; and

Whereas the Legislative Assembly, in conjunction with local officials, will respect and work within the spirit of the limitations on property tax rates, yet assure that Oregonians have the right to determine the level of service and nonproperty tax financing methods they support; and

Whereas piecemeal imposition of new taxes may adversely impact the endeavor to examine all possible options and hamper the unfolding of a balanced, equitable and comprehensive tax system; now, therefore,

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

(1) That the Association of Oregon Counties, the League of Oregon Cities and the Special Districts Association of Oregon promote a period of restraint until July 1, 1992, during which the enactment by local government of new or increased taxes designed to fund new programs is viewed with restraint, except where replacement cannot be avoided because of state or federal mandates or is essential to existing programs or public health, safety and welfare;

(2) In view of our belief that the period of restraint will be honored, that during the period, the authority of local government to raise revenue will not be preempted; and

**NOTE:** Matter in **bold face** in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.

1 (3) In partnership with local government, that representatives of the Association of Oregon  
2 Counties, the League of Oregon Cities and the Special Districts Association assist any legislative  
3 interim committees endeavoring to design and implement comprehensive changes in Oregon's taxing  
4 system and be included in any working group involved in that process.

5

*Regular Meeting*  
*8-27-92*  
*R-8*  
*Handout*

August 27, 1992

The Honorable Gladys McCoy  
Chair, Multnomah County Commission

TESTIMONY: SECOND READING - R-8, PROPOSED UTILITY TAX

Chair McCoy, Commissioners:

My name is Joan Pasco. I am the Executive Director of the Gresham Area Chamber of Commerce and I appear before you today as a concerned citizen of Multnomah county. I am concerned about the direction and policy which I have witnessed during the testimony and deliberations over this proposed sales tax on utilities within our county.

I must assume you all received a letter from Marcy Jacobs with the Oregon Economic Development Department. Marcy very succinctly explained to you all the ramifications of a tax such as this on our ability to attract new industry and jobs to our county. She and I have been working with a food processing company who are seeking to relocate to the Pacific Northwest area. They specifically told us not to show them available land or properties within the city of Portland due to the higher utility costs in Portland. They are looking at a site in Gresham -- an available building is on the market and is perfect for their needs. Gladys, this company could bring 125 new jobs to Gresham. They are waiting to make their decision.

Last week you heard testimony from Fujitsu, also located in Gresham. They currently employ 600 people. Their plans are to triple their operation, building two more buildings on their Gresham site. You heard Dick Romano state that was unlikely if this utility tax was in place. You heard from a trucking firm which is consolidating its operations into the Portland area. They also stated that this would be unlikely if this tax is enacted. A steel company stated that they were planning an expansion which is now also on hold. Collectively within these four examples we are talking the loss of over 3000 jobs for our citizens.

I am concerned because sitting in this room last week, it was obvious that the testimony was not going to change a pre-determined vote. I was also concerned because of audible comments being made throughout the room as business owners were testifying to the actual impacts of this tax on their businesses. These comments were along the line of "well just let them leave, we don't need them here, let them take their businesses somewhere else."

My job and chosen career focuses on jobs, getting people

back to work, creating a literate society with a population that has the high self esteem and dignity that comes with a family wage earning job. These folks are not on your welfare roles. These folks are not creating riots such as occurred in L.A. last spring. These folks care about the communities in which they live.

Healthy businesses making a profit are able to support not only the library systems, but arts and culture, special events, all of the things that make Portland a very special place to live with a quality of life that we all wish to preserve.

I am concerned about this type of taxation. It is regressive. Sharron stated it very well last week. This tax is too regressive to fix. It taxes the wrong things for the wrong reason. Every sales tax proposal to come before the voters in Oregon has excluded utilities. This exclusion is due to the hardship this type of tax causes to fixed and lower income people.

I urge you to vote against this tax. Let us help find a way to fund our library system that does not sacrifice our business climate in the process. It is simply too valuable a bargaining chip for the future economics of Portland, Gresham and our Multnomah County area.

*Regular Meeting*  
8-27-92  
R-8

PAULINE ANDERSON  
Multnomah County Commissioner  
District 1



1120 S.W. Fifth, Suite 1500  
Portland, Oregon 97204  
(503) 248-5220

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 27 AM 9:00  
MULTNOMAH COUNTY  
OREGON

August 13, 1992

To: Board of County Commissioners  
Elected Officials  
Department Managers  
From: Pauline Anderson *pa*  
Re: Revenue Strategy for Immediate Library, Corrections, and  
Juvenile Needs

I would like to thank the Library Board and the Budget office for their research and recommendations concerning library funding and the County's financial future. Our briefing last week demonstrated the difficult financial and political interrelationships that the Board must consider in making any decision.

I will support the Library Board's unanimous recommendation that we adopt a utility tax to meet our longstanding need for stable library funding.

My support for the utility tax plan is part of a three step plan that will enable us to continue to fund our three most vulnerable major county operations - the libraries, the Inverness Jail and corrections, and the new Juvenile facility and operations. We need to solve these financial problems ourselves. Successful state-wide tax reform measures will help prevent further service reductions, but will not solve our financial problems in these crucial areas.

STEP ONE - APPROVE THE UTILITY TAX FOR LIBRARIES

The utility tax will give the libraries a dedicated, stable revenue source to fund their operations. By dedicating part of our current General Fund support of the libraries to certificates of participation or other capital funding options, we can finance needed repairs and remodeling at Central and Midland.

While the utility tax appears regressive on first impression, the exemption provision goes a long way to correcting this problem. Also, over 60% of the tax will be paid by business, not residential customers.

STEP TWO - APPROVE A FIVE YEAR SERIAL LEVY FOR THE CONTINUED  
OPERATION OF THE INVERNESS JAIL  
AND OTHER PRESSING CORRECTIONS NEEDS

If the utility tax is approved, we can then submit a five year serial levy to the voters in March for the continued operation of the Inverness Jail. Budget office projects the cost for continued operation at \$19,700,000 annually.

There are also several other pressing corrections needs which we could consider for the same levy. I would like to include the final 40 Alcohol and Drug beds and Day Reporting Centers on this levy. The Sheriff and Director of Community Corrections have unfunded programs they would like for us to consider. Depending on the extent and severity of state cuts, we may need to craft a plan to offer additional local sanctions. I would welcome a joint planning process with the Sheriff and Community Corrections to craft a corrections levy for the spring.

Given these other needs, I suspect the cost of the levy will rise above the projected \$19,700,000. However, with the library no longer being funded through a property tax levy, the County could increase the corrections levy up to \$23,600,000 (the total of our current library and jail levies) without reducing the amount of money received by other jurisdictions within Multnomah County.

If we do not pass the library utility tax, we will need to convince the voters to pass a jail levy that will not even guarantee the full operation of Inverness.

STEP THREE - ADEQUATELY FUND THE NEW JUVENILE FACILITY  
AND THE NECESSARY ACCOMPANYING PROGRAMS

If the utility tax and the corrections levy are approved, the County should be able to adequately fund the new juvenile facility and the necessary accompanying programs. The Budget office estimates that we need an additional \$2,200,000 in 1993-4 for the Juvenile Certificates of Participation and an additional \$2,000,000 in 1994-5 for operational increases.

We should be able to fund the needs in Juvenile through our savings in our current library general fund contribution of \$1,600,000 (\$4,200,000 - \$2,600,000 for Library COPS), plus the savings of our current general fund contribution for the Inverness Jail of \$1,800,000. In addition, we will receive some small compression savings if the Corrections Levy is less than \$23,600,000.

## CONSIDER THE ALTERNATIVES

If the utility tax does not pass, our options are limited.

1. We could submit both levies to the voters at the current inadequately funded levels, which will become steadily more inadequate.
2. We could submit both levies to the voters at an increased amount, thereby reducing the amount of undedicated money the County and all other jurisdictions will receive under the cap. This will result in direct cuts to those other jurisdictions.
3. We could submit both levies to the voters at an increased amount and submit a GO Bond for the library and/or Juvenile facility. Aside from having to pass three revenue measures, this option would also reduce the amount of money the County and all other jurisdictions will receive under the cap.

Given the political and financial difficulties all of these pose, I would hope the Board at that time would seriously consider the alternative of a countywide payroll or income tax to deal with the library, jail, and juvenile facility, and potentially other local issues. This measure would require extensive negotiations with other jurisdictions concerning their requirements and impacts. If you know that you are not willing to seriously consider and fight for such a proposal, I urge you to go with the utility tax/jail levy plan.

### ADVANTAGES OF THE LIBRARY UTILITY TAX AND A FIVE YEAR CORRECTIONS LEVY

1. Removes one major service from the need for regular voter levy approval. Provides the library with their long awaited stable funding source. Eliminates the general fund subsidy for library operations.
2. Enables us to submit an adequately funded corrections levy package for a five year period.
3. Avoids a decision on implementing a local income/payroll tax until we see what the state legislature does and we have a better picture of the overall financial picture of the County.
4. Does not reduce the amount of property tax money available to other local jurisdictions.

There is never a good time and there is never a good tax. Given our political and financial limitations, I believe this is a sound strategy. I urge the Board to approve the Library Board's proposal.

REVENUE ESTIMATES  
BASED ON BUDGET OFFICE ESTIMATES

LIBRARY OPERATIONS REQUIREMENTS

\$18,800,000 (1992-3 level)  
+ 1,000,000 Program Expansion  
+ 1,000,000 Reserve for revenue fluctuations  
+ 400,000 Capital/maintenance  
+ 200,000 Contingency  
\$21,400,000 Total

LIBRARY REVENUES

\$19,000,000 (4% utility tax)  
- 1,000,000 (minus 5% exemption)  
18,000,000 net  
+ 1,500,000 Beginning Balance  
+ 700,000 Fees/Fines/Grants  
+ 1,200,000 Other Revenue  
\$21,400,000 Total Revenue

LIBRARY CAPITAL REQUIREMENTS

\$4,200,000 GF supplement  
-2,600,000 COPS for Cental and Midland  
\$1,600,000 Available for Juvenile

CORRECTIONS LEVY - ONE EXAMPLE

\$19,700,000 Five year levy to fully operate Inverness Jail  
+ 750,000 40 additional A/D beds  
+ 2,000,000 Day Reporting Centers  
+ 1,000,000 Other Program Needs  
\$23,450,000

\$23,800,000 Amount currently levied by the County for library  
and corrections

JUVENILE

Facility Requirements  
\$2,200,000 Additional COPS in 93-4

Programming Requirements  
\$2,000,000 operational needs in 94-5 with new facility

AVAILABLE REVENUES

\$1,600,000 From Library General Fund Savings  
+ \$1,800,000 From Current General Fund Subsidy of Inverness  
  
\$3,400,000 Available for Juvenile  
+ ? Library compression savings if the Corrections levy  
is less than \$23,800,000

*Agenda Review*

*8-25-92*

*R-8*

*Handout #1  
from Skellam*

Proposed Amendments to Utility Tax Ordinance

1. The first line of the ordinance currently reads: "An ordinance relating to the imposition of an excise tax on . . ."

It would be revised to read: "An ordinance referring to the people legislation relating to the imposition of an excise tax on . . ."

2. Add as Section 19:

"A. Sections 1-18 of this ordinance shall be submitted to the voters of Multnomah County at the election to be held on November 3, 1992. The ballot title and voters' pamphlet statement for the measure shall be substantially in the form attached to this ordinance as Exhibits 1 and 2.

B. Multnomah County Code MCC 4.51.070(B) authorizes the Board to call an election on a referendum of County legislation less than 90 days after the Board's order calling the election if it has been determined that the public interest would be harmed by waiting the full 90 days. The Board finds in this instance that the public interest would be harmed by waiting the full 90 days because a March election would not allow sufficient time for budget planning and related decisions impacting the following fiscal year."

3. Change current Section 19 to Section 20.

4. Add as Exhibit 1 a ballot title.

5. Add as Exhibit 2 a voters pamphlet statement

*Regular Meeting  
8-27-92  
R-8*



**NORTH PACIFIC LUMBER CO.**

August 26, 1992

CLERK OF  
COUNTY COMMISSIONERS  
1992 AUG 26 PM 4:44  
MULTNOMAH COUNTY  
OREGON

**HAND DELIVERED**

Commissioner Gladys McCoy, Chair  
Multnomah County Commission  
1120 S.W. Fifth Avenue  
Suite 1510  
Portland, Oregon 97204

**RE: Ordinance for Library Utility Tax**

Dear Commissioner McCoy:

The management of North Pacific Lumber Co. is disappointed and concerned as to the first vote of the commissioners in support of the Ordinance for Library Utility Tax. North Pacific Lumber Co. is a Portland-based wholesale distributor of wood products and agricultural commodities throughout the North American market and overseas. Over 10% of our \$600 million plus in sales are to customers in Asia and Europe. Less than 1% of our sales stay within Oregon. Portland employment is currently 287 people out of over 360 company-wide.

North Pacific competes throughout the world in finding markets for products of the Pacific Northwest. The worldwide recession has had an adverse impact on revenues and margins while most operating costs, payroll and taxes continue to creep upward.

The planned 4% surtax on utilities will add another \$5,000 per year to our cost of doing business in 1993 with no value added to our competitiveness. This new tax would add to the already uneven burden of property taxes and TRI-MET levies borne by businesses operating in Multnomah County.

As a wholesaler/exporter of commodities and wood products which trade freely on world markets, NOR PAC will not be able to pass on this extra cost to others. We will be forced to absorb this new tax and look to eliminate some other cost to try to compensate. Our Portland payroll is one area we will probably have to squeeze further.

The tax structure of Oregon is already unattractive for businesses trying to compete in national and global markets. The advantages of doing business in Clark County, Washington are already recognized by a number of area businesses. North Pacific leases its present offices and does have the flexibility to consider relocating in the next five years.

While the Commission's need to find funding for the county library system is understood, further taxing the businesses of Multnomah County could result in driving off the golden goose of employment. We ask that the Multnomah County commissioners' carefully reconsider their decision to implement a utility tax which will add to the cost of doing business in this County.

Very truly yours,



T. J. Tomjack  
President



George R. Thurston  
Executive Vice President

TJT/GRT/jb

c: County Commissioners  
County Clerk  
County Counsel



# Portland Chamber

*Regular Meeting*  
8-27-92  
R-8

August 25, 1992

Chair Gladys McCoy  
Multnomah County Commission  
1120 S.W. Fifth Avenue, #1410  
Portland, OR 97204

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 26 PM 4:44  
MULTNOMAH COUNTY  
OREGON

Dear Gladys:

Thanks for your comprehensive and thoughtful reply to my recent letter concerning the proposed new excise tax on utilities to fund the Multnomah County Library. I realize that you have spent many, many months deliberating over this vitally important public facility and that the recommendation by the Library Advisory Board reflects their carefully considered judgment.

Nevertheless, there are a number of points in your letter with which one might take issue to some extent. I'd like to do this for the purpose of highlighting the Chamber's concern that the Multnomah County Commission will make a tragic error if it elects to fund the library through a utility excise tax.

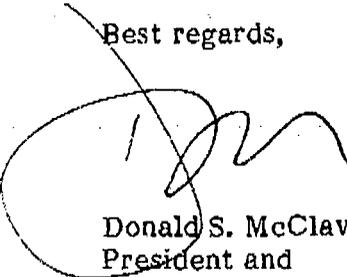
- o We certainly do not question the Commission's authority to impose an excise tax. We do question whether such a move is wise.
- o There is no question that the Library's services need to be maintained. However, the argument that commercial taxpayers have received benefits under Measure 5 and therefore can afford new taxes begs the real question, which is "What is the comparative cost of doing business in Multnomah County versus Clackamas or Washington counties?" The answer, of course, is that it is greater and the gap will widen if you impose a utility excise tax. The Commission has heard considerable testimony from a wide range of businesses which will be affected. Is it really your collective desire to force them out of Multnomah County, thus reducing both the tax base and the number of jobs?
- o Your proposal to make the excise tax applicable to heating oil suppliers simply insures that more businesses and families will be burdened by a four percent increase in their bills.
- o We recognize and applaud the County's efforts to streamline and become more efficient. Your resolve to continue them has our full support.
- o The Chamber shares your frustration that regionalization of services has been slower to come than we would like. And, of course, we agree with you that the proposed utility excise tax is a narrow one. So narrow, in fact, that it is likely to do lasting harm to Multnomah County's economy long before any regional solutions can be put in place because the cost burden it places on employers here (in contrast to those companies which locate in Washington or Clackamas counties).

- o Your support of the Governor's Oregon Tax Plan certainly fulfilled your commitment to her. We also agree that a funding measure is needed, but this is not the one.

We commend your efforts to find a new source of funding for the Multnomah County Library. However, we believe that it should be a new levy adequate to support the Library's needs over the next several years. We cannot support the proposed utility excise tax and hope the Commission will reconsider its proposal. Should the excise tax be passed, it is certain to be referred to voters anyway, so I would certainly second the editorial suggestion in yesterday's Oregonian that the Commission refer the proposal to voters if you are unwilling to drop it.

Again, thanks for your response to my earlier letter. It arrived while I was on vacation and was on the top of my reading pile when I returned yesterday morning.

Best regards,



Donald S. McClave  
President and  
Chief Executive Officer

1350D/dmp

Enclosure

cc: Commissioner Pauline Anderson  
Commissioner Rick Bauman  
Commissioner Gary Hansen  
Commissioner Sharron Kelley

Oregonian First Metro  
8-26-92

too far to disrupt so much of the area.

Stevens said neighbors have contacted the Federal Communications Commission and have been told there was nothing the agency could do.

Kreitz said he's received complaints from neighbors during the past three weeks, although

er a transceiver was causing static in the neighborhood.

He has since replaced the transceiver but said the issue is not the static anymore, its that the neighbors want the tower removed.

"That's not going to happen," he said. "Their

he said he has already built a large fence around his property to provide a buffer between the neighbors and the tower.

"I'm trying to do the right thing," he said.

But the neighbors are not convinced.

"We just don't feel it's appropriate for our neighborhood," Watkins said.

# Kelley urges county to place library tax on ballot

By SURA RUBENSTEIN  
of The Oregonian staff

Multnomah County Commissioner Sharron Kelley on Tuesday challenged her fellow commissioners to refer a proposed library utility tax to voters before opponents force a vote of the public on the tax.

"I'm just asking you to think about it," said Kelley, who opposes the 4 percent tax on electric, natural gas and heating oil sales to support county library operations.

She said opponents likely would gather enough signatures to refer the tax for a vote — but that vote would come next spring, when the county is in the midst of preparing its 1993-94 budget.

If the tax were rejected, commis-

sioners would have just three months to find another replacement for the expiring special levy that provides about half of the library's \$18.6 million annual budget.

"This board has the opportunity to refer it in November," she said. "If we don't — and if it's referred — we may run into serious problems in the spring."

The second reading of the ordinance creating the tax will be at Thursday's regular commission meeting. The 3-2 majority that approved the tax at the first reading last week is expected to hold.

Kelley and Commissioner Gary Hansen opposed the tax. Chairwoman Gladys McCoy and Commissioners Rick Bauman and Pauline Anderson supported it.

The tax on suppliers of natural

gas, electricity and petroleum products used for heating would raise an estimated \$18 million annually when fully implemented in 1993-94 and would provide an independent source of money for the library system. The library now relies on the special levy, the county general fund and other revenues.

Opponents said the tax would discourage business development, that it placed an undue burden on some utility customers, that it bore no direct relation to library operations and that it was too narrow.

Instead of a specialized, dedicated tax that they said was a disguised sales tax, they urged county commissioners to submit another serial levy to voters or to hold off until there is a comprehensive statewide plan for tax reform.

Bauman, a strong advocate of the utility tax, said that he would be willing to refer it to voters if opponents would agree to a campaign spending limit of under \$100,000.

"The utilities have been willing to spend whatever resources they can bring to bear to get the results they want — never with the public interest as a standard," he said.

He added that utility representatives have threatened to spend up to \$2 million to defeat the library tax, which all have opposed.

"Our job is to make good public policy," Bauman said. "If they want to abuse it, that's their prerogative."

If commissioners elect not to refer the tax, opponents have 90 days after final approval of the ordinance to gather the 9,600 valid voter signatures needed to put the tax to a vote.

# Corbett bikeways compromise plan approved

By BARBARA PESCHIERA  
Correspondent, The Oregonian

Multnomah County Commissioner Sharron Kelley thrust her arms toward the ceiling in victory Tuesday after her colleagues approved a bikeways plan for Corbett.

The new bikeways ordinance outlines about 20 miles of bike paths along widened shoulders of seven county roads. Its approval completes the county's goal of writing general plans for designating bikeways countywide.

But Kelley was celebrating approval of a resolution that spells out local concerns about the plan. The 14-point resolution suggests con-

struction ideas to lessen the impact on the rural community.

The task force's recommendations include using gravel instead of pavement for paths in some places, as a courtesy to horse riders. The task force also suggested that bicyclists share the road with vehicles in some places and that bike paths should be 3 feet wide, instead of 5 feet wide, on narrow stretches of road.

Kelley said she wanted the citizens task force, who generated the 14 points, formally recognized. Debate over the bikeways plan had threatened to split the community, she said.

Many Corbett-Springdale residents oppose developing bikeways

that would attract tourists to a community that has few public services.

"It was a long and arduous process," Kelley said. "These are the final words of peace."

Commissioner Pauline Anderson said she needed more information about some of the suggestions if approving the resolution would commit the county to new policies.

In other business, the board upheld four land-use decisions made Aug. 3 by a hearings officer on East Multnomah County requests. The board:

- Approved a community service use for God's Kids Caring, a nonprofit group, to operate its headquarters at 12920 S.E. Holgate Boulevard.

The group provides food and training to the needy.

- Approved an expanded community service use for the Lynch Baptist Church, 3130 S.E. 148th Ave. The church wants to build a 5,500-square-foot addition.

- Approved a conditional-use permit, allowing a hardware, feed store and gasoline station to open at 35905 and 35381 East Crown Point Highway. The permit would replace a now-defunct refrigerator repair business on the eastern portion of the property.

- Approved a conditional-use request, allowing a single-family home at 16521 S.E. Powell Blvd., to be converted to an insurance office.

The Nov. 3 election since the PUD addition subdistricts; it change the board's con-

Two seats are open of the incumbents 1 District 3 or District will pit two incur Brown and Bill Stal each other.

John Vogl, who also trict 1 with Brown and declined to seek re-ele-

Richard Lauderback the PUD, also decided election.

Jean Hood, an incun District 2, has filed term. She will be chall Scariano, who ran u for the Gresham Cit 1990.

Because of a last- drawl from the race, ers will run unopposed sured of a seat in Janu-

## POLICE BL

### Gresham police rape in parking

GRESHAM — Gresh reported a woman was raly early Monday morn point in her car in the B & I Tavern, 18828 S.E.

The rapist was descr 32 to 35 years old 5-foot-5-inches tall. He thick black hair, a mu burn mark on his neck.

He was wearing black and boots. According report, the man was se ern before the rape.

### Gresham police ar

GRESHAM — Gro have arrested Nor Schwab, 55, 36 N.E. investigation of sodom abuse.