

ANNOTATED MINUTES

*Tuesday, September 1, 1992 - 8:30 AM
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(e), in Order to Discuss the Operational and Financial Aspects of a Proposed Purchase of Real Property by Multnomah County.*

CANCELLED.

*Tuesday, September 1, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFINGS

- B-1 *Discussion of Audit Entitled "MANAGEMENT OF FELONS: IMPROVE SENTENCING PRACTICES". Presented by Multnomah County Auditor Gary Blackmer.*

GARY BLACKMER INTRODUCED AUDITORS JUDITH DeVILLIERS AND SUZANNE FLYNN AND ACKNOWLEDGED THEIR EFFORTS WITH THE AUDIT. MR. BLACKMER PRESENTATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER ANDERSON ADVISED SHE WILL SUBMIT A MEMORANDUM WITH ADDITIONAL QUESTIONS AND REQUESTED THAT ANOTHER BRIEFING BE SCHEDULED IN ONE MONTH TO DISCUSS POSSIBLE REMEDIES, ATTENDED BY A JUDGE AND DISTRICT ATTORNEY, SHERIFF AND COMMUNITY CORRECTIONS STAFF.

- B-2 *Discussion of Columbia Villa Community Service Project Representatives' Participation in the Moral Rearmament Conference in Caux, Switzerland. Presented by Project Director Fred Milton and Villa Residents Tina Stalling and Ruby Foust.*

NORM MONROE, FRED MILTON, RUBY FOUST, TINA STALLING AND MICHAEL HENDERSON PRESENTATION AND RESPONSE TO BOARD QUESTIONS. MR. MILTON TO INVITE THE BOARD TO AN UPCOMING VILLA COMMUNITY LUNCHEON.

- B-3 *General Overview of Multnomah County Weatherization Program Operations, Accomplishments and 1993 Fiscal Year Goals. Presented by Program Staff Rey Espana and Tom Brodbeck.*

NORM MONROE, REY ESPANA AND TOM BRODBECK PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

- B-4 *Multnomah County Homeless Families Program Briefing and Update on Current Grant Initiatives and First Year Results of the Robert Wood Johnson Foundation Homeless Families Program. Presented by Project Director Paula Corey.*

**NORM MONROE AND PAULA COREY PRESENTATION AND
RESPONSE TO BOARD QUESTIONS.**

*Tuesday, September 1, 1992 - 10:45 AM
Multnomah County Courthouse, Room 602*

AGENDA REVIEW

- B-5 *Review of Agenda for Regular Meeting of September 3, 1992.*
-

*Tuesday, September 1, 1992
1:30 PM TO NO LATER THAN 5:00 PM
Multnomah County Courthouse, Room 602*

PUBLIC HEARING

Chair Gladys McCoy convened the hearing at 1:33 p.m., with Commissioners Pauline Anderson and Gary Hansen present, and Vice-Chair Sharron Kelley and Commissioner Rick Bauman excused.

- P-1 *Quasi-Judicial Hearing Followed by Board Deliberations and Order in the Matter of a Petition for Establishing a Way of Necessity for Property Described as Tax Lot 17, Located in the N.E. 1/4 of Section 6, T2N, R1W, W.M. and in the Alexander McQuinn D.L.C., Multnomah County, Oregon, Filed by the McQuinn Family Pioneer Cemetery Association, an Oregon Non-Profit Corporation. (Case No. 92-51C).*

**TESTIMONY, REBUTTAL AND RESPONSE TO BOARD
QUESTIONS FROM COUNTY COUNSEL JACQUELINE
WEBER, SURVEYOR DENNIS FANTZ, PETITIONERS'
ATTORNEY LISA KOLVE, McQUINN FAMILY PIONEER
CEMETERY ASSOCIATION PRESIDENT MAXINE DAILY
AND RESPONDENTS' ATTORNEY JOHN SHONKWILER.**

**MS. KOLVE DISCUSSED PETITIONERS' OWNERSHIP
INTEREST IN THE PROPERTY AS EVIDENCED BY A DEED
FROM THE UNITED STATES TO THE McQUINNS
GRANTING THE CEMETERY TO THE McQUINNS AND
THEIR HEIRS FOREVER, WHICH RIGHT WAS NEVER
TRANSFERRED. MS. KOLVE ADVISED THEY ARE
REQUESTING PUBLIC ROAD ACCESS TO THE CEMETERY
IN THE LEAST DISRUPTIVE MANNER POSSIBLE WITH NO
OR MINIMAL COMPENSATION TO RESPONDENTS.**

MR. SHONKWILER SUBMITTED 4 EXHIBITS INTO THE

RECORD AND REQUESTED THAT THE BOARD MAKE A DETERMINATION THAT PETITIONERS FAILED TO PROVE STANDING TO FILE FOR A WAY OF NECESSITY AND/OR THAT THE PETITION SHOULD BE DENIED BECAUSE RESPONDENTS HAVE ADVERSE POSSESSORY RIGHT OF THE PROPERTY AS EVIDENCED BY DEED AND THAT PETITIONERS HAVE NOT MET STATUTE REQUIREMENTS TO ALLEGE AN ELEMENT OF FAIR AND ADEQUATE COMPENSATION FOR THE PROPERTY.

MS. WEBER EXPLAINED THAT THE BOARD'S OPTIONS FOR MAKING A DETERMINATION IN THIS MATTER WOULD BE TO FIND THAT PETITIONERS SUBMITTED SUFFICIENT EVIDENCE TO PROVE OWNERSHIP OF THE CEMETERY PROPERTY AND DECIDE THE OTHER WAY OF NECESSITY ISSUES, OR FOR THE BOARD TO FIND IT DOES NOT HAVE SUFFICIENT EVIDENCE OF OWNERSHIP AND DISMISS THE PETITION DUE TO LACK OF STANDING, ADVISING THAT THEN EITHER PETITIONERS OR RESPONDENTS COULD APPEAL THAT DECISION TO CIRCUIT COURT. IN RESPONSE TO A QUESTION OF CHAIR McCOY, MS. WEBER EXPLAINED THE BOARD NEEDS TO DELIBERATE REGARDING THE ISSUES, REVIEW THE DOCUMENTS AND TESTIMONY, BE BRIEFED BY COUNTY COUNSEL ON THE LEGAL ISSUES PRESENTED AND THE VARIOUS FINDINGS THE BOARD HAS TO MAKE IN LEADING TO ITS DECISION. MS. WEBER ADVISED A WRITTEN ORDER OF THE BOARD'S DECISION MUST BE FILED AND THAT EITHER PARTY MAY APPEAL TO CIRCUIT COURT. IN RESPONSE TO A QUESTION, COUNTY COUNSEL MATTHEW RYAN CITED PIKE vs WILEY, 100 OR AP 120 (1990) (GRANT COUNTY), IN WHICH AN APPEAL WAS HEARD IN CIRCUIT COURT BY DE NOVO REVIEW.

IN REBUTTAL, MS. KOLVE REQUESTED THAT THE BOARD CONSIDER THE COUNTY ENGINEER'S 1989 ESTIMATION OF VALUE AT \$1,000 TO \$1,500 PER ACRE AS BEING MORE APPROPRIATE COMPENSATION THAT THE AMOUNT SUGGESTED IN RESPONDENTS' AFFIDAVIT.

IN RESPONSE TO A QUESTION, MS. WEBER ADVISED THAT ATTORNEYS FOR BOTH PARTIES DID NOT HAVE EX PARTE CONTACT WITH COUNTY COUNSEL, BUT PARTICIPATED IN A CONFERENCE CALL ON MONDAY IN AN ATTEMPT TO SHORTEN THE PROCESS AND RESOLVE SOME ISSUES PRIOR TO THE HEARING.

IN RESPONSE TO A QUESTION OF COMMISSIONER HANSEN, MS. WEBER ADVISED A DECISION WOULD

HAVE TO BE MADE BY A MAJORITY OF THE THREE COMMISSIONERS ATTENDING TODAY'S HEARING.

The hearing was recessed at 3:15 p.m. and reconvened at 3:25 p.m.

AFTER FURTHER DISCUSSION, CHAIR McCOY PROPOSED A 45 DAY CONTINUANCE IN ORDER FOR THE BOARD TO TAKE THE MATTER UNDER ADVISEMENT AND CONFER WITH COUNTY COUNSEL. THE HEARING WAS CLOSED WITH BOARD DETERMINATION TO BE MADE AT 1:30 PM ON TUESDAY, OCTOBER 20, 1992.

There being no further business, the hearing was adjourned at 3:39 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad
Deborah L. Bogstad

*Thursday, September 3, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

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

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSENT CALENDAR ITEM C-1 WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

C-1 *In the Matter of the Appointments Avel L. Gordly, Barbara Aho Grider, Myrthle B. Griffin, Gerald McFadden and Barry M. Maletzky to the MULTNOMAH COUNTY COMMUNITY CORRECTIONS ADVISORY COMMITTEE*

REGULAR AGENDA

NON-DEPARTMENTAL

R-1 *PROCLAMATION in the Matter of Proclaiming the Week of September 6-11, 1992 as RETURN TO SCHOOL WEEK in Multnomah County, Oregon*

PROCLAMATION READ. COMMISSIONER KELLEY MOVED

AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-1. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, AN AMENDMENT CHANGING "I" TO "WE" WAS UNANIMOUSLY APPROVED. PROCLAMATION 92-163 UNANIMOUSLY APPROVED AS AMENDED.

R-2 *RESOLUTION in the Matter of a Planning Process to Develop a Corrections Levy for March*

COMMISSIONER ANDERSON EXPLANATION. COMMISSIONER ANDERSON MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. BOARD DISCUSSION. RESOLUTION 92-164 UNANIMOUSLY APPROVED.

R-3 *Ratification of Intergovernmental Agreement Contract #500173 Between the City of Portland and Multnomah County, Providing Consolidation of the City of Portland Stores with Multnomah County Central Stores for the Purpose of Economic and Efficient Operations*

COMMISSIONER ANDERSON MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-3. LILLIE WALKER EXPLANATION. COMMISSIONER ANDERSON COMMENTS IN SUPPORT. AGREEMENT UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

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

R-9 *ORDER in the Matter of an Exemption to Waive the Competitive Bid Process and to Use a Request for Proposal for the Selection of a Construction Manager/General Contractor for the Juvenile Justice Complex Replacement*

MS. WALKER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, ORDER 92-165 WAS UNANIMOUSLY APPROVED.

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

JUSTICE SERVICES

SHERIFF'S OFFICE

R-4 *Budget Modification MCSO #1 Requesting Authorization to Transfer \$46,250 in Dedicated Drug Forfeiture Funds from the Professional Services Line Item to Equipment Line Item, Enforcement Division, to Fund the Purchase of an Airplane to be Used for Air Surveillance in Drug Investigations*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-4 WAS UNANIMOUSLY APPROVED.

- R-5 *Budget Modification MCSO #2 Requesting Authorization to Transfer \$4,484 from the Overtime Line Item to Permanent Line Item, Enforcement Division, to Pay for Reclassification of a Sergeant to a Lieutenant Position in the Sheriff's Enforcement Branch*

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

DEPARTMENT OF SOCIAL SERVICES

- R-6 *Request for Approval in the Matter of a NOTICE OF INTENT to Apply for a One Year \$150,000 Grant from the Bonneville Power Administration, Providing Ten Bonneville Power Administration Job Slots for High Risk Gang Involved Youth as Part of the Youth Employment and Empowerment Project*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-6 WAS UNANIMOUSLY APPROVED.

- R-7 *Request for Approval in the Matter of a NOTICE OF INTENT to Apply for a \$75,000 Grant from the Annie E. Casey Foundation, Providing a Nine Month Planning Grant to Develop a Plan for Revision of Juvenile Detention Policies and Practices, Including Establishment of Community-Based Alternatives to Detention*

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

- R-8 *Request for Approval in the Matter of a NOTICE OF INTENT to Apply for a One Year \$250,000 U.S. Department of Health and Human Services Grant, Providing Funding for a Homeless Families Support Services Demonstration Program*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-8 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-10 *ORDER in the Matter of Multnomah County Appointing Planning and Zoning Hearings Officers*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, ORDER 92-166 APPOINTING LARRY EPSTEIN, PHILLIP GRILLO, ROBERT LIBERTY AND PAUL NORR WAS UNANIMOUSLY

APPROVED.

R-11 *Continued 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*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ANDERSON MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. MIKE OSWALD INTRODUCED AMENDED ORDINANCE. IN RESPONSE TO A QUESTION OF THE BOARD, COUNTY COUNSEL MATTHEW RYAN READ THE AMENDED LANGUAGE TO PAGE 3 OF 27, SUB-SECTION MCC 8.10.035(7), "A STATEMENT THAT AN ADMISSION OF INFRACTION WOULD BE ON RECORD AND COULD LEAD TO THE ENHANCEMENT OF FINE ON ANY SUBSEQUENT INFRACTION ISSUED UNDER THIS CHAPTER AS PROVIDED UNDER MCC 8.10.900(B)." AND ADVISED THE CHANGE IS NON-SUBSTANTIVE AND COULD BE ADOPTED WITH THE SECOND READING OF THE ORDINANCE. MICHAEL TWAIN AND NORMAN ROLEY TESTIMONY IN OPPOSITION AND RESPONSE TO BOARD QUESTIONS. DALE DUNNING TESTIMONY IN SUPPORT. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE AMENDMENT WAS UNANIMOUSLY APPROVED. ORDINANCE 632 UNANIMOUSLY APPROVED AS AMENDED.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.

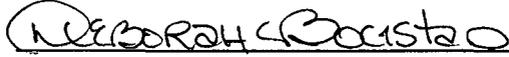
P-11 CU 11-92 HEARING, ON THE RECORD PLUS ADDITIONAL TESTIMONY, WITH ADDITIONAL TESTIMONY TO BE RESTRICTED TO THE PHYSICAL CONSTRAINTS OF THE SITE RELATIVE TO THE PLACEMENT OF THE DWELLING, 10 MINUTES PER SIDE, in the Matter of an Appeal of a July 6, 1992 Planning and Zoning Hearings Officer Decision 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

AT THE REQUEST OF COMMISSIONER KELLEY AND FOLLOWING EXPLANATION BY ROBERT TRACHTENBERG AND JOHN DuBAY, COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, THAT THE BOARD RECONSIDER PLANNING ITEM P-11 AND SET A HEARING DATE FOR THE RECONSIDERATION AT 9:30 AM ON

TUESDAY, SEPTEMBER 22, 1992. MOTION UNANIMOUSLY APPROVED, WITH COMMISSIONERS ANDERSON, KELLEY, HANSEN AND McCOY VOTING AYE ON A ROLL CALL VOTE.

There being no further business, the meeting was adjourned at 10:25 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON



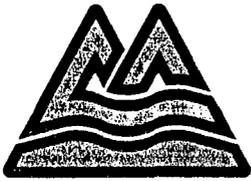
Deborah L. Bogstad

*Thursday, September 3, 1992
(Immediately Following 9:30 AM Regular Meeting)
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h) for the Purpose of Legal Counsel Consultation Pertaining to Possible Litigation.*

EXECUTIVE SESSION HELD.



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 31 - SEPTEMBER 4, 1992

- Tuesday, September 1, 1992 - 8:30 AM - Executive Session . . .Page 2
- Tuesday, September 1, 1992 - 9:30 AM - Board Briefings. . . .Page 2
- Tuesday, September 1, 1992 - 10:45 AM - Agenda ReviewPage 2
- Tuesday, September 1, 1992 - 1:30 PM - Public HearingPage 3
- Thursday, September 3, 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.

Tuesday, September 1, 1992 - 8:30 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(e), in Order to Discuss the Operational and Financial Aspects of a Proposed Purchase of Real Property by Multnomah County. 1 HOUR REQUESTED.
-

Tuesday, September 1, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Discussion of Audit Entitled "MANAGEMENT OF FELONS: IMPROVE SENTENCING PRACTICES". Presented by Multnomah County Auditor Gary Blackmer. 15-25 MINUTES REQUESTED.
- B-2 Discussion of Columbia Villa Community Service Project Representatives' Participation in the Moral Rearmament Conference in Caux, Switzerland. Presented by Project Director Fred Milton and Villa Residents Tina Stalling and Ruby Foust. 15 MINUTES REQUESTED.
- B-3 General Overview of Multnomah County Weatherization Program Operations, Accomplishments and 1993 Fiscal Year Goals. Presented by Program Staff Rey España and Tom Brodbeck. 10 MINUTES REQUESTED.
- B-4 Multnomah County Homeless Families Program Briefing and Update on Current Grant Initiatives and First Year Results of the Robert Wood Johnson Foundation Homeless Families Program. Presented by Project Director Paula Corey. 10 MINUTES REQUESTED.
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Tuesday, September 1, 1992 - 10:45 AM

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AGENDA REVIEW

- B-5 Review of Agenda for Regular Meeting of September 3, 1992.
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Tuesday, September 1, 1992
1:30 PM TO NO LATER THAN 5:00 PM

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- P-1 Quasi-Judicial Hearing Followed by Board Deliberations and Order in the Matter of a Petition for Establishing a Way of Necessity for Property Described as Tax Lot 17, Located in the N.E. 1/4 of Section 6, T2N, R1W, W.M. and in the Alexander McQuinn D.L.C., Multnomah County, Oregon, Filed by the McQuinn Family Pioneer Cemetery Association, an Oregon Non-Profit Corporation. (Case No. 92-51C).
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Thursday, September 3, 1992 - 9:30 AM

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REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 In the Matter of the Appointments Avel L. Gordly, Barbara Aho Grider, Myrthle B. Griffin, Gerald McFadden and Barry M. Maletzky to the MULTNOMAH COUNTY COMMUNITY CORRECTIONS ADVISORY COMMITTEE

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 PROCLAMATION in the Matter of Proclaiming the Week of September 6-11, 1992 as RETURN TO SCHOOL WEEK in Multnomah County, Oregon
- R-2 RESOLUTION in the Matter of a Planning Process to Develop a Corrections Levy for March
- R-3 Ratification of Intergovernmental Agreement Contract #500173 Between the City of Portland and Multnomah County, Providing Consolidation of the City of Portland Stores with Multnomah County Central Stores for the Purpose of Economic and Efficient Operations

JUSTICE SERVICES

SHERIFF'S OFFICE

- R-4 Budget Modification MCSO #1 Requesting Authorization to Transfer \$46,250 in Dedicated Drug Forfeiture Funds from the Professional Services Line Item to Equipment Line Item, Enforcement Division, to Fund the Purchase of an Airplane to be Used for Air Surveillance in Drug Investigations

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DEPARTMENT OF SOCIAL SERVICES

R-6 Request for Approval in the Matter of a NOTICE OF INTENT to Apply for a One Year \$150,000 Grant from the Bonneville Power Administration, Providing Ten Bonneville Power Administration Job Slots for High Risk Gang Involved Youth as Part of the Youth Employment and Empowerment Project

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PUBLIC CONTRACT REVIEW BOARD

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

R-9 ORDER in the Matter of an Exemption to Waive the Competitive Bid Process and to Use a Request for Proposal for the Selection of a Construction Manager/General Contractor for the Juvenile Justice Complex Replacement

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DEPARTMENT OF ENVIRONMENTAL SERVICES

R-10 ORDER in the Matter of Multnomah County Appointing Planning and Zoning Hearings Officers

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MULTNOMAH COUNTY OREGON

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CLERK'S OFFICE • 248-3277 • 248-5222

SUPPLEMENTAL AGENDA

Thursday, September 3, 1992
(Immediately Following 9:30 AM Regular Meeting)
Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h) for the Purpose of Legal Counsel Consultation Pertaining to Possible Litigation. 45 MINUTES REQUESTED.

0202C/44/db
9/2/92

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 2:02
MULTNOMAH COUNTY
OREGON

Meeting Date: SEP 03 1992

Agenda No.: C-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: APPOINTMENTS

BCC Informal _____ BCC Formal September 3, 1992
(date) (date)

DEPARTMENT Non-departmental DIVISION Chair's Office

CONTACT Kathy Millard TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION _____

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: Consent Calendar

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):

Appointment to:

Multnomah County Community Corrections Advisory Committee

- Gerald McFadden, term expires 9-94
- Barbara Aho Grider, term expires 9-94
- Myrthle B. Griffin, term expires 9-94
- Avel L. Gordly, term expires 9-94
- Barry Meletzky, term expires 9-94

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Gladys McCoy*
Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 AUG 26 AM 11:01
MULTNOMAH COUNTY
OREGON

KM
GLADYS McDOY
MULTNOMAH COUNTY CHAIR
1120 S.W. 5th, ROOM 1410
PORTLAND, OREGON 97204
8/19/92

MEMORANDUM

TO: Kathy Millard, Chair's Office

FROM: Donna Ford, Community Corrections

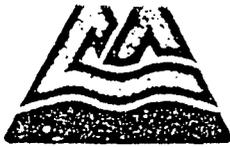
DATE: August 19, 1992

SUBJECT: Advisory Board Applications

Attached are five applications for membership on the Community Corrections Advisory Committee Board. They have been reviewed by our membership and bylaws committee and are being forwarded to you for board action.

Please let me know if I can assist in this process in any way.

cc: Doug Bray, CCAC Chairperson



BOARDS AND COMMISSIONS

INTEREST FORM FOR BOARDS AND COMMISSIONS

In order for the County Executive to more thoroughly assess the qualifications of persons interested in serving on a Multnomah County board or commission, you are requested to fill out this interest form as completely as possible. You are encouraged to attach or enclose supplemental information or a resume which further details your involvement in volunteer activities, public affairs, civic services, published writing, affiliations, etc.

A. Please list, in order of priority, any Multnomah County boards/commissions on which you would be interested in serving. (See attached list)

Community Corrections

Senior Services

B. Name Gerald McFadden

Address Will be relocating to the Portland area

City effective May 1, 1992 State Zip

Do you live in unincorporated Multnomah County or a city within Multnomah County.

Home Phone

C. Current Employer Volunteers of America Oregon, Inc.

Address 537 S.E. Alder

City Portland State Oregon Zip 97214

Your Job Title President/CEO

Work Phone (503) 235-8655 (Ext)

Is your place of employment located in Multnomah County? Yes X No

D. Previous Employers Dates Job Title

Volunteers of America of Los Angeles 11/82 - 4/92 VP-Program/Marketing

People Coordinated Services 9/72 - 11/82

GLADYS McCOY, MULTNOMAH COUNTY CHAIR
1021 SW 4TH, ROOM 134
PORTLAND, OREGON 97204
(503) 248-3300

CONTACT:

E. Please list all current and past volunteer/civic activities.

Name of Organization	Dates	Responsibilities
Central City Community Mental Health Center	11/82-6/84	Chair, Bd of Dir.
California Association of Drug/Alcohol Providers	7/80-9/82	Chair of State Assoc
United Way, Federal Emergency Management Assist	7/90-4/92	Bd Member

F. Please list all post-secondary school education.

Name of School	Dates	Degree/Course of Study
Pepperdine University	9/89 - 4/91	Masters Business Administration
Pepperdine University	9/73 - 5/75	Masters Urban Planning
Syracuse University	9/66 - 5/70	Bachelors Sociology

G. Please list the name, address and telephone numbers of two people who may be contacted as references who know about your interests and qualifications to serve on a Multnomah County board/commission.

Mr. David Cheveallier - 5410 S.W. Macadam Avenue, Portland (503) 224-6820

Mr. Robert Pratt - 3600 Wilshire Blvd., Suite 1500 - Los Angeles (213) 389-1500

H. Please list potential conflicts of interest between private life and public service which might result from service on a board/commission.

None

I. Affirmative Action Information

 M Black
sex / racial ethnic background

birth date: Month 5 Day 22 Year '47

My signature affirms that all information is true to the best of my knowledge and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or, subsequent to my appointment to a board/commission, may result in my dismissal.

Signature Gerald M Gadden Date 3/19/92



BOARDS AND COMMISSIONS

NS

INTEREST FORM FOR BOARDS AND COMMISSIONS

In order for the County Executive to more thoroughly assess the qualifications of persons interested in serving on a Multnomah County board or commission, you are requested to fill out this interest form as completely as possible. You are encouraged to attach or enclose supplemental information or a resume which further details your involvement in volunteer activities, public affairs, civic services, published writing, affiliations, etc.

A. Please list, in order of priority, any Multnomah County boards/commissions on which you would be interested in serving. (See attached list)

CCAC

B. Name Barbara Aho Grider

Address 919 SW Taylor, 7th floor

City Portland State OR Zip 97205

Do you live in _____ unincorporated Multnomah County or a city within Multnomah County.

Home Phone 665-8872

C. Current Employer ASAP TREATMENT SERVICES, INC.

Address 919 SW Taylor, 7th floor

City Portland State OR Zip 97205

Your Job Title Executive Director

Work Phone 224-0075 (Ext) _____

Is your place of employment located in Multnomah County? Yes No _____

D. Previous Employers Alcohol Safety Action Program, State of Oregon 11/72-9/78 Program Mgr.

Institute of Agriculture, U. of Minnesota 1967-71 Instructor

Peace Corps Volunteer, Philippines 1964-66 Volunteer

GLADYS McCOY, MULTNOMAH COUNTY CHAIR
1021 SW 4TH, ROOM 134
PORTLAND, OREGON 97204
(503) 248-3308

CONTACT:

E. Please list all current and past volunteer/civic activities.

Name of Organization	Dates	Responsibilities
MCRC Citizens Advisory	7/88-present	Advisory to restitution center.
Rotary of Portland	9/89-present	Various civic duties, including serving on charitable trust board
Past includes numerous task forces/committees related to DUII, women's alcohol & drug issues, DHR reorganization, Boards of Loaves & Fishes, etc.		

F. Please list all post-secondary school education.

Name of School	Dates	Degree/Course of Study
University of Hawaii	9/71-5/72	Began work on PhD-agricultural anthropology
University of Minnesota	9/66-6/67	Masters-Public Administration
University of Minnesota	9/60-6/64	Bachelors-Political Science/History

G. Please list the name, address and telephone numbers of two people who may be contacted as references who know about your interests and qualifications to serve on a Multnomah County board/commission.

Donna Ford, Management Assistant, Community Corrections, 421 SW 5th, Suite 600
 Portland 97204 248-3701

Cary Harkaway, Division Manager, Program Services Division, Community Corrections, same address

H. Please list potential conflicts of interest between private life and public service which might result from service on a board/commission.

None

I. Affirmative Action Information

Female Caucasian
 sex / racial ethnic background

birth date: Month 12 Day 22 Year 42

My signature affirms that all information is true to the best of my knowledge and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or, subsequent to my appointment to a board/commission, may result in my dismissal.

Signature Barbara Under Date 3-10-92



MULTNOMAH COUNTY OREGON

BOARDS AND COMMISSIONS

INTEREST FORM FOR BOARDS AND COMMISSIONS

In order for the County Executive to more thoroughly assess the qualifications of persons interested in serving on a Multnomah County board or commission, you are requested to fill out this interest form as completely as possible. You are encouraged to attach or enclose supplemental information or a resume which further details your involvement in volunteer activities, public affairs, civic services, published writing, affiliations, etc.

A. Please list, in order of priority, any Multnomah County boards/commissions on which you would be interested in serving. (See attached list)

COMMUNITY CORRECTIONS

ADVISORY BOARD

B. Name MYRTLE B. GRIFFIN

Address 2309 S.W. 1ST AVE #2144

City PORTLAND State OR Zip 97201

Do you live in _____ unincorporated Multnomah County or a city within Multnomah County.

Home Phone 248-9217

C. Current Employer _____

Address _____

City _____ State _____ Zip _____

Your Job Title _____

Work Phone _____ (Ext) _____

Is your place of employment located in Multnomah County? Yes _____ No _____

D. Previous Employers _____ Dates _____ Job Title _____

CONTACT:

GLADYS McCOY, MULTNOMAH COUNTY CHAIR

1021 SW 4TH, ROOM 134

PORTLAND, OREGON 97204

(503) 248-3308

E. Please list all current and past volunteer/civic activities.
 1992 REED COLLEGE GRIFFIN SOCIETY / FUNDRAISING PROJECT

Name of Organization	Dates	Responsibilities
PORTLAND ART MUSEUM	1984	VARIOUS LEADERSHIP POSITIONS (CHAIRMAN OF VOLUNTEER
MCRC	1991	SCREENING COMMITTEE
ST. VINCENT'S HOSP	1979-86	GIFT SHOP VOLUNTEER
CONTEMPORARY CRAFTS	80-89	PRESIDENT OF COUNCIL, MEMBER OF BOARD

F. Please list all post-secondary school education.

Name of School	Dates	Degree/Course of Study
VARIOUS COURSES		NO DEGREE

G. Please list the name, address and telephone numbers of two people who may be contacted as references who know about your interests and qualifications to serve on a Multnomah County board/commission.

ANN PORTER 635-3065
 JOHN RUNYAN 620-4208

H. Please list potential conflicts of interest between private life and public service which might result from service on a board/commission.

NONE

I. Affirmative Action Information

F - WHITE
 sex / racial ethnic background

birth date: Month 1 Day 29 Year 38

My signature affirms that all information is true to the best of my knowledge and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or, subsequent to my appointment to a board/commission, may result in my dismissal.

Signature Myrtle B. Griffin Date 7-16-'92

lom
6/83

Enclosed are 2 articles about my volunteer work



MULTNOMAH COUNTY OREGON

BOARDS AND COMMISSIONS

INTEREST FORM FOR BOARDS AND COMMISSIONS

In order for the County Executive to more thoroughly assess the qualifications of persons interested in serving on a Multnomah County board or commission, you are requested to fill out this interest form as completely as possible. You are encouraged to attach or enclose supplemental information or a resume which further details your involvement in volunteer activities, public affairs, civic services, published writing, affiliations, etc.

A. Please list, in order of priority, any Multnomah County boards/commissions on which you would be interested in serving. (See attached list)

Community Corrections Advisory Comm.

B. Name Avel L. Gorkly

Address 1915 NE 16th #3

City Portland State OR Zip 97212

Do you live in _____ unincorporated Multnomah County or a city within Multnomah County.

Home Phone 287-6843

C. Current Employer OREGON House of Representatives

Address Salem, Oregon

City _____ State _____ Zip _____

Your Job Title State Representative

Work Phone 287-6843 (Ext) _____

Is your place of employment located in Multnomah County? Yes No _____

D. Previous Employers Dates Job Title

Portland House of Umuja 1991 Program Director

American Friends Service Committee 1983-1990 Associate Director

Urban League of Portland 1979-1983 Director Youth Services

GLADYS MCCOY, MULTNOMAH COUNTY CHAIR

1021 SW 4TH, ROOM 134

PORTLAND, OREGON 97204

(503) 248-3308

CONTACT:

E. Please list all current and past volunteer/civic activities.

Name of Organization	Dates	Responsibilities
Portland Police Bureau	1970 - present	Chiefs Forum, Chair
Portland Future Focus		Policy Committee
(will forward resume on request for additional volunteer/civic activities)		

F. Please list all post-secondary school education.

Name of School	Dates	Degree/Course of Study
Portland State University	1970-1974	B.S. Admin. of Justice.
American Leadership Forum		Senior Fellow 1983

G. Please list the name, address and telephone numbers of two people who may be contacted as references who know about your interests and qualifications to serve on a Multnomah County board/commission.

Paul Frank	Mult. County Parole and Probation
Tom Potter	Portland Police Bureau

H. Please list potential conflicts of interest between private life and public service which might result from service on a board/commission.

I. Affirmative Action Information

F African American

sex / racial ethnic background

birth date: Month 2 Day 13 Year 47

My signature affirms that all information is true to the best of my knowledge and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or, subsequent to my appointment to a board/commission, may result in my dismissal.

Signature

Carl L. Gordly

Date

6/16/92

lom
6/83



MULTNOMAH COUNTY OREGON

BOARDS AND COMMISSIONS

INTEREST FORM FOR BOARDS AND COMMISSIONS

In order for the County Executive to more thoroughly assess the qualifications of persons interested in serving on a Multnomah County board or commission, you are requested to fill out this interest form as completely as possible. You are encouraged to attach or enclose supplemental information or a resume which further details your involvement in volunteer activities, public affairs, civic services, published writing, affiliations, etc.

A. Please list, in order of priority, any Multnomah County boards/commissions on which you would be interested in serving. (See attached list)

Community Corrections Advisory Commission

B. Name Barry M. Maletzky, M.D.

Address 8332 SE 13th Ave.

City Portland

State OR

Zip 97202

Do you live in _____ unincorporated Multnomah County or a city within Multnomah County.

Home Phone (503) 635-5104

C. Current Employer Self-employed

Address _____

City _____

State _____

Zip _____

Your Job Title Physician/Psychiatrist; Director, The Sexual Abuse Clinic, Professor of Clinical Psychiatry, Oregon Health Sciences University

Work Phone (503) 231-5580

(Ext) _____

FAX (503) 238-0210

Is your place of employment located in Multnomah County? Yes No _____

D. Previous Employers

Dates

Job Title

Always self-employed

1973-present

GLADYS MCCOY, MULTNOMAH COUNTY CHAIR

1021 SW 4TH, ROOM 134

PORTLAND, OREGON 97204

(503) 248-3308

CONTACT:

E. Please list all current and past volunteer/civic activities.

Name of Organization	Dates	Responsibilities
Multnomah Co. Jail Health Committee	1978-1985	Founder + chairman
Assoc. for the Treatment of Sexual Abusers	1984-present	Board Member; President-1991
Governors' Task Force on Civil Commitment	1985-1987	Liaison member with OR Medical Assoc.

F. Please list all post-secondary school education.

Name of School	Dates	Degree/Course of Study
Columbia University	1959-1963	B.A. - Psychophysiology
Columbia University	1963-1967	M.D.

G. Please list the name, address and telephone numbers of two people who may be contacted as references who know about your interests and qualifications to serve on a Multnomah County board/commission.

- James Parent, Community Corrections, Mult. Co. 821 SE 14th, Portland, OR 97214 248-3600
- Joseph Bloom, M.D. Chairman, Dept. of Psychiatry, OHSU 3181 SW Sam Jackson Park Rd., Portland, OR 97201 494-8144 X242

H. Please list potential conflicts of interest between private life and public service which might result from service on a board/commission.

I can see no conflict within my private activities + serving on a commission

I. Affirmative Action Information

M / Caucasian
sex / racial ethnic background

birth date: Month 5 Day 25 Year 41

My signature affirms that all information is true to the best of my knowledge and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or, subsequent to my appointment to a board/commission, may result in my dismissal.

Signature Bory M. Talbot, M.D. Date 3-9-92

lom
6/83

Meeting Date: SEP 03 1992

Agenda No.: R-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: PROCLAMATION

BCC Informal _____ BCC Formal September 3, 1992
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Chair McCoy TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION Chair McCoy

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 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):

PROCLAMATION in the Matter of Proclaiming the Week of September 6-11, 1992 as Return to School Week in Multnomah County, Oregon

9/3/92 copy to CHAIR McCoy

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL: Gladys McCoy
Or

DEPARTMENT MANAGER _____

MULTNOMAH COUNTY
OREGON
1992 AUG 27 PM 2 02
CLERK OF COUNTY COMMISSIONERS

(All accompanying documents must have required signatures)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Proclaiming)
the Week of September 6-11,) PROCLAMATION
1992 as Return to School Week) 92-163
in Multnomah County, Oregon)

WHEREAS, Multnomah County is a caring community that wants each and every child to develop into a self-reliant, responsible and caring adult; and

WHEREAS, the stability and economic security of our country and of our community will require the skills, creativity, courage and leadership of well-educated men and women; and

WHEREAS, education, whether in a grade school, high school or alternative school, helps develop the kind of discipline, perseverance and self-confidence required in the work place by exposing students to a variety of challenging academic and social settings with persons from diverse ethnic cultures and economic circumstances; and

WHEREAS, people who graduate from high school or earn their GED have greater self-esteem and more employment opportunities than those who fail to complete high school; and

WHEREAS, people who skip classes, use alcohol or other drugs, run with gangs or engage in any other self-destructive activities are less likely to develop the discipline, perseverance and self-confidence required to complete high school, go to college, or find stable employment.

NOW, THEREFORE, BE IT PROCLAIMED, that the Multnomah County Board of Commissioners recognize the week of September 6-11, 1992 to be Return to School Week in Multnomah County, and encourage parents of school-aged children in this County to enroll their children for the 1992-93 school year.

FURTHERMORE, we hereby encourage all school-aged children to return to school on September 8, 1992, resist temptations and peer pressure to engage in activities which would keep them from attaining the best grades they can throughout the 1992-93 school year.

FURTHERMORE, we hereby encourage all citizens to encourage and assist young people in their efforts to complete their education and prepare to enter the work force or continue on to college.

ADOPTED this 3rd day of September, 1992.

MULTNOMAH COUNTY, OREGON

BY Gladys McCoy
Gladys McCoy, County Chair



Meeting Date: September 3, 1992

Agenda No.: R-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: RESOLUTION: PLANNING PROCESS TO DEVELOP A CORRECTIONS LEVY
FOR MARCH, 1993

AGENDA REVIEW/
BOARD BRIEFING 9-1-92 REGULAR MEETING 9-3-92
(date) (date)

DEPARTMENT Non-Departmental DIVISION BCC Comm. Pauline Anderson

CONTACT Bill Farver TELEPHONE 248-3740

PERSON(S) MAKING PRESENTATION Bill Farver

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 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 calls for the Sheriff's Office and the Department of Community Corrections to jointly develop a corrections levy. The levy would be submitted to Multnomah County voters in March, 1993. A draft plan of the corrections levy should be available to the BCC by November 10, 1992.

9/3/92 copies to Bill Farver

BOARD OF
COUNTY COMMISSIONERS
1992 AUG 27 AM 11:57
MULTNOMAH COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Pauline Anderson

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY

In the Matter of a Planning Process to) RESOLUTION
Develop a Corrections Levy for March) 92-164

WHEREAS, the current operation of the Inverness Jail is almost entirely supported by a three year serial levy which expires on June 30, 1993. However, because of Measure 5 the county did not receive sufficient funds to fully operate the facility or to open the 120 planned alcohol and drug residential beds with levy receipts. Consequently, the County subsidizes the Jail with \$1,800,000 in general fund revenues and has opened only 80 of the 120 alcohol and drug beds, and

WHEREAS, the Inverness Jail holds 514 inmates. Renewal of the Inverness levy at available funding levels under the Measure 5 limitation allow operation of only approximately half of the existing facility, and

WHEREAS, the Sheriff's office had anticipated leasing 172 jail beds in 1991-2 to the Federal Marshal for the detention of prisoners awaiting trial. Because of a change in plans by the Marshal, the Sheriff now estimates the Marshal will only use 125, resulting in a \$1,600,000 shortfall in 1992-3, and

WHEREAS, the enactment of a utility tax to fund library services will allow Multnomah County to submit a five year corrections levy to the voters in an amount up to \$23,800,000 without impacting funding and services to the City, Schools, and other local governmental units, and

WHEREAS, projected state budget reductions and county shortfalls have resulted in the Department of Community Corrections having a deficit of approximately \$800,000, and

WHEREAS, the severity of the proposed state reductions in corrections demand that counties plan for fewer state prison beds and reduced funding for community corrections, and

WHEREAS, the Sheriff's office and Department of Community Corrections have been engaged in cooperative planning for the establishment of Day Reporting Centers within the County.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners asks the Sheriff's office and Department of Community Corrections to develop jointly a corrections levy for possible submission to County voters in March, 1993. A draft plan should be available to the Board by November 10, 1992.

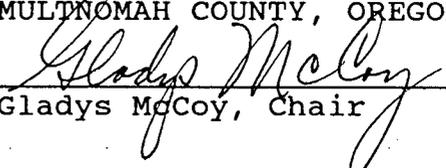
THEREFORE BE IT FURTHER RESOLVED, that the amount of the levy should not exceed \$23,800,000 and that consideration be given to:

- the continuation of funding the Inverness Jail
- expansion of secure alcohol and drug beds to 120
- establishment of Day Reporting Centers
- local sanctions for Hispanic offenders
- other effective local sanctions

ADOPTED THIS 3rd DAY OF SEPTEMBER, 1992

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By


Gladys McCoy, Chair



Peter Livingston, County Counsel

2647 1/2 8-27-92

DATE SUBMITTED _____

(For Clerk's Use)
Meeting Date SEP 03 1992
Agenda No. R-3

REQUEST FOR PLACEMENT ON THE AGENDA

Informal Only * September 1, 1992
(Date)

Formal Only _____
(Date)

DEPARTMENT Management Support Services

DIVISION Purchasing, Contracts & Stores

CONTACT Lillie Walker\Brian Lewis

TELEPHONE 248-5111

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Lillie Walker\Brian Lewis

BRIEF SUMMARY

Request of the Board of County Commissioners for approval of an Intergovernmental Agreement concerning the consolidation of the City of Portland Stores with the Multnomah County Central Stores for more economic and efficient performance of the stores function.

*9/3/92 originals to Lillie Walker
via City Stores Office*

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 10 minutes

IMPACT:

- PERSONNEL
- FISCAL/BUDGETARY
- GENERAL FUND
- OTHER _____

BOARD OF
 COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON
 1992 AUG 27 PM 4:04

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: _____

BUDGET/PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) Peter Lurmpster

OTHER Lillie M. Walker
(Purchasing, Facilities Management, etc.)

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



CONTRACT APPROVAL FORM
(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 500173
Amendment # _____

<p>CLASS I</p> <p><input type="checkbox"/> Professional Services under \$10,000</p>	<p>CLASS II</p> <p><input type="checkbox"/> Professional Services over \$10,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p>CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>R-3</u> DATE <u>9/3/92</u></p> <p style="text-align: center;"><u>DEB. BOGSTAD</u> BOARD CLERK</p>
--	--	---

Contact Person Lillie Walker/Brian Lewis Phone 248-5111 Date 8/25/92

Department Management Support Services Division Purchasing Bldg/Room Ford/421

Description of Contract Intergovernmental Agreement between City of Portland and Multnomah County to consolidate City Stationery Stores and Multnomah County Central Stores for and efficient performance of the Stores function for both agencies

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # 190 & 279.015 Contractor is MBE WBE QRF

Contractor Name City of Portland, Bureau of Purchases & Stores
Mailing Address 1120 SW Fifth Avenue
Portland, OR 97204

Phone (503) 796-6855

Employer ID # or SS # _____

Effective Date September 1, 1992

Termination Date N/A

Original Contract Amount \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

Payment Term

- Lump Sum \$ _____
- Monthly \$ _____
- Other \$ _____
- Requirements contract - Requisition required.
- Purchase Order No. _____
- Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager [Signature]

Purchasing Director (Class II Contracts Only) [Signature]

County Counsel [Signature]

County Chair/Sheriff [Signature]

Date 8/28/92

Date 8/27/92

Date 8/28/92

Date 9/3/92

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT		\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND	
01.												
02.												
03.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - PURCHASING CANARY - INITIATOR PINK - CLERK OF THE BOARD GREEN - FINANCE

INTERGOVERNMENTAL AGREEMENT

This agreement is entered into between the City of Portland, Oregon (City) and Multnomah County, Oregon (County).

RECITALS:

Portland City Chapter Section 2-105(9)(4), Multnomah County Code Chapter 5.10.40, and ORS Chapter 190 authorize the parties to enter into an agreement to consolidate their stores operations.

The City and the County find that consolidation of their stores departments is in the public interest and will result in economic and efficient performance of the stores function.

THEREFORE, IT IS AGREED:

The City's stationery stores shall be consolidated with the County's Central Stores warehouse.

SCOPE OF COUNTY SERVICES:

The County agrees to purchase from the City stationery inventory items currently stocked by the City. The items must meet the standards and specifications required by the County.

The County agrees to sell to the City bureaus and departments any and all stationery items at prices not exceeding eight percent above the actual purchase cost.

Upon assurances satisfactory to the County that there is sufficient demand to warrant stocking particular items, the County agrees to stock and sell to the various City bureaus and departments special stationery items as requested by the City of Portland Purchasing Department. Prior to stocking such items, the County may request a usage history and samples of stock.

The County agrees that requisitions received by the County stationery warehouse will be processed on an age basis; that is, the oldest order, whether of City or of County origin, shall be processed on a first-in, first-out basis.

SCOPE OF CITY SERVICES:

The City agrees to sell to the County all mutually agreed upon stationery items existing in the City's inventory at the date of execution of this agreement, at the average

cost paid by the City for each item, and will move to the County's Central Stores warehouse all city stationery supplies sold to the County under this agreement after a three day written notice.

The City agrees to order all its routine stationery supply requirements from the County Central Stores. The City reserves the right to purchase directly from vendors certain stationery supplies as required by the City, if such supplies are not routinely carried by County.

The City agrees to pick up all stationery items from the County Central Stores warehouse and distribute them to the City bureaus and departments.

At the County's discretion, the County shall deliver County surplus property to the City Surplus Property Warehouse at the County's expense. The City agrees to receive and sell County surplus property and to distribute to the County the proceeds received for this property, less selling costs of twenty percent. The County reserves the right to sell or participate in auctions of surplus property with other jurisdictions if it is deemed in the County's best interest.

The City agrees to include the County as a bidding participant in any of the City's Annual Supply Contracts upon specific request by the County.

TERM:

The term of this agreement shall be one year. This agreement shall automatically renew perpetually unless either party notifies the other of its intent to cancel the agreement, in writing, six (6) months prior to the annual anniversary of the date of this agreement's execution.

SUBCONTRACTING AND ASSIGNMENT:

The City and County agree that neither party shall subcontract or assign any rights or responsibilities under this agreement.

LIABILITY:

Subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution, Article XI, Section 9, and statutes, the City and the County shall each be solely responsible for any loss or injury caused to third parties arising from the City's or the County's own acts or omissions under this agreement. In the event either party is sued

pursuant to this agreement, based on the acts or omissions of the other party, the City or the County shall defend, hold harmless and indemnify the other party of this agreement and its officers, agents and employees from all claims, demands, actions and suits (including all attorney fees and costs) brought against it and its officers, agents and employees arising from this agreement.

Dated this _____ day of _____, 1992.

CITY OF PORTLAND

By _____

Title: _____

MULTNOMAH COUNTY

By Gladys McCoy
Gladys McCoy

Title: Multnomah County Chair

APPROVED AS TO FORM:

By _____
Deputy City Attorney

REVIEWED:

By Peter Livingston
Peter Livingston
Assistant County Counsel
For Multnomah County, Oregon

R:\PLFILES\PURCHASE.COM

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 9/3/92
DEB BOGSTAD
BOARD CLERK

BUDGET MODIFICATION NO. 2250 + 1

(For Clerk's Use) Meeting Date SEP 03 1992
Agenda No. R-4

REQUEST FOR PLACEMENT ON THE AGENDA FOR September 3, 1992
(Date)

DEPARTMENT Sheriff's Office

DIVISION Enforcement

CONTACT Larry Aab

TELEPHONE 251-2489

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Larry Aab

SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget modification transferring \$46,250 in dedicated drug forfeiture funds from the professional services line item to the equipment line item to fund the purchase of an airplane to be used for air surveillance in drug investigations.

(Estimated Time Needed on the Agenda)

DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it create? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This modification will transfer \$46,250 from the professional services line item, to the equipment line item in the SEDE Forfeitures Unit. This unit is entirely funded from the proceeds for drug forfeitures. No general fund revenue is budgeted in this unit.

The transfer to the equipment line item will allow for the purchase of an airplane to be used for air surveillance during drug investigations, saving this fund about \$12,000 per year in airplane rental costs, and allowing for much greater usage of this investigation technique.

REVENUE IMPACT (Explain revenues being changed and the reason for the change)

MULTI-JURISDICTIONAL COUNTY BOARD OF COUNTY COMMISSIONERS
1992 AUG 26 AM 9:09
OREGON

CONTINGENCY STATUS (to be completed by Finance/Budget)

Contingency before this modification (as of _____) \$ _____
(Specify Fund) (Date)
After this modification \$ _____

Originated By	Date	Department Manager	Date
Budget Analyst	Date	Personnel Analyst	Date
Board Approval			Date

J. Mark Campbell 8-25-92 *Bob Stapp* 8/18/92
Deborah L. Boast SEPTEMBER 3, 1992

BUDGET MODIFICATION NO. meso #2

(For Clerk's Use) Meeting Date SEP 03 1992
Agenda No. R-5

REQUEST FOR PLACEMENT ON THE AGENDA FOR August 27, 1992
(Date)

DEPARTMENT Sheriff's Office

DIVISION Enforcement

CONTACT Larry Aab

TELEPHONE 251-2489

***NAME(S) OF PERSON MAKING PRESENTATION TO BOARD** Larry Aab

SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget modification transferring \$4,484 from the overtime line to the permanent line to pay for the reclassification of a sergeant to a lieutenant position in the Sheriff's Enforcement Branch.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This modification will reclassify a sergeant position to a lieutenant position effective 7/1/92. This reclassification has been approved by our personnel analyst in the Employee Services Division. The reclass will be funded by a transfer from the Enforcement Branch overtime line item.

BOARD OF
COUNTY COMMISSIONERS
1992 AUG 26 AM 9:19
MULTNOMAH COUNTY
OREGON

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

None

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

Contingency before this modification (as of _____) \$ _____
(Specify Fund) (Date)
After this modification \$ _____

Originated By	Date	Department Manager	Date
		<u>Bob Skippin</u>	<u>8-17-92</u>
Budget Analyst	Date	Personnel Analyst	Date
<u>J. Mark Campbell</u>	<u>8-25-92</u>	<u>Shirlee Robertson</u>	<u>8-25-92</u>
Board Approval	Date		
<u>Deborah C. Coe</u>	<u>SEPTEMBER 3, 1992</u>		

EXPENDITURE TRANSACTION EB []

GM [] TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY _____

Document Number	Action	Fund	Agency	Organi- zation	Reporting Activity Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Sub-Total	Description
		100	025	3120			5100		\$4,485		Permanent
							5500		1,575		Fringe
							5550		311		Insurance
										\$6,371	Sub Total
		100	025	3102			5300		(4,485)		Overtime
							5500		(1,575)		Fringe
							5550		(311)		Insurance
										(\$6,371)	Sub Total

////// TOTAL EXPENDITURE CHANGE 0 0 TOTAL EXPENDITURE CHANGE

REVENUE TRANSACTION RB []

GM [] TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY _____

Document Number	Action	Fund	Agency	Organi- zation	Reporting Activity Category	Revenue Source	Current Amount	Revised Amount	Change Increase (Decrease)	Sub-Total	Description

////// TOTAL REVENUE CHANGE TOTAL REVENUE CHANGE

PERSONNEL DETAIL FOR BUD MOD NO. MC50 #2

5. ANNUALIZED PERSONNEL CHANGES (Compute on a full year basis even though this action affects only a part of the fiscal year.)

FTE Increase (Decrease)	POSITION TITLE	Annualized			
		BASE PAY Increase (Decrease)	Increase (Decrease) Fringe	Ins.	TOTAL Increase (Decrease)
1	Lieutenant	53,595	18,822	10,136	82,553
(1)	Sergeant	(49,109)	(17,247)	(9,825)	(76,182)
	TOTAL CHANGE (ANNUALIZED)	4,485	1,575	311	6,371

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (calculate costs or savings that will take place within this fiscal year; these should explain the actual dollar amounts being changed by this Bud Mod.)

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	Current FY			
		BASE PAY Increase (Decrease)	Increase (Decrease) Fringe	Ins.	TOTAL Increase (Decrease)
1 Lieutenant	Add	53,595	18,822	10,136	82,553
1 Sergeant	Delete	(49,109)	(17,247)	(9,825)	(76,182)
Overtime	Subtract	(4,485)	(1,575)	311	(6,371)
	Total	0	0	0	0

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

a.

SEE ATTACHMENT

b.

c.

d.

Use the reverse side or attach additional sheets, if needed.

2. State the proposed classification title:

LIEUTENANT (LAW ENFORCEMENT)

3. Is this a new position? YES NO

4. If this is an existing position, state the name of the incumbent:

Sergeant John Bunnell

5. Proposed effective date of change: Consistent with reclassification rules

Hiring Manager: Robert Skipper/Janet Jaron

Date: 3/2/92 Dept/Div: Sheriff's Office

EMPLOYEE RELATIONS DIVISION USE ONLY

Action: Approved as submitted

Approved for classification title

Denied (for Reclassification Requests only)

Analyst Name Shirlee Robertson

Date 3-10-92

2306

Meeting Date: SEP 03 1992

Agenda Number: R-6

(Above for Clerk's Office Use Only)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

Subject: Notice of Intent to apply for monies from Bonneville Power Administration to support the YEEP

Board Briefing: _____ Regular Meeting: _____
(date) (date)

Department: Social Services Division: Juvenile Justice

Contact: Christine White Telephone: 248 3460 ext. 2295

Person(s) Making Presentation: Harold Ogburn/Lorenzo Poe

Action Requested

Information Only Policy Direction Approval

Estimated Time Needed on Board Agenda: 10 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):

It is the Division's intent to proceed, upon approval, with the application process for \$150,000 in grant funding from the Bonneville Power Administration (BPA) to support the Youth Employment and Empowerment Project. These monies would support ten job slots with BPA as part of the YEEP.

9/3/92 original to Christine White

BOARD OF
COUNTY COMMISSIONERS
MULTI-COMAH COUNTY
OREGON
1992 AUG 26 AM 9:33

Signatures

Elected Official _____

OR

Department Director Gary Nakso (cc)

(All accompanying documents must have required signatures!)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
JUVENILE JUSTICE DIVISION
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460

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: Gladys McCoy, Chair

FROM: Dr. Gary Nakao, Director

Gary Nakao (cc)

VIA:  Harold Ogburn, Director
Juvenile Justice Division

DATE: August 17, 1992

SUBJECT: Notice of Intent to apply for grant funding from Bonneville Power
Administration to support the Youth Employment and Empowerment Project.

RECOMMENDATION: The Juvenile Justice Division recommends the Chair's approval of a Notice of Intent to proceed with an application with the Bonneville Power Administration (BPA) for grant funding to support the Youth Employment and Empowerment Project (YEPP).

BACKGROUND/ANALYSIS: The BPA has \$150,000 in federal funding to award to a community based project. The Division has been working with BPA to secure this funding for the YEPP. This funding would support ten (10) job slots in the form of subsidized employment for youth involved with the Project. The estimated award date is October 1, 1992 with youth placement at BPA to take place soon after November 1, 1992.

The Division strongly recommends the Chair's approval of the Notice of Intent.

MULTNOMAH COUNTY NOTICE OF INTENT

DATE: 17 August 1992

TO: BOARD OF COUNTY COMMISSIONERS

DEPARTMENT AND CONTACT PERSON: Social Services/Christine White

GRANTOR AGENCY: Bonneville Power Administration

BEGINNING DATE OF GRANT: 1 October 1992

PROJECT TITLE: Youth Employment and Empowerment Project (YEEP)

PROJECT DESCRIPTION/GOALS:

This award is to support the YEEP through subsidized employment opportunities by providing ten job slots for high-risk gang-involved youth for one year. This award will be subcontracted to _____ agencies involved with the YEEP. The award will cover payroll and associated costs for the employment of youth on site at BPA

		Direct/Indirect	
PROJECT ESTIMATED BUDGET:	FEDERAL SHARE	\$ 150,000 / _____	_____ 100 %
	STATE SHARE	\$ _____ / _____	_____ %
	LOCAL SHARE	\$ _____ / 1,050	_____ 100 %
	TOTAL	\$ 150,000 / 1,050	_____ 100 %

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

BPA funds do not permit payment of indirect or other administrative costs. BCC discussions regarding the YEEP indicated that County support to this project would include coverage of Indirect Cost.

SPECIFY REPORTING AND/OR BILLING REQUIREMENTS OF GRANTOR AND WHO REPORTS:
 FINANCE _____ DEPARTMENT _____ IF DEPT. REPORTS, INDICATE PERSONS

The JJD will report program information to BPA and prepare billings necessary to generate revenue.

GRANT DURATION AND FUTURE RATIO: (INDICATE AMOUNT OF COUNTY MATCH PER YEAR)

This is a one year award commencing on approximately 1 October 1992 and continuing through 30 September 1993.

ADVANCE REQUESTED YES _____ NO, IF NOT INDICATE REASON.

PERSONNEL DETAIL
(Use appropriate County
classification with yearly
costs.)

FULL TIME FRINGE TOTAL

NOT APPLICABLE

PLAIN MATERIALS AND SERVICES AND CAPITAL EXPENDITURES WITH
TOTAL DOLLAR AMOUNTS

This \$150,000 award will provide ten youth with an average wage of \$5.50/hour, 40 hours/
week for 52 weeks.

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 9/3/92
DEB BOGSTAD
BOARD CLERK

COMMENTS

PLANT MANAGER

Harold Ogbeorn
Signature Date

BUDGET DIVISION

Karlens Lunn 8/21/92
Signature Date

FINANCE DIVISION

Glan Thelac 08/21/92
Signature Date

PERSONNEL DIVISION

Signature Date

DEPARTMENT DIRECTOR

Gary Nakas (a) 8/18/92
Signature Date

Meeting Date: SEP 03 1992

Agenda Number: R-7

(Above for Clerk's Office Use Only)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

Subject: Notice of Intent to apply for Casey Foundation Planning Grant

Board Briefing: _____ Regular Meeting: _____
(date) (date)

Department: Social Services Division: Juvenile Justice

Contact: Christine White Telephone: 248-3460 2295

Person(s) Making Presentation: Harold Ogburn/Lorenzo Poe

Action Requested

Information Only Policy Direction Approval

Estimated Time Needed on Board Agenda: 20 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):

The Juvenile Justice Division is proceeding with an application for a \$75,000 nine month planning grant from the Casey Foundation. This grant would fund the planning phase for detention reform within the County system. A successful application and a subsequent successful planning phase will result in an annual \$750,000 award for five years to reform juvenile detention policy and practice.

9/3/92 ORIGINAL TO CHRISTINE WHITE

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 AUG 26 AM 9:33

Signatures

Elected Official _____

OR

Department Director Gary Nakso (cc)

(All accompanying documents must have required signatures!)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
JUVENILE JUSTICE DIVISION
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460

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: Gladys McCoy, Chair

FROM: Dr. Gary Nakao, Director

VIA:  Harold Ogburn, Director
Juvenile Justice Division

DATE: August 17, 1992

SUBJECT: Notice of Intent to apply for grant funding from the Annie E. Casey Foundation.

RECOMMENDATION: The Juvenile Justice Division recommends the Board's approval of a Notice of Intent to proceed with an application for Annie E. Casey Foundation monies to support detention reform initiatives.

BACKGROUND/ANALYSIS: The Juvenile Justice Division is currently responding to a request for applications from the Casey Foundation for a Juvenile Detention Alternatives Initiative Planning Grant. From the applications submitted, the Casey Foundation will choose five facilities to be awarded a \$75,000 nine month planning grant to develop a plan for the reform of detention policies and practices. This reform must also include plans for the establishment of community-based alternatives to detention to reduce the inappropriate or unnecessary use of detention. If Multnomah County is awarded the \$75,000 planning grant, and if the County successfully initiates that planning phase, the Casey Foundation will then award \$750,000 annually for up to five years to support the achievement of goals and objectives set forth during the planning phase.

The Division strongly recommends the Chair's approval of this Notice of Intent.

MULTNOMAH COUNTY NOTICE OF INTENT

DATE: August 18, 1992

TO: BOARD OF COUNTY COMMISSIONERS

DEPARTMENT AND CONTACT PERSON: Social Services/Christine White

GRANTOR AGENCY: Annie E. Casey Foundation

BEGINNING DATE OF GRANT: Projected award date of October 1, 1992

PROJECT TITLE: Juvenile Detention Alternatives Initiative

PROJECT DESCRIPTION/GOALS:

The funds available through the Casey Foundation would support a nine month planning phase and a subsequent five year detention reform phase. If selected, the Casey Foundation would award the County \$75,000 for a nine month planning phase to establish goals for a five year reform initiative. A successful planning phase will result in an annual award of \$750,00 each year for five years to initiate detention policy reform and the establishment of further community-based alternatives to detention.

The application currently in development will initiate the first phase of this award should the County be selected.

		Direct/Indirect	
PROJECT ESTIMATED BUDGET:			
	FEDERAL SHARE	\$	/
CASEY FDN	STATE OTHER SHARE	\$	70,387 / 4,613
	LOCAL SHARE	\$	/
	TOTAL	\$	/

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

N/A

SPECIFY REPORTING AND/OR BILLING REQUIREMENTS OF GRANTOR AND WHO REPORTS:
 FINANCE _____ DEPARTMENT xxx IF DEPT. REPORTS, INDICATE REASONS

GRANT DURATION AND FUTURE RATIO: (INDICATE AMOUNT OF COUNTY MATCH PER YEAR)
 Nine month to five years. No County match

ADVANCE REQUESTED xxx YES _____ NO, IF NOT INDICATE REASON.

PERSONNEL DETAIL

FULL TIME

FRINGE

TOTAL

(Use appropriate County classification with yearly costs.)

N/A according to current information.

PLAIN MATERIALS AND SERVICES AND CAPITAL EXPENDITURES WITH TOTAL DOLLAR AMOUNTS

- Application is in planning stage. Both contracting and possible in-house technical assistance services are being considered.

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 9/3/92
DEB BOGSTAD
BOARD CLERK

COMMENTS

GRANT MANAGER

Harald Oglwan 8/18/92
Signature Date

BUDGET DIVISION

Kathleen Jones 8/21/92
Signature Date

FINANCE DIVISION

Jan Thelac 08/21/92
Signature Date

PERSONNEL DIVISION

Signature Date

DEPARTMENT DIRECTOR

Bary Wallace (cc) 8/20/92
Signature Date

SEP 03 1992

Meeting Date: _____

Agenda No: R-8

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

Subject: Notice of Intent to Submit Grant Application to US Department of Health and Human Services for a Homeless Families Support Services Demonstration Program

Board Briefings: _____ Date _____ Regular Meeting: _____ Date _____

DEPARTMENT: Social Services DIVISION: Housing & Community Svcs.

CONTACT: Paula Corey TELEPHONE: 248-5464

PERSON(S) MAKING PRESENTATION: Norm Monroe and Paula Corey

ACTION REQUESTED

INFORMATION ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON AGENDA: 5 minutes

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

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

Housing and Community Services Division recommends approval of a Notice of Intent to Submit a Grant Application to the U.S. Department of Health and Human Services for a Homeless Families Support Services Demonstration Program. The \$250,000 project aims to strengthen community and neighborhood efforts to address, comprehensively and intensively, the housing and other needs (physical, social and educational) of families with children who are homeless, formerly homeless, or who are at risk of becoming homeless.

9/3/92 original to PAULA COREY

SIGNATURES:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Gary Nakas (cc)

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 AUG 27 AM 8:35
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
HOUSING & COMMUNITY SERVICES DIVISION
421 S.W. FIFTH AVENUE, SECOND FLOOR
PORTLAND, OREGON 97204
(503) 248-5464
FAX: (503) 248-3332

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

MEMORANDUM

TO: GLADYS MCCOY, COUNTY CHAIR

FROM: NORM MONROE, DIRECTOR
HOUSING & COMMUNITY SERVICES DIVISION *Norm Monroe*

VIA: DR. GARY NAKAO, DIRECTOR *Gary Nakao (cc)*
DEPARTMENT OF SOCIAL SERVICES

DATE: AUGUST 19, 1992

SUBJECT: NOTICE OF INTENT TO SUBMIT A GRANT APPLICATION:
THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
HOMELESS FAMILIES SUPPORT SERVICES DEMONSTRATION PROGRAM

RECOMMENDATION: The Housing and Community Services Division (HCSD) recommends the Board of County Commissioners approval of the attached Notice of Intent to submit a grant application to the U.S. Department of Health and Human Services (HHS) to fund a project under the Homeless Families Support Services Demonstration Program.

ANALYSIS: The HCSD is submitting a grant application for \$250,000 to HHS. The project intends to build the infrastructure needed by the community to provide coordinated services to prevent homelessness of families in Section 8 and Low Income Rental Housing. The grant application is due August 29, 1992; the announcement was received August 10, 1992.

The HCSD is the applicant. The grant is described as a planning and infrastructure building grant. Only 25% of the grant can be used for direct services. Therefore, the proposal will include requests for staff to be placed in the HCSD, at the Housing Authority of Portland, and in the community to provide full, integrated prevention/integrated services.

BACKGROUND: HCSD administers two large services-enriched housing grants for homeless families. The Housing Authority of Portland (HAP), a partner with HCSD in a number of homeless families program grants, evicts more people from housing than any other landlord in Multnomah County. It is our aim, with this grant, to hire a County Prevention Specialist, a counterpart to this staff to be contracted to HAP through an intergovernmental agreement, and to contract Family Advocacy Specialists to work in north and northeast Portland where subsidized housing is the greatest. This county/HAP/community allegiance will design and implement a countywide homeless prevention/intervention program.

MULTNOMAH COUNTY NOTICE OF INTENT

DATE: August 21, 1992

TO: BOARD OF COUNTY COMMISSIONERS

DEPARTMENT AND CONTACT PERSON: Social Services / Housing and Community Services Division / Paula Corey

GRANTOR AGENCY: U.S. Department of Health and Human Services

BEGINNING DATE OF GRANT: October 1, 1992

PROJECT TITLE: Homeless Families Support Services Demonstration Program

PROJECT DESCRIPTION/GOALS:

The project aims to strengthen community and neighborhood efforts to address, comprehensively and intensively, the housing and other needs (physical, social and educational) of families with children who are homeless, formerly homeless, or who are at risk of becoming homeless.

PROJECT ESTIMATED BUDGET:

	Direct/Indirect	
FOUNDATION SHARE	\$ 245,135/4,865=250,000	89 %
COUNTY SHARE	\$ 17,591/ 880= 18,471	7 %
LOCAL SHARE	\$ 9,883/2,307= 12,190	4 %
TOTAL	\$ 272,609/8,052=280,661	100 %

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

Indirect: Federal grant pays .7% for pass through, 11.6% for personnel and M&S. County (EHA) funds pay for 5% indirect, balance included as inkind.

Hard Match: Consists of .5 FTE funded by EHA funds, plus indirect.

Inkind: Consists of .10 FTE program manager and .10 PDS who will work on project, plus indirect.

SPECIFY REPORTING AND/OR BILLING REQUIREMENTS OF GRANTOR AND WHO REPORTS:

FINANCE: _____ DEPARTMENT: xx. IF DEPT. REPORTS, INDICATE REASONS.

Billing and program reports are related.

GRANT DURATION AND FUTURE RATIO: (INDICATE AMOUNT OF COUNTY MATCH PER YEAR)

One year duration with opportunity to request a two-year continuation grant at \$250,000 for each year. County match at 7% each year, from existing funds.

ADVANCE REQUESTED: xx YES: _____ NO. IF NOT, INDICATE REASON.

PERSONNEL DETAIL (Use appropriate County classifications with yearly costs.)

DIRECT COST	SALARY	FRINGE/INSUR	TOTAL	SOURCE
Prog. Dvpt. Tech. .5 FTE	\$11,931	\$ 5,660	\$17,591	Federal
Prog. Dvpt. Tech. .5 FTE	<u>11,931</u>	<u>5,660</u>	<u>17,591</u>	State
	\$23,862	\$11,320	\$35,182	
INKIND COST				
Prog. Mgr. .1 FTE	\$ 4,100	\$ 1,516	\$ 5,616	Grants
Prog. Dvpt. Spc. .1 FTE	<u>2,867</u>	<u>1,400</u>	<u>4,267</u>	Grants
	\$ 6,967	\$ 2,916	\$ 9,883	

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

Pass Through	\$204,537	(contracts for case management, service coordination)
Prof. Svc.	3,000	(tenant/landlord training)
Printing	1,000	
Repairs & Maint.	500	
Postage	300	
Supplies	1,200	
Travel/Training	1,525	(includes required trip to Washington, D.C.)
Local Travel	479	
Telephone	1,000	
Bldg. Mgmt.	3,000	
Equipment	11,003	(PCs and modems for community agencies)
Indirect	1,432	(@ .007 for pass through)
	3,433	(@ .116 for personnel and M&S, federal funds)
	880	(@ .05 for personnel, county/state funds, maximum allowed)
	2,307	(inkind)

COMMENTS:

GRANT MANAGER

[Signature] 8/21/92
Signature Date

BUDGET DIVISION

[Signature] 8/26/92
Signature Date

FINANCE DIVISION

[Signature] 08/26/92
Signature Date

PERSONNEL DIVISION

N.A.
Signature Date

DEPARTMENT DIRECTOR

[Signature] 8/25/92
Signature Date

DATE SUBMITTED _____

(For Clerk's Use) **SEP 03 1992**
Meeting Date _____
Agenda No. R-9

REQUEST FOR PLACEMENT ON THE AGENDA

Informal Only * September 1, 1992 Formal Only _____
(Date) (Date)

DEPARTMENT Management Support Services DIVISION Purchasing, Contracts & Stores

CONTACT Lillie Walker\Bob Nilsen TELEPHONE 248-5111/248-3322

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Bob Nilsen/Lillie Walker

BRIEF SUMMARY

Request of the Board of County Commissioners, acting as PCRB, for approval of an exemption to waive the competitive bid process and to use a Request for Proposal for the selection of a Construction Manager/General Contractor for the Juvenile Justice Complex replacement.

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 10 minutes

IMPACT:

PERSONNEL
 FISCAL/BUDGETARY
 GENERAL FUND
 OTHER _____

8/28/92 copy of notice and application to PCRB list, cc Lillie & Bob Nilsen
9/3/92 copies of order and notice to PCRB list, Lillie Walker & Bob Nilsen

CLERK OF COUNTY COMMISSIONERS
1992 AUG 21 AM 9:40
MULTNOMAH COUNTY OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: 

BUDGET/PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) Peter Livingston

OTHER Lillie M. Walker
(Purchasing, Facilities Management, etc.)

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



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

GLADYS McCOY
MULTNOMAH COUNTY CHAIR

MEMORANDUM

TO: Hank Miggins & Paul Yarborough

FROM: Bob Nilsen *BN*.

DATE: July 14, 1992

RE: **RECOMMENDATION TO USE A CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) FOR THE JUVENILE JUSTICE COMPLEX (JJC)**

Summary

Historically, Multnomah County has awarded public works projects on the basis of competitive bidding to the responsible bidder with the lowest responsive bid. In 1989, the State of Oregon revised its public works statute (ORS 279.015) to provide for exemptions to this process, based on the use of alternative contracting methods which would meet two tests: (1) The method would not diminish competition nor encourage favoritism, and (2) The method would result in a substantial cost savings. Exemptions have been granted for over a dozen projects for agencies including: OHSU, the Port of Portland, two school districts, the State Department of General Services, the State Department of Corrections, and a county housing authority. The specific process used by these agencies involves the selection, by R.F.P., of a firm (called CM/GC) which acts as both construction manager and general contractor for the project. The CM/GC provides the owner with a guaranteed maximum price (GMP) and full performance/payment bond for the work, the majority of which is performed by subcontractors selected through competitive bid.

ORS 279.015(2) permits the local contract review board to exempt specific projects from the requirements of ORS 279, subject to the two provisions stated above. In doing so, the statute specifically says that the local contracting board shall: "Where appropriate, direct the use of alternate contracting and purchasing practices that take account of market realities and modern or innovative contracting and purchasing methods, which are also consistent with the public policy of encouraging competition."

This memo is a request from Facilities and Property Management to purchase construction manager/general contractor (CM/GC) services for the replacement of Multnomah County's Juvenile Justice Complex (JJC).

Hank Miggins, Paul Yarborough
July 14, 1992
Page 2

Background

On May 14, 1992 the Board of County Commissioners approved a \$36 million project to replace the existing Juvenile Justice Complex with a new facility on the same site. A Consent Decree entered into U.S. District County in May 1992, governs several elements of the project. The Architect began the formal design process in February of 1992 at the direction of the Board of County Commissioners. The existing Juvenile Justice Complex now consists of secure detention housing for 92 juveniles with related support functions, as well as courts, counselling, and administrative support for the juvenile justice system. The construction project, as approved by the County Board and governed by the Consent Decree, involves the demolition of portions of the existing facility and construction of the new building complex in phases, such that continued operation of all elements of the complex remains intact. The physical configuration of the site creates the need for the phasing plan: It is not feasible to build all the new elements adjacent to the existing building. The Consent Decree requires that no juveniles be housed in the existing facility after October 31, 1993. The Consent Decree thus requires the County to make the first phase of the construction program the demolition of a part of some of the existing detention area, and the subsequent construction of six new housing modules which will house 96 juveniles. The 96 juveniles represents approximately 105% of the current population, and 75% of the projected housing capacity (of 128) at project completion time. Upon completion of the new housing wing, juveniles will be moved from the existing detention area.

It is fairly standard in new detention construction to allow the operational and physical plant staff two months from the date of substantial completion for taking over the new facility, working through start-up problems, providing training for staff, and moving in furnishings. Consequently, the new housing wing must be substantially complete by September 1, 1993. The project design has been proceeding on an accelerated basis. If the project were to be built by the conventional design-bid-build process, the drawings and specifications would be completed on a time schedule that would have construction starting approximately January 1, 1993. Without weather as a factor, an 11 month construction period would result in substantial completion on December 1, 1993. Occupancy would then be delayed to February 1, 1994. Weather is generally a factor, especially in terms of site work, site utilities, and foundation work in the rain. Typical winter weather could delay the project an additional three months. Consequently, in order to meet the requirement of the Consent Decree, the housing construction must

be placed out to bid in phases - such that the site work and foundations can go in before the probable start of the winter rains. Additionally, detention construction typically requires the procurement of several components on a long-lead basis: e.g., detention doors and locking systems, hollow-metal frames, and steel combination toilet/sinks. Subsequent phases of the project involving detention support area and the judicial complex will be performed both simultaneously and/or sequentially, with staging plans, security plans, and so forth. One concern which must be addressed is the secure movement of juveniles throughout the complex during construction.

The State Department of General Services (DGS) has adopted administrative rules (OAR 125-310-025 and 125-310-026) governing the RFP and CM/GC process for state agencies. Although these rules are not required for a Multnomah County project, the rules are incorporated into the recommended process. The findings of fact describe the project and demonstrate that the requirements of statute and rule are met.

Findings of Fact

1. Project Description. To Comply with a Federal Judicial Consent Decree, Multnomah County will be replacing the existing detention facility at the Juvenile Justice Complex (JJC). The Value of the total project is approximately \$36 million. In order to maintain continuous operation of the entire existing facility, and due to site limitations, the demolition and new construction, must occur in approximately four major phases. The first phase involves some demolition and the construction of a new power plant and juvenile detention housing wing. Under the Consent Decree, children may no longer be housed in the existing detention area after October 31, 1993; as a result, the new housing area must be complete and fully functional in order to meet the October 31, 1993 deadline.

The additional three construction phases will involve a complex sequencing of access and activities between the existing courts, counseling, administration, logistical areas and the detention component. Of prime concern during the entire process will be the safety and security of the juveniles, visitors, and staff. As a result, security planning and coordination needs to be integrally linked with the demolition and construction phasing. The entire project is scheduled for completion by the end of 1995.

2. The CM/GC will be selected through a competitive process in accordance with a qualifications-based selection process. The "subcontractable" work (approximately 85% of the project) will be placed out to competitive bid by the CM/GC, who, in turn, will contract with the lowest responsible bidders. Favoritism will not be encouraged and competition will not be diminished.

Same as AP #2107
a. Solicitation Process: The CM/GC solicitation will be advertised at least twice in the Daily Journal of Commerce and at least one publication or trade journal targeted to reach the Emerging Small Business, Minority and Women-Owned business enterprise audiences.

b. Full Disclosure: To insure full disclosure of all information, the Request for Proposals solicitation package will include:

- * Project Goals and Objectives
- * Detailed Description of Project
- * Contractual Terms and Conditions of the Contract
- * Selection Process
- * Evaluation Criteria
- * Role of Evaluation Committee
- * Provisions for Comments
- * Complaint Process and Remedies Available

c. Selection Process: Other highlights of the selection process will include:

- 1) A preproposal vendor conference will be announced and held. This conference will be open to all interested parties. During this preproposal conference, as well as at any point prior to ten (10) days before the close of the solicitation, interested parties will be able to ask questions, request clarifications and suggest changes in the solicitation documents if such parties believe that the terms and conditions of the solicitation are unclear, inconsistent with industry standards, or unfair and unnecessary restrictive of competition.
- 2) Sealed proposals will be submitted to Multnomah County Oregon/Purchasing and opened publicly at the time specified in the advertisements.
- 3) The evaluation process will determine whether a proposal meets the screening requirements of the RFP, and to what extent. The following process will be used.

- a) Proposals will be evaluated for completeness and compliance with the screening requirements of the RFP. Those proposals that are incomplete or non-responsive will be rejected.
 - b) Proposals considered complete and responsive will be evaluated to determine if they meet and comply with the qualifying criteria of the RFP. Those proposals that do not meet all requirements will be rejected.
 - c) Proposals will be independently scored by the voting members of the Evaluation Committee made up of county and non-county members. All scores will then be totaled and assigned to the proposals.
 - d) The Evaluation Committee will be convened to select, from the highest scoring proposers, a group of finalists for formal interviews.
 - e) The Evaluation Committee will conduct the interviews.
 - f) The Evaluation Committee will rank the proposers and provide an award recommendation to Multnomah County Oregon/Purchasing to proceed with contract with the highest ranked proposer.
 - g) Facilities and Property Management will come to agreement on a contract with the top ranked firm. If an agreement cannot be reached within one week, facilities will then come to agreement with the second ranked firm, and so forth.
- 4) Competing proposers shall be notified in writing of the selection of the apparent successful proposal and shall be given seven (7) calendar days after receipt of the notice to review the RFP file and evaluation report at Multnomah County Oregon/Purchasing Office. Any questions or concerns about the selection process will be subject to the requirements of OAR 137-30-104, must be in writing and must be delivered to Purchasing within seven (7) calendar days after receipt of the selection notice.

No protest of the award selection shall be considered after this period.

- 5) The Contract achieved through this process will require the CM/GC to use an open competitive selection process to bid all components of the work, except for general conditions work and small miscellaneous construction items. The CM/GC must comply with the following:
- a) All bids will be required to be written and submitted in sealed envelopes to the CM/GC at a specific location at a specific time, where the bids will be publicly opened and read by the CM/GC. If a contract is awarded, it must be awarded by the CM/GC to the responsible firm with the lowest bid.
 - b) Solicitations will be advertised at least ten days in advance in the Portland Daily Journal of Commerce and at least one newspaper or journal specifically targeted to reach the minority, women, and emerging small business audiences.
 - c) For those items in which the CM/GC intends to bid as a subcontractor, such intention must be publicly announced at least 21 days in advance of the solicitation and all of the CM/GC's cost estimating records developed in the CM/GC's construction management capacity pertinent to such bid must be made reasonably available to potential bidders. Additionally, the publications requesting invitations for bid must state the CM/GC's intention to bid, and must indicate the availability of the above cost-estimating records and how they can be viewed. In such case sealed written bids will be delivered to Multnomah County, and will be publicly opened and read by the County. The County will review the bids: Should the low bidder be the CM/GC, the County may amend the contract with the CM/GC to incorporate the relevant work. If the apparent low bidder is not the CM/GC, the County will direct the CM/GC to further evaluate the bids and award the contract on the same basis as those items for which the CM/GC did not bid.
 - d) The CM/GC's fee, which the County is requiring to be within the industry standard of 3% to 5%, will be evaluated along with other criteria in the selection of the CM/GC.

The fee represents the cost of all CM/GC profit and central office overhead, as well as the cost of all pre-construction and non-construction related costs (A description of the scope of services/costs to be included within the fee will be provided in the RFP).

As a result, 88% to 90% of the construction cost of the project will be competitively evaluated. The remaining approximately 10%, representing CM/GC on-site general conditions work (i.e.; site superintendent, site engineer, job trailer, on-site office supplies and equipment, temporary utilities, staging, safety; etc.) will be negotiated as part of the establishment of the guaranteed maximum price (GMP). General conditions work will be paid on the basis of direct reimbursement, without additional markup (other than the fee), and overall limited by the GMP. Negotiation of the general conditions items and their cost provides the owner with the greatest flexibility in obtaining services in the most economical manner, given that the scope of phasing and sequencing of work is yet to be fully determined.

3. The use of the CM/GC process will result in substantial cost savings to the County. In order to occupy the first phase by November 1, 1993, fast track phased construction must be employed. The CM/GC process provides the best means of managing fast track construction with a guaranteed completion date and guaranteed maximum prices for the construction. The alternative of using conventional design-bid-build for the first phase would result in significant additional cost. Substantial completion of the first phase must be achieved by September 1, 1993 in order to facilitate the efficient and safe transition of juveniles into the new facility. This construction completion date can be achieved with the CM/GC process. Conventional design-bid-build will result in the new facility being occupied between February 1, 1994 and May 1, 1994, dependent upon weather conditions in the winter of 1992-1993. Assuming a midpoint occupancy date of March 15, 1994, conventional design-bid-build will result in a period of 4-1/2 months when the juveniles can not be housed at the current site, per Consent Decree.

- a. Operational cost differential for late completion. Assuming that the juveniles could be housed elsewhere, and that assumption in itself is risky given the limited available resources statewide, there would be substantial additional cost to the County. One possibility is that the State might be able to expand its current occupancy at Hillside and/or Maclaren in order to accommodate the 92 projected residents. Existing staff would be reassigned to work full shifts at the temporary facility. The County would be obligated to pay for travel time of the staff. The additional staffing cost equates to \$46,000 per month. The County would also need to pay the State for rental space. That cost equates to \$25,000 per month. Consequently, over a 4-1/2 month period, the County would have to pay an additional \$320,000.

Added to the housing differential is the additional cost of travel. The cost of this added transportation between Woodburn and Portland is estimated at \$50,000.

For phase one alone, the total operational cost which is saved by using the CM/GC process, is estimated to be at least \$370,000.

- b. Construction cost differential for late completion. It is estimated that general conditions work (i.e., site supervision, trailer, office support, temporary utilities, etc.) will run on the order of \$30,000 per month. An estimated weather delay of two months would add \$60,000 to the project. The guaranteed maximum price and a sole source performance bond helps ensure that the project will be completed on schedule and within budget.
4. The proposed project is technically complex, resulting in higher risk to the County. The CM/GC process reduces that risk.
 - a. Reduced Risk: A multitude of construction market factors make it difficult to estimate the cost of a project. In this case, the project involves four or more major constructions steps with related logistical work. Without the participation of the general contractor as in the case of the price-based method, the difficulty of estimating costs would increase. This is due to two factors. First, it is virtually impossible to survey every intricacy of an existing structure that needs to be phased into four major construction steps required to build this new facility. Second, it is difficult to Paul

communicate complex sequencing, phasing, staging problems, and security issue details in the construction bid documents. The Construction bid documents are the primary means of communicating the project design to potential bidders under the price-based method. All of these variables contribute to increasing the risk of not completing the project on time and within budget. The CM/GC participation in the design process significantly reduces these risks.

- b. GMP Establishes a Maximum Price Early: The CM/GC should obtain a complete understanding of the County's needs, the architect's design intent, the peculiarities of the existing building and the scope of the project by participating in the design development phase. With the benefit of this knowledge, the CM/GC will be able to guarantee a maximum price the County will pay to construct a building to that design.

Conversely, under the price-based method, bids are developed without the benefit of bidders participating in the design. At the close of the bid, let alone at the end of the design phase, there is no assurance that any of the bids will be within the project budget.

Securing a guaranteed maximum project cost and a fixed construction schedule also reduces the risks associated with financing the project with tax-exempt securities. The federal tax code acts to minimize the interest earning advantages that stem from the low cost of tax-exempt credit. The federal code imposes payment penalties when these funds are not spent within the prescribed schedule. A penalty is imposed on all funds and their earnings not spent within three years if their issue date. Significant project delays may create costly penalties.

- c. Using the CM/GC method in this instance will assign a single source of responsibility and accountability for safety and security issues on the construction side that are required of a facility complex of this type.

- 1) Security perimeters, to safely protect juveniles, staff the general public, the immediate neighborhood and visitors to the Juvenile Justice Complex, must be maintained at all times. It will also be the responsibility of the construction team to minimize the exposure of juveniles to opportunistic

Hank Miggins, Paul Yarborough
July 14, 1992
Page 10

situations and configurations during general construction and in regard to required infrastructure construction.

- 2) During the three year course of this construction project, juveniles will be held in both existing and new detention facilities. There will be two stages of detention construction to build out 128 beds. The first stage of detention construction involves building 96 beds in the northwest corner of the site. Once these 96 beds are completed, temporary physical connections and related infrastructure will have to allow juveniles and staff access to the existing building complex for activities related to intake, release, medical, education, recreation, visitation, court appearances, counseling, etc. The next major step in construction, as well as following steps, will also have to allow juveniles and staff access between new construction and the existing building complex.
- 3) It is anticipated that security reviews and related meetings will be made at least weekly and as often as required during certain key staging, moving and switch-over periods.
- 4) It would be more difficult and offer more exposure to the County if a series of general contractors were involved. Quick single source response and responsibility are essential to this project.

Conclusions of Law

This exemptions request complies with the criteria outlined in ORS 279.015(2):

1. It is unlikely that the exemption will encourage favoritism or substantially diminish competition.

The selection process for the CM/GC will be open to all interested, qualified proposers, in accordance with [OAR 125-310-025 and OAR 125-310-026]. The subcontracting process will also be awarded to the responsible firms submitting the lowest responsive bids.

2. The exemption will result in substantial cost savings to the County.

Substantial cost savings have been identified which are directly attributable to use of the CM/GC process.

BN/277bn:sm



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

NOTICE OF HEARING

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, will consider an application on Thursday, September 3, 1992, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, in the Matter of an Exemption to Waive the Competitive Bid Process and to Use a Request for Proposal for the Selection of a Construction Manager/General Contractor for the Juvenile Justice Complex Replacement.

A copy of the application is attached.

For additional information, please contact Multnomah County Purchasing Director Lillie Walker, 248-5111 or the Office of the Board Clerk, 248-3277.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD

Deborah Bogstad
Office of the Board Clerk

0044C/1/db
enclosure
cc: Lillie Walker
8/28/92

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of an Exemption To)
Waive The Competitive Bid Process) APPLICATION
and to Use a Request for Proposal)
for the Selection of a Construction
Manager/General Contractor for the
Juvenile Justice Complex Replacement

Application to the Public Contract Review Board on behalf of a request from the Department of Environmental Services, is hereby made pursuant to the Board's Administrative Rules AR 10.010, and AR 10.140 adopted under the provisions of ORS 279.015(2), for an order of exemption to waive the competitive bid process and use a Request for Proposal (RFP) for the selection of a Construction Manager/General Contractor (CM/GC) for the replacement of the Juvenile Justice Complex.

This Exemption Request is made for the following reasons:

1. Under the U.S. District Court Decree, entered into in May, 1992, juveniles may no longer be housed in the current Juvenile Justice Complex (JJC) after October 31, 1993. Because of this decree, new housing must be complete and fully functional in order to meet the October 31, 1993 deadline.
2. In order to maintain continuous operation of the existing facility, and due to site limitations, the demolition and new construction must occur in approximately four major phases. Due to safety, security and housing issues, as well as time constraints, the Construction Manager/General Contractor method of construction will allow the County to work with a single contractor for the entire project and maintain continuity.
3. The CM/GC general contractor would be selected through the County's RFP process to encourage competitiveness and fairness.

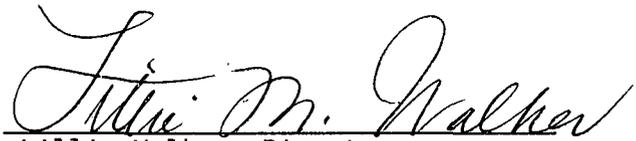
Competition will not be impaired in that about 90% of this project, through subcontractors, would be competitively bid.

4. The use of the CM/GC process will result in substantial cost savings to the County. In order to occupy the first phase by November 1, 1993, fast track phased construction must be employed. The CM/GC process provides the best means of managing fast track construction with a guaranteed completion date and guaranteed maximum prices for the construction.

For phase one alone, the total operational cost which is saved by using the CM/GC process, is estimated to be at least \$370,000.

The granting of this exemption does not encourage favoritism or substantially diminish competition, will result in cost savings and will provide for the safety and security of the affected parties.

Dated this 20th day of August, 1992.



Lillie Walker, Director
Purchasing, Contracts, and Stores



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

NOTICE OF APPROVAL

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, considered an application on Thursday, September 3, 1992, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, and approved Order 92-165 in the Matter of an Exemption to Waive the Competitive Bid Process and to Use a Request for Proposal for the Selection of a Construction Manager/General Contractor for the Juvenile Justice Complex Replacement.

A copy of the Order is attached.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD

Deborah Bogstad
Office of the Board Clerk

0044C/4/db
enclosure
cc: Lillie Walker
9/3/92

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of an Exemption To)
Waive The Competitive Bid Process) O R D E R
and to Use a Request for Proposal)
for the Selection of a Construction 92-165
Manager/General Contractor for the
Juvenile Justice Complex Replacement

The above entitled matter is before the Board of County Commissioners, acting in its capacity as the Multnomah County Public Contract Review Board, to consider a request from the Department of Environmental Services under Multnomah County PCRB Rule AR 10.010 and AR 10.140 to waive the competitive bid process and use a Request for Proposal (RFP) for the selection of a Construction Manager/General Contractor (CM/GC) for the replacement of the Juvenile Justice Complex (JJC).

It appearing to the Board that the recommendation for exemption, as it appears in the application, is based upon the fact that under a U.S. District Court Consent decree the County must replace the JJC and juveniles may not occupy the existing facility after October 31, 1993. Thus creating tight time frames and security and safety issues.

By using the RFP process the County will follow the competitive process that will enable it to meet the above constraints and result in cost savings to the County.

It appearing to the Board that this request for an exemption is in accord with the requirements of the Multnomah County Public Contract Review Board Administration Rules AR 10.010, and 10.140, now, therefore,

It is so ordered that the selection of a Construction Manager/General Contractor be exempt from the Competitive bid process and follow the RFP process.

Dated this 3rd day of September 1992.



County Counsel
for Multnomah County, Oregon

By Peter Livingston
Assistant County Counsel
Peter Livingston

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD:

By Gladys McCoy
Gladys McCoy, County Chair

Meeting Date: SEP 03 1992

Agenda No.: R-10

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Planning and Zoning Hearings Officer Appointments

BCC Informal September 1, 1992 BCC Formal September 3, 1992
(date) (date)

DEPARTMENT DES DIVISION Planning and Development

CONTACT R. Scott Pemble TELEPHONE 248-3182

PERSON(S) MAKING PRESENTATION R. Scott Pemble

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 Minutes

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

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

Pursuant to MCC 11.15.8110, the Board of County Commissioners must appoint Hearings Officers. Two temporary appointments were made at the beginning of the fiscal year and expire August 31, 1992. Three new appointments are requested for the remainder of the fiscal year. Hearings Officers are hired under a personal services contract to hear cases assigned to them each month. The Personal Services Contract establishes an hourly billing rate and a monthly not to exceed amount. Contracts will be available at the Board hearing.

9/3/92 copies to R. Scott Pemble, Sharon Cowley & PETER LEVINSON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER *EST* _____

(All accompanying documents must have required signatures)

1992 AUG 26 AM 9:33
MULTNOMAH COUNTY
CLERK OF COUNTY COMMISSIONERS
GUARD OF

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF MULTNOMAH COUNTY, OREGON

In the Matter of Multnomah County)
Appointing Planning and Zoning)
Hearings Officer)

ORDER

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

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

WHEREAS, the powers and duties of the Planning and Zoning Hearings Officer are prescribed in MCC11.15.8115; and,

WHEREAS, funds have been budgeted and are available for Hearings Officer in the adopted FY 1992-93 Multnomah County Budget,

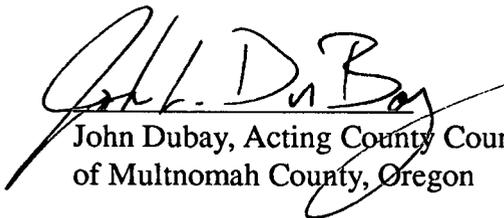
NOW, THEREFORE, THE BOARD ORDERS: effective September 3, 1992, _____ is hereby appointed as a Planning and Zoning Hearings Officer subject to the conditions of the attached Personal Services Contract, Exhibit 1.

ADOPTED this _____ day of _____, 1992.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

BY: _____
Gladys McCoy, Chair
MULTNOMAH COUNTY, OREGON

REVIEWED:


John Dubay, Acting County Counsel
of Multnomah County, Oregon

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

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

ORDER

92-166

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

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

WHEREAS, the powers and duties of the Planning and Zoning Hearings Officer are prescribed in MCC11.15.8115; and,

WHEREAS, funds have been budgeted and are available for Hearings Officer in the adopted FY 1992-93 Multnomah County Budget,

NOW, THEREFORE, THE BOARD ORDERS: effective September 3, 1992, Larry Epstein, Phillip Grillo, Robert Liberty, and Paul Norr are hereby appointed Planning and Zoning Hearings Officers.

ADOPTED this 3rd day of Sept., 1992.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

BY: Gladys McCoy
Gladys McCoy/Chair
MULTNOMAH COUNTY, OREGON

REVIEWED:

John Dubay
John Dubay, Acting County Counsel
of Multnomah County, Oregon

#1

PLEASE PRINT LEGIBLY!

MEETING DATE 9/3/92

NAME MICHAEL TWAIN

ADDRESS 203 SE. ALDER

STREET
PORTLAND OR 97214
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-11

SUPPORT _____ OPPOSE _____
SUBMIT TO BOARD CLERK

#2

PLEASE PRINT LEGIBLY!

MEETING DATE 9-3-92

NAME NORMAN Roley

ADDRESS 130 SE 106th

STREET PORT

CITY 97216

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-11

SUPPORT _____ OPPOSE X

SUBMIT TO BOARD CLERK

#3

PLEASE PRINT LEGIBLY!

9/3/92

MEETING DATE _____

NAME _____

ADDRESS _____

STREET

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-11

SUPPORT _____ OPPOSE _____

SUBMIT TO BOARD CLERK

OREGON HUMANE SOCIETY

P.O. Box 11364
1067 NE Columbia Boulevard
Portland, OR 97211
503 285 0641 X-220
FAX 503 289 6860

Dale H. Dunning
President/Executive Director

SEP 03 1992
R-11

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

9/3/92 copies to Mike Oswald & Matt Ryan
9/4/92 copies to ORDINANCE Distribution List

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

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

OR

DEPARTMENT MANAGER 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/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.

BOARD OF
COUNTY COMMISSIONERS

To The Board of Commissioners office,
 I am writing in regard to the
 current animal control issue. I am
 very much in favor of Mult. Co.
 Animal Control having total control
 over this situation. ~~it~~ I feel this
 way because of my own experience
 which is as follows:

Two years ago our new neighbors,
 who'd only be there for a month, got
 two dogs from the Humane Society.
 From the very first night there
 was hours and hours of virtually
 non-stop barking.

Efforts by myself as well as an-
 other neighbor to resolve this problem
 were fruitless, the door was liter-
 ally slammed in our face.

It was of particular importance
 to me to have some quiet at night
 as I was 6 1/2 months pregnant
 and needed my rest. At 7 1/2
 months I was admitted to the hosp-
 ital in premature labor. My doctor
 felt that the case was the lack
 of adequate sleep.

Animal Control was involved at
 this time. I obtained a statement

from my doctor which Animal Control had on file stating the situation was a danger to my health as well as the health of my unborn child. There was also a petition signed by four of my neighbors on file with Animal Control.

All we could do was wait for it to go to court which took six months. In the meantime I had to sleep on the couch for the remainder of my pregnancy because it was further from the barking dogs, which of course was not an ideal situation either.

We finally got to court at the end of December. The barking had subsided to some degree because the dogs hid under the house most of the time to avoid the rain. Based on this the judge dismissed the case with no consequence to my neighbor except a little finger wagging.

So here we are still experiencing major difficulties with the dog situation and no faith in the

system. The system let me down
the first time why try again.

I believe giving Animal Control
total rein over these situations will
help get a handle on problems
much more swiftly and efficiently
than the current court system.

Sincerely,

Suzanne Sanders
1557 N. Skidmore St.
PTLD, OR. 97217
282-5993

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An ordinance relating to animal control, creating a Notice of Violation 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.

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

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 violation

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 violation 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 violation, 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;

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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 violation 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 violation was served.

14 (B) If the violation 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 violation 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 Violation shall be served on the owner or keeper
23 of the animal or facility in violation of this chapter by personal
24 service or by certified mail with return receipt requested.

25 SECTION VI. AMENDMENT

26 The following section is added to MCC 8.10:

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8.10.037 Dismissal of Pet License Violations.

Notices of violation issued for violations of the pet licensing requirement as set forth in 8.10.060 through 8.10.080 may be dismissed by the director upon reasonable proof that the required pet license(s) have been obtained within ten (10) days of service of the notice(s) of violation.

SECTION VII. AMENDMENT

The following section is added to MCC 8.10:

8.10.038 Admission of Violation, Conditions. Any party who is issued a notice of violation for any offense listed under MCC 8.10.900 (A) may, in lieu of requesting a hearing, admit the violation and submit the fine as stated on the notice of violation to the Animal Control Division. The party may attach a written explanation of mitigating circumstances with the payment of the fine. An admission of violation under this subsection shall be construed as an acceptance of all other conditions and restrictions imposed in addition to the fine, necessary to correct the violation, as provided in the notice of violation.

SECTION VII. AMENDMENT

MCC 8.10.050 is amended to read as follows:

~~{8.10.050 State laws incorporated by reference.}~~

~~In addition to provisions of this chapter regulating animals, the following statutes shall apply in Multnomah County and shall be enforced by the director in the same manner as though set forth fully in this chapter, and by this reference, they are incorporated within this chapter:~~

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1 ~~(A) ORS 433.340 to 433.390, relating to rabies control,~~
2 ~~provided, however, that the term "administrator of the~~
3 ~~health division" used therein shall mean the director of~~
4 ~~the department of environmental services for Multnomah~~
5 ~~County.~~

6 ~~(B) The following sections of ORS chapter 609, relating to~~
7 ~~dogs, and no others:~~

8 ~~609.020 Dogs as personal property;~~

9 ~~609.095 When dog is public nuisance; public nuisance~~
10 ~~prohibited; complaint;~~

11 ~~609.097 Exception to dog as public nuisance;~~

12 ~~609.140 Right of action by owner of damaged livestock;~~

13 ~~609.150 Right to kill dog that kills or injures~~
14 ~~livestock;~~

15 ~~609.155 Impounding dog that kills or injures~~
16 ~~livestock; testing dog; killing dog; release;~~

17 ~~609.157 Disputable presumption that dog kills or~~
18 ~~injures livestock; and~~

19 ~~609.160 Keeping dog with knowledge that it has injured~~
20 ~~livestock.]~~

21 8.10.050 Relationship to Certain State Statutes

22 (A) Pursuant to ORS 609.015(1), this chapter supercedes
23 enforcement in Multnomah County of the following
24 state statutes: ORS 609.010(2), 609.030, 609.040,
25 609.060, 609.090, 609.092, 609.095, 609.097,
26 609.100, 609.110, 609.150, 609.155, 609.160,

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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 violation under this chapter may appeal the violation 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 violation 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

The following section is added to MCC 8.10:

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1 8.10.055 Hearings, Procedure.

2 (A) The board shall adopt procedural rules governing the
3 conduct and scheduling of the appeal hearings under this Chapter.

4 (B) Upon the receipt of a timely appeal, Animal Control
5 Division shall set the matter for hearing on the next available
6 date scheduled for Animal Control Appeals Hearings.

7 (C) Any party appealing a notice of violation or license/
8 denial revocation under this Chapter shall be given a written
9 notice of the hearing date no less than ten (10) days prior to the
10 scheduled hearing.

11 (D) The hearings officer shall hold a public hearing on any
12 timely appeal from a notice of violation issued under this Chapter
13 or the denial/revocation of a facility license. The party who
14 brought the appeal or any other person having relevant evidence
15 concerning the nature of the violation or license denial/revocation
16 shall be allowed to present testimony and documentary evidence at
17 the hearing. The hearings officer may consider mitigating or
18 extenuating circumstances presented on behalf of a party.

19 (E) If the hearing is held to address a notice of violation,
20 the hearings officer shall determine whether the violation
21 contained in the notice did occur.

22 (F) If the hearing is held to address a facility license
23 denial or revocation, the hearings officer shall determine whether
24 the license was rightfully denied or revoked as provided under MCC

25 8.10.120.

26 (G) The hearings officer shall issue a written decision

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1 containing findings of fact addressing the allegations contained in
2 the notice of violation or the license denial revocation under MCC
3 8.10.100 - 8.10.145. The decision shall clearly state the hearings
4 officer's conclusion and the reasoning based on the findings of
5 fact. The decision shall be signed and dated by the Hearings
6 Officer and shall be served by personal service or certified mail
7 to the last known address of the party who filed the appeal. The
8 decision shall be final on the date of mailing.

9 (H) In all appeals under this Chapter the Hearings Officer
10 shall have discretion ordering restrictions and penalties, except
11 for the mandatory minimum fine penalties as provided under MCC
12 8.10.900, which are not subject to waiver upon the entry of a
13 decision upholding a notice of violation.

14 (I) A party seeking a Writ of Review as allowed under
15 ORS 34.010 to 34.100, of any Hearings Officer's decision shall
16 provide written notice to the director within fifteen (15) days of
17 the date the Hearings Officer's decision is mailed as provided in
18 (G) above.

19 (J) Failure of a party to file an appeal as provided in this
20 section or unexcused failure of a party to appear at a duly
21 scheduled hearing shall constitute a waiver by the party of any
22 further appeal under this Chapter. Upon the entry of a waiver in
23 the record, the last decision issued by the Animal Control Division
24 shall become final.

25 SECTION XI.

26 The following section is added to MCC 8.10:

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1 8.10.056 Stay of Enforcement, Exceptions.

2 Enforcement of any notice of violation or decision of the
3 director shall be stayed during the pendency of an appeal, except:

4 1. Restrictions placed on animal owner or keeper by the
5 director under MCC 8.10.265 through 8.10.280; or

6 2. Impoundment of an animal as required under this
7 Chapter because the animal has been classified at level 5 or is
8 vicious, or because the has been animal is cruelly treated.

9 SECTION XII. AMENDMENT

10 The following section is added to MCC 8.10.

11 8.10.057 Impoundment of Animals Pending Appeals, Fees.

12 (A) In any appeal wherein the subject animal has been
13 impounded pending appeal of the notice of violation to the hearings
14 officer, the owner or keeper of the animal shall be required to
15 post a deposit with the director in the amount of \$100 at the time
16 an appeal is requested to apply towards the expense of sheltering
17 the animal during the appeal process.

18 (B) If an animal not previously impounded under this Chapter
19 is subsequently ordered to be impounded by a Hearings Officer and
20 the owner or keeper appeals the Hearings Officer's decision by Writ
21 of review to the Circuit Court, the owner or keeper of the animal
22 shall be required to post a deposit with the director in the amount
23 of \$100 at the time the Writ of Review is requested to apply
24 towards the expense of sheltering the animal during the pendency of
25 the Writ of Review proceeding.

26 (C) In either situation described above in a subsection (A)

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1 ~~or (B), if the finding of a violation is upheld on appeal, the~~
2 ~~animals owner or keeper shall be liable for the cost of the animals~~
3 ~~impoundment and shall pay all fees incurred for sheltering and~~
4 ~~caring for the animal, or forfeit any amount remaining of the~~
5 ~~original deposit. If the Animal Control Division's finding is~~
6 ~~reversed on appeal the deposit shall be refunded.~~

7 SECTION XIII. AMENDMENT

8 MCC 8.10.120 is amended to read as follows:

9 8.10.120 Denial and revocation of licenses; ~~{appeals.}~~

10 (A) A license required by MCC 8.10.100 to 8.10.140 may be
11 denied or revoked for any of the following reasons:

12 (1) Failure to comply substantially with any provision
13 of this chapter.

14 (2) Conviction of the owner or any person subject to the
15 owner's direction or control for the violation of any provision of
16 this chapter or other applicable state or federal law, rule, order
17 or regulation pertaining to any activity relating to animals.

18 (3) Furnishing false information on an application for
19 a license under this chapter.

20 (B) The director shall refund 50 percent of any fee paid upon
21 denial of a license, provided, however, no refund shall be made
22 upon revocation.

23 (C) If ~~the Director denies~~ an application for a license ~~{is~~
24 ~~denied,}~~ or approve~~{d}~~s subject to conditions, ~~the determination is~~
25 ~~final unless~~ the applicant ~~{may}~~ appeals the denial or conditional
26 approval. ~~{to the Board of County Commissioners by filing a written~~

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1 ~~request including the \$25 appeal fee, within 15 days of the date~~
2 ~~denial or conditional approval was mailed to the applicant by~~
3 ~~certified mail.]~~

4 (D) The director shall investigate any complaint concerning
5 licensed facilities and, upon determination that a license should
6 be revoked, shall serve written notice upon the licensee of that
7 determination by certified mail. ~~{and schedule a hearing at which~~
8 ~~the licensee may appear and be heard. The hearing shall be public,~~
9 ~~and notice of the hearing shall be mailed to the licensee by~~
10 ~~certified mail no later than 10 days before the date of the~~
11 ~~hearing.}~~ The director's determination shall become final unless
12 appealed.

13 (E) ~~{If the director confirms the revocation, the holder of~~
14 ~~a revoked license may appeal the revocation to the Board of County~~
15 ~~Commissioners by filing a written request to the director within 15~~
16 ~~days after notice of the director's determination of revocation was~~
17 ~~mailed by certified mail.}~~ Failure to file a timely request shall
18 terminate any appeal right, and the director's decision revoking
19 the license shall not be reviewable otherwise.

20 ~~{(F) A hearing upon an appeal under subsection (C) or (E) of~~
21 ~~this section shall be conducted by the Board of County~~
22 ~~Commissioners within 30 days of the request, with notice to be~~
23 ~~mailed to the applicant by certified mail no later than 10 days~~
24 ~~prior to the hearing, provided, however, that the board may refer~~
25 ~~the matter to a hearings officer for the purpose of taking~~
26 ~~evidence, making findings of fact and law and making~~

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1 ~~recommendations to the board, which shall act on any~~
2 ~~recommendations within the time fixed in this subsection.]~~

3 ~~{(G) A decision of the Board of County Commissioners resulting~~
4 ~~from any appeal under this section shall be reviewable only as~~
5 ~~provided in ORS Chapter 34 and not otherwise.} [Ord. 156 s V 3~~
6 ~~(1977)]~~

7 SECTION XIV. AMENDMENT.

8 MCC 8.10.190 (B)(7), (B)(9), (B)(11), and (B)(12) are amended
9 to read as follows:

10 8.10.190(B)(7) Leave an animal unattended for more than 24
11 consecutive hours without ~~{adequate}~~ minimum care.

12 8.10.190(B)(9) Physically mistreat any animal either by
13 deliberate abuse or neglect to furnish ~~{adequate}~~ minimum care,
14 including medical care.

15 ~~{8.10.190(B)(11) Fail to comply with the regulations~~
16 ~~applicable to potentially dangerous dogs.}~~

17 8.10.190(B)(11) Permit any dog to engage in any of the
18 behaviors described in MCC 8.10.270(A) or (B).

19 8.10.190(B)(12) Permit any dog to engage in any of the
20 behaviors described in MCC 8.10.270(C) through 8.10.270(E);

21
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1 SECTION XV

2 MCC 8.10.191: Failure to Comply; Enforcement

3 (A) The failure to comply with any conditions or restrictions
4 or other corrective action lawfully imposed pursuant to
5 a notice of violation 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 violation under this section.
8 A notice of violation issued under this section for
9 failure to comply shall be of the same classification as
10 the original violation. The first notice of violation
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 violations within a 12-month period;

24 shall be brought in the State Court as provided under ORS
25 203.810 or ORS 30.315.

26 SECTION XVI. AMENDMENT.

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1 MCC 8.10.275 is amended to read as follows:

2 8.10.275 Potentially dangerous dogs; appeals; restrictions
3 pending appeal.

4 ~~{(A) The director shall have authority} to determine whether~~
5 ~~any dog has engaged in the behaviors specified in MCC 8.10.270.~~
6 ~~This determination may be based upon an investigation that includes~~
7 ~~observation of and testimony about the dog's behavior, including~~
8 ~~the dog's upbringing and the owner's control of the dog, and other~~
9 ~~relevant evidence as determined by the director. These~~
10 ~~observations and testimony can be provided by Multnomah County~~
11 ~~animal control officers or by other witnesses who personally~~
12 ~~observed the behavior. They shall sign a written statement~~
13 ~~attesting to the observed behavior and agree to provide testimony~~
14 ~~regarding the dog's behavior if necessary.}~~

15 ~~{(B)}~~ (A) The director shall have the discretion to increase
16 or decrease a classified dogs restrictions based upon relevant
17 circumstances.

18 ~~{(C) [The director shall give the dog's owner written notice~~
19 ~~by certified mail or personal service of the dog's specified~~
20 ~~behavior, of the dog's classification as a potentially dangerous~~
21 ~~dog and of the restrictions applicable to that dog by reason of its~~
22 ~~classification. If the owner denies that the behavior in question~~
23 ~~occurred, the owner may appeal the director's decision to the~~
24 ~~Hearings Officer by filing a written request for a hearing with the~~
25 ~~director within ten (10) days of the notice was mailed to the owner~~
26 ~~by certified mail or the owner was personally served. Level 1~~

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1 ~~classifications are not appealable. The director shall establish~~
2 ~~a non-refundable appeal fee of not less than \$25 that must~~
3 ~~accompany the written request for appeal. Failure to meet all~~
4 ~~appeal requirements within ten (10) days shall result in the~~
5 ~~classification being final.]~~

6 ~~{(D) [The Hearings Officer shall hold a public hearing on any~~
7 ~~appeal from the director's decision to classify a dog as~~
8 ~~potentially dangerous. The owner shall be mailed written notice of~~
9 ~~the appeal hearing no less than seven (7) days prior to the~~
10 ~~hearing. The owner and any other persons having relevant evidence~~
11 ~~concerning the dog's behavior as specified in MCC 8.10.270 shall be~~
12 ~~allowed to present testimony and documentary evidence at the~~
13 ~~hearing. The Hearings Officer shall determine whether behavior~~
14 ~~specified in MCC 8.10.270 was exhibited by the dog in question.~~
15 ~~The Hearings Officer may reduce or increase the classification~~
16 ~~level. The Hearings Officer shall have discretion ordering~~
17 ~~restrictions. The order shall state what, if any, level of~~
18 ~~classification has been applied and shall impose the applicable~~
19 ~~restrictions under this code. The order shall be signed and dated~~
20 ~~by the Hearings Officer and shall be mailed to the last known~~
21 ~~address of the owner and any person who gave testimony at the~~
22 ~~appeal hearing. The order shall be final on the date of mailing.]~~

23 ~~{(E)} (B) Upon receipt of notice of the dog's classification~~
24 ~~as a Level 1, 2, 3, or 4 potentially dangerous dog [pursuant to~~
25 ~~subsection (C) of this section,] either by the notice of violation~~
26 ~~or the directors's decision issued under MCC 8.10.035(a)(9) the~~

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1 owner ~~or keeper~~ shall comply with the restrictions specified in the
 2 notice unless ~~[as the director's decision is]~~ reversed on appeal.
 3 Failure to comply with the specified restrictions shall be a
 4 violation of this chapter for which a fine can be imposed.
 5 Additionally, the director shall have authority to impound the dog
 6 pending completion of all appeals.

7 ~~{(F)}~~ (D) If ~~[the director]~~ the notice of violation or the
 8 director's decision, or Hearings Officer's decision finds that a
 9 dog has engaged in Level 5 behavior, the dog shall be impounded
 10 pending the completion of any appeals. ~~[In addition to the appeal~~
 11 ~~fee set forth in MCC 8.10.275(C) the owner shall be required to~~
 12 ~~post a deposit with the director in the amount of \$100, at the time~~
 13 ~~an appeal is requested to apply towards the expenses of sheltering~~
 14 ~~the dog during the appeal process. If the director's decision is~~
 15 ~~upheld on appeal, the dog's owner shall be liable for the cost of~~
 16 ~~the dog's impoundment, and the owner shall pay all fees incurred~~
 17 ~~for the sheltering of the dog or forfeit the deposit. If the~~
 18 ~~director's decision to classify the dog as a potentially dangerous~~
 19 ~~dog is reversed, the deposit shall be refunded.]~~

20 ~~{(G) The Board shall adopt procedural rules governing the~~
 21 ~~scheduling of the appeals provided for in this section.]~~

22 ~~{(H) The imposition of regulations pursuant to this section~~
 23 ~~shall prevent the director from also issuing a citation pursuant~~
 24 ~~to MCC 8.10.900.} [Ord 517 s 3 (1986); Ord 550 s 2 (1987); Ord~~
 25 ~~591 s 3 (1988)]~~

26 SECTION XVII. AMENDMENT.

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1 MCC 8.10.280 is amended to read as follows:

2 8.10.280 Regulation of potentially dangerous dogs. In addition to
3 the other requirements of MCC Chapter 8.10, the owner ~~or keeper~~ of
4 a potentially dangerous dog shall comply with the following:

5 (A) Dogs classified as Level 1 dogs shall be restrained in
6 accordance with MCC 8.10.010(B) by a physical device or structure,
7 in a manner that prevents the dog from reaching any public
8 sidewalk, or adjoining property and must be located so as not to
9 interfere with the public's legal access to the owner's property,
10 whenever that dog is outside the owner's home and not on a leash.

11 (B) Dogs classified as Level 2 dogs shall be confined within
12 a secure enclosure whenever the dog is not on a leash or inside the
13 home of the owner. The secure enclosure must be located so as not
14 to interfere with the public's legal access to the owner's
15 property. In addition, the director may require the owner to
16 obtain and maintain proof of public liability insurance. In
17 addition, the owner may be required to pass a responsible pet
18 ownership test administered by the director.

19 (C) Dogs classified as Level 3 or Level 4 dogs shall be
20 confined within a secure enclosure whenever the dog is not on a
21 leash or inside the home of the owner. The secure enclosure must
22 be located so as not to interfere with the public's legal access to
23 the owner's property, and the owner shall post warning signs, which
24 are provided by the director, on the property where the dog is
25 kept, in conformance with rules to be adopted by the director. In
26 addition, the director may require the owner to obtain and maintain

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1 proof of public liability insurance. the owner shall not permit
2 the dog to be off the owner's property unless the dog is muzzled
3 and restrained by and adequate leash and under the control of a
4 capable person. In addition, the director may require the owner to
5 satisfactorily complete a pet ownership program.

6 (D) Dogs classified as Level 5 dogs as described in
7 MCC 8.10.270 shall be euthanized. In addition, the director may
8 suspend, for a period of time specified by the director, that dog
9 owner's right to be the owner of any dog in Multnomah County,
10 including dogs currently owned by that person.

11 (E) All dogs classified as Level 5 potentially dangerous dogs
12 shall be euthanized at any time not less than ten (10) days after
13 the date of classification by the director. Notification to the
14 director of any appeal to the Hearings Officer as provided for in
15 MCC ~~8.10.275(B)~~ 8.10.054(A) or to any court of competent
16 jurisdiction shall delay destruction of the dog until a date not
17 less than ten (10) days after a final decision by the Hearings
18 Officer or court.

19 (F) To insure correct identification, all dogs that have been
20 classified as potentially dangerous may be marked with a permanent
21 identifying mark, photographed, or fitted with a special tag or
22 collar provided by the director. The director shall adopt rules
23 specifying the type of required identification.

24 (G) In addition to the normal licensing fees established by
25 MCC 8.10.220(A)(1) and (2), there shall be an annual fee of \$15 for
26 dogs that have been classified as potentially dangerous. This

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1 additional fee shall be imposed at the time of classification of
2 the potentially dangerous dog, and shall be payable within 30 days
3 of notification by the director. Annual payment of this additional
4 fee shall be payable within 30 days of notification by the
5 director.

6 (H) The owner of a potentially dangerous dog shall not permit
7 the warning sign to be removed from the secure enclosure, and shall
8 not permit the special tag or collar from being removed from the
9 classified dog. The owner of a potentially dangerous dog shall not
10 permit the dog to be moved to a new address or change owners
11 without providing the director with ten (10) days prior written
12 notification.

13 (I) Declassification of potentially dangerous dogs. Any
14 owner of a classified potentially dangerous dog may apply to the
15 director or the hearings officer, in writing, to have the
16 restrictions reduced or removed.

17 (1) The following conditions must be met:

18 (a) Level 1 or Level 2 dog has been classified for
19 ~~{two}~~ one years without further incident, or ~~{five}~~ two years for
20 Level 3 or Level 4 dogs; and

21 (b) The owner provides the director with written
22 certification of satisfactory completion of obedience training for
23 the dog classified; and

24 (c) There have been no violations of the specified
25 regulations; and

26 (d) In addition, the director may require the dog

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1 owner to provide written verification that the classified dog has
2 been spayed or neutered.

3 (e) Any reclassification request submitted under
4 this subsection must include \$25 review fee.

5 (2) When the owner of a potentially dangerous dog meets
6 all of the conditions in this subsection, the restrictions for
7 Level 1 and Level 2 classified dogs may be removed. Restrictions
8 for Level 3 and Level 4 dogs may be removed, with the exception of
9 the secure enclosure. ~~{Ord 517 s 3 (1986); Ord 591 s 4 (1988)}~~

10 SECTION XVIII. AMENDMENT

11 MCC 8.10.900 is amended to read as follows:

12 8.10.900 Penalties, generally. ~~{Offenses committed in violation~~
13 ~~of provisions of this chapter shall be prosecuted in the manner~~
14 ~~provided in ORS 203.810. conviction of a violation of any~~
15 ~~provision of this chapter not specifically listed in MCC 8.10.900~~
16 ~~to 8.10.940, shall be subject to a fine not to exceed}~~

17 (A) Violations of the provisions of this chapter shall be
18 classified as provided below.

19 (1) Class A violations. Violations of the following
20 sections or subsections shall be Class A violations:

- 21 (a) MCC 8.10.030
- 22 (b) MCC 8.10.180
- 23 (c) MCC 8.10.190 (B)(3)
- 24 (d) MCC 8.10.190 (B)(8)
- 25 (e) MCC 8.10.190 (B)(9)
- 26 (f) MCC 8.10.190 (B)(10)

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(g) MCC 8.10.190 (B)(12)

(2) Class B Violations: Violations of the following sections or subsections of this chapter shall be Class B violations:

(a) 8.10.150

(b) 8.10.155

(c) 8.10.190(B)(4)

(d) 8.10.190(B)(5)

(e) 8.10.190(B)(6)

(f) 8.10.190(B)(7)

(g) 8.10.190(B)(11)

(3) Class C Violations: Violations of the following sections or subsections of this chapter shall be Class C violations:

(a) 8.10.070

(b) 8.10.170

(c) 8.10.190(B)(1)

(d) 8.10.190(B)(2)

(e) 8.10.210

(4) Any other violation of this chapter not listed in this subsection shall be a Class A violation.

(B) Fines:

(1) Class A Violation. A fine for Class A violation shall be no less than \$100 nor more than \$500 for a first offense. The fine for a second Class A violation committed within 12 months from the date that the first offense was committed shall be no less

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1 then \$200, nor more than \$500. The fine for a third Class A
2 violation 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 Violation. A fine for Class B violation
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 violation within
7 the 12 month period immediately prior to the date of the second
8 violation, 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 violations
10 within the twelve month period immediately prior to the date of the
11 most recent notice of violation for a Class B violation, the fine
12 shall be \$250.

13 (3) Class C Violations: A fine for a Class C violation
14 shall be no less than \$25 nor greater than \$150 for a first
15 offense. If the violator has committed a class A, B, or C
16 violation within the 12 month period immediately prior to the date
17 of the second violation, 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 violations within the 12-month period immediately prior to
20 the date of the most recent notice of violation for a Class C
21 violation, the fine shall be \$150.

22 (C) Additional Conditions and Restrictions. In addition to
23 the monetary civil penalties imposed for violations of this
24 chapter, the Director and the Hearings Officer shall have authority
25 to order additional restrictions and conditions upon the party in
26 violation, including but not limited to:

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1 (1) Require the violator to satisfactorily complete an
2 obedience program approved by the Director or Hearings Officer at
3 owner's expense;

4 (2) Require the violator to attend a responsible pet
5 ownership program adopted and/or approved by the Director or
6 Hearings Officer, at the violator's expense;

7 (3) Require the owner or keeper of an animal that
8 unreasonably causes annoyance, as defined in 8.10.190 (B)(6), to
9 keep the animal inside the owner or keeper's residence between the
10 hours of 10:00 p.m. and 7:00 a.m.;

11 (4) Suspend for a period of time determined by the
12 Director or Hearings Officer not to exceed five years, that
13 person's right to be a licensed owner or keeper of any dog or cat
14 in Multnomah County, including animals currently owned by that
15 person;

16 (5) Any other condition(s) that would reasonably abate
17 the violation;

18 (6) Require the owner or keeper to have the animal
19 surgically sterilized within a time period determined by the
20 director or Hearings Officer.

21 (D) Late Payment Penalties. If a civil penalty is unpaid
22 between 30 and 60 days, the fine then due shall be double the
23 original amount on the notice of violation.

24 (E) At the discretion of the director, any civil penalty(ies)
25 not paid within thirty (30) days from the date of issuance of the
26 notice of violation may be assigned to a collections agency for

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1 collection.

2 ~~(F) Ten percent (10%) of the fines and penalties collected~~
3 ~~under this chapter shall be placed in a separate fund for the~~
4 ~~purpose of providing training for animal control personnel.~~

5 SECTION XIX. AMENDMENT

6 MCC 8.10.910 is amended to read as follows:

7 8.10.910 Facilities: operation without license or in
8 violation of license standards.

9 (A) ~~{Any person convicted of operating}~~ The operation of a
10 facility without a license for which licensing is required under
11 MCC 8.10.100 to 8.10.145 shall be {subject to a fine not to exceed
12 \$500} a Class A violation, and, in addition, the {court} director
13 or hearings officer may order removal of all animals housed in the
14 facility which exceed the number allowed under this chapter and
15 require them to be removed from the County or to be impounded
16 subject to ~~{subsection (D) of MCC 8.10.040.}~~ MCC 8.10.040(D).

17 8.10.910(B)

18 ~~{Any person holding a facility license issued under MCC~~
19 ~~8.10.100 to 8.10.145 who is convicted of violation of any provision~~
20 ~~of this chapter applicable to that license or the care of animals~~
21 ~~housed in the facility, shall, in addition to the revocation~~
22 ~~proceedings provided in MCC 8.10.100 to 8.10.145, be subject to a~~
23 ~~fine not to exceed \$500, and in addition, the court may order~~
24 ~~removal of any or all animals from the facility for impoundment~~
25 ~~subject to subsection (D) of MCC 8.10.140. Ord. 156 s. VIII-2~~
26 ~~1977)}~~ The operation of a facility by a person holding a facility

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1 ~~license under MCC 8.10.100 to 8.10.145, in violation of any~~
2 ~~provision of this chapter applicable to that license or to the care~~
3 ~~of the animals housed in the facility, shall be a Class A~~
4 ~~violation; and in addition the director or hearings officer may~~
5 ~~order removal of any or all animals from the facility for~~
6 ~~impoundment subject to MCC 8.10.040(D).~~

7 SECTION XX. AMENDMENT

8 Sections MCC 8.10.920 through MCC 8.10.950 are repealed.

9 ~~{8.10.920 Poisonous food penalty. Any person convicted of~~
10 ~~violation of MCC 8.10.180, shall be subject to imprisonment for not~~
11 ~~more than one year and a fine not to exceed \$1,000 or both. Ord.~~
12 ~~156 s. VIII-3 (1977)}~~

13 ~~{8.10.930 Animal owner regulation violations. Any person~~
14 ~~convicted of violation of MCC 8.10.190, shall be subject to a fine~~
15 ~~not to exceed \$500, and the court in its discretion may also order~~
16 ~~destruction of the animals involved, subject to subsection (D) of~~
17 ~~MCC 8.10.040 or surgical sterilization of any animal or appropriate~~
18 ~~procedure to render an animal mute. Additionally, appropriate~~
19 ~~procedure to render an animal mute. Additionally, the court in its~~
20 ~~discretion may suspend, for a period of time specified by the~~
21 ~~court, that person's right to be the owner of any dog in Multnomah~~
22 ~~County, including dogs currently owned by that person. Ord. 156 s.~~
23 ~~VII-4 (1977); Ord. 417 s. 5 (1986)}~~

24 ~~{8.10.940 Penalty for keeping gamecocks, animal fights and~~
25 ~~fight training.}~~

26 ~~{(A) Any person convicted of violation of MCC 8.10.200, shall~~

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~~1 be subject to a fine not to exceed \$500, and the court may order
2 impoundment of any animal caused to be engaged in the prohibited
3 conduct, which animal may be disposed of by the director.]~~

~~4 [(B) Any person previously convicted under this section shall
5 be subject to punishment by imprisonment for a term of not more
6 than one year and a fine not to exceed \$1,000 or both. Ord. 156 s.
7 VIII-5 (1977).]~~

~~8 [8.10.950 Penalty for violation of potentially dangerous dog
9 requirements.]~~

~~10 [In addition to the provisions of MCC 8.10.930, any person
11 convicted of violating MCC 8.10.190 (B) (11) and (12) shall be
12 subject to a minimum fine of \$100 for the first offense; and a
13 minimum fine of \$500 for any subsequent offense. Minimum fines
14 shall not be suspendable by the court. Ord. 591 s. 6 (1988).]~~

15 ADOPTED this ____ day of _____, 1992, being
16 the date of its _____ reading before the Board of County
17 Commissioners of Multnomah County, Oregon.

18 (SEAL)

19 _____
20 Gladys McCoy, Chair
21 Multnomah County, Oregon

22 REVIEWED:

23 By _____
24 Laurence Kressel, County Counsel
25 For Multnomah County, Oregon

26 I:\MOR\043MOR.ORD\dp

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~~be subject to a fine not to exceed \$500, and the court may order impoundment of any animal caused to be engaged in the prohibited conduct, which animal may be disposed of by the director.]~~

~~[(B) Any person previously convicted under this section shall be subject to punishment by imprisonment for a term of not more than one year and a fine not to exceed \$1,000 or both. Ord. 156 s. VIII-5 (1977).]~~

~~[8.10.950 Penalty for violation of potentially dangerous dog requirements.]~~

~~[In addition to the provisions of MCC 8.10.930, any person convicted of violating MCC 8.10.190 (B) (11) and (12) shall be subject to a minimum fine of \$100 for the first offense; and a minimum fine of \$500 for any subsequent offense. Minimum fines shall not be suspendable by the court. Ord. 591 s. 6 (1988).]~~

ADOPTED this _____ day of _____, 1992, being the date of its _____ reading before the Board of County Commissioners of Multnomah County, Oregon.

(SEAL)

Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

By *Matthew O. Ryan*
Matthew O. Ryan, Assistant County Counsel
For Multnomah County, Oregon

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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.

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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;

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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

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The following section is added to MCC 8.10:

8.10.037 Dismissal of Pet License Violations.

Notices of infraction issued for violations of the pet licensing requirement as set forth in 8.10.060 through 8.10.080 may be dismissed by the director upon reasonable proof that the required pet license(s) have been obtained within ten (10) days of service of the notice(s) of infraction.

SECTION VII. AMENDMENT

The following section is added to MCC 8.10:

8.10.038 Admission of Infraction, Conditions. Any party who is issued a notice of infraction for any offense listed under MCC 8.10.900 (A) may, in lieu of requesting a hearing, admit the infraction and submit the fine as stated on the notice of infraction to the Animal Control Division. The party may attach a written explanation of mitigating circumstances with the payment of the fine. An admission of violation under this subsection shall be construed as an acceptance of all other conditions and restrictions imposed in addition to the fine, necessary to correct the infraction, as provided in the notice of infraction.

SECTION VII. AMENDMENT

MCC 8.10.050 is amended to read as follows:

~~{8.10.050 State laws incorporated by reference.~~

~~In addition to provisions of this chapter regulating animals, the following statutes shall apply in Multnomah County and shall be enforced by the director in the same manner as though set forth fully in this chapter, and by this reference, they are incorporated~~

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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,

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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

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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

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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,

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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

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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

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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}~~ appeal~~s~~ 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.

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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

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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:

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- 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.

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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~~

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~~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~~

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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.

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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.

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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

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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.

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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)

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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

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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;

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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)

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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~~

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~~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.~~

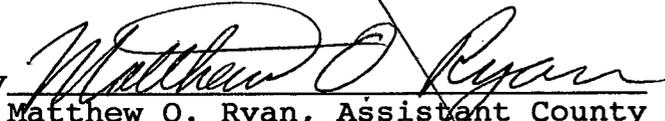
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(SEAL)

Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

By



Matthew O. Ryan, Assistant County Counsel
For Multnomah County, Oregon

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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.

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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;

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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

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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;~~

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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.]~~

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.

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1 SECTION IX. AMENDMENT

2 The following section is added to MCC 8.10:

3 8.10.054 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 8.10.055 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/

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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

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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

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1 authorized 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

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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

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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~~

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1 ~~this section shall be conducted by the Board of County~~
2 ~~Commissioners within 30 days of the request, with notice to be~~
3 ~~mailed to the applicant by certified mail no later than 10 days~~
4 ~~prior to the hearing, provided, however, that the board may refer~~
5 ~~the matter to a hearings officer for the purpose of taking~~
6 ~~evidence, making findings of fact and law and making~~
7 ~~recommendations to the board, which shall act on any~~
8 ~~recommendations within the time fixed in this subsection.]~~

9 ~~[(G) A decision of the Board of County Commissioners resulting~~
10 ~~from any appeal under this section shall be reviewable only as~~
11 ~~provided in ORS Chapter 34 and not otherwise.] [Ord. 156 s V 3~~
12 ~~(1977)]~~

13 SECTION XIV. AMENDMENT.

14 MCC 8.10.190 (B)(7), (B)(9), (B)(11), and (B)(12) are amended
15 to read as follows:

16 8.10.190(B)(7) Leave an animal unattended for more than 24
17 consecutive hours without ~~[adequate]~~ minimum care.

18 8.10.190(B)(9) Physically mistreat any animal either by
19 deliberate abuse or neglect to furnish ~~[adequate]~~ minimum care,
20 including medical care.

21 ~~[8.10.190(B)(11) Fail to comply with the regulations~~
22 ~~applicable to potentially dangerous dogs.]~~

23 8.10.190(B)(11) Permit any dog to engage in any of the
24 behaviors described in MCC 8.10.270(A) or (B).

25 8.10.190(B)(12) Permit any dog to engage in any of the
26 behaviors described in MCC 8.10.270(C) through 8.10.270(E).

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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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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~~

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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

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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:

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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

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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

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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

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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.

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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)

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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

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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,

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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

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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

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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~~

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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)

17
18 _____
19 Gladys McCoy, Chair
20 Multnomah County, Oregon

21 REVIEWED:

22 By Matthew O. Ryan
23 Matthew O. Ryan, Assistant County Counsel
24 For Multnomah County, Oregon

25 I:\MOR\043MOR.ORD\dp

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 732

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. ~~{for 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.

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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;

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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 (7) A statement that an admission of infraction would be on
10 record and could lead to the enhancement of fine on any subsequent
11 infraction issued under this chapter as provided under MCC
12 8.10.900(B).

13 SECTION V. AMENDMENT

14 The following section is added to MCC 8.10:

15 8.10.036 Service.

16 The Notice Of Infraction shall be served on the owner or
17 keeper of the animal or facility in violation of this chapter by
18 personal service or by certified mail with return receipt
19 requested.

20 SECTION VI. AMENDMENT

21 The following section is added to MCC 8.10:

22 8.10.037 Dismissal of Pet License Violations.

23 Notices of infraction issued for violations of the pet
24 licensing requirement as set forth in 8.10.060 through 8.10.080
25 shall be dismissed by the Director upon reasonable proof that the
26 required pet license(s) have been obtained within ten (10) days of

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1 service of the notice(s) of infraction.

2 SECTION VII. AMENDMENT

3 The following section is added to MCC 8.10:

4 8.10.038 (A) Admission of Infraction, Conditions. Any party
5 who is issued a notice of infraction for any offense listed under
6 MCC 8.10.900 (A) may, in lieu of requesting a hearing, admit the
7 infraction and submit the fine as stated on the notice of
8 infraction to the Animal Control Division. The party may attach a
9 written explanation of mitigating circumstances with the payment of
10 the fine.

11 (B) Any written explanations submitted under subsection (A)
12 shall be reviewed by the Hearings Officer. The Hearings Officer
13 shall have discretion to reduce the submitted find and refund any
14 portion not retained based on the written explanation.

15 SECTION VII. AMENDMENT

16 MCC 8.10.050 is amended to read as follows:

17 ~~{8.10.050 State laws incorporated by reference.}~~

18 ~~In addition to provisions of this chapter regulating animals,~~
19 ~~the following statutes shall apply in Multnomah County and shall be~~
20 ~~enforced by the Director in the same manner as though set forth~~
21 ~~fully in this chapter, and by this reference, they are incorporated~~
22 ~~within this chapter.~~

23 ~~(A) ORS 433.340 to 433.390, relating to rabies control,~~
24 ~~provided, however, that the term "administrator of the~~
25 ~~health division" used therein shall mean the director of~~
26 ~~the department of environmental services for Multnomah~~

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County.

~~(B) The following sections of ORS chapter 609, relating to dogs, and no others:~~

~~609.020 Dogs as personal property;~~

~~609.095 When dog is public nuisance; public nuisance prohibited; complaint;~~

~~609.097 Exception to dog as public nuisance;~~

~~609.140 Right of action by owner of damaged livestock;~~

~~609.150 Right to kill dog that kills or injures livestock;~~

~~609.155 Impounding dog that kills or injures livestock; testing dog; killing dog; release;~~

~~609.157 Disputable presumption that dog kills or injures livestock; and~~

~~609.160 Keeping dog with knowledge that it has injured livestock.]~~

8.10.050 Relationship to Certain State Statutes

(A) Pursuant to ORS 609.015(1), this chapter supersedes enforcement in Multnomah County of the following state statutes: ORS 609.010(2), 609.030, 609.040, 609.060, 609.090, 609.092, 609.095, 609.097, 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

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1 procedures shall comply with the state law and are
2 not subject to the enforcement provisions of this
3 chapter.

4
5 SECTION IX. AMENDMENT

6 The following section is added to MCC 8.10:

7 8.10.054 Appeals, Fee.

8 (A) Any party served a notice of infraction or Director's
9 decision under MCC 8.10.275 or 8.10.290 may appeal the infraction
10 or Director's decision by submitting a notice of appeal in writing
11 along with the \$25 hearing fee to the Animal Control Division
12 within twenty (20) days of the date the notice of infraction or
13 Director's decision was served on the party.

14 (B) Any party whose application for a facility license was
15 denied or issued subject to conditions may appeal the license
16 denial or conditional approval by submitting a notice of appeal in
17 writing along with the \$25 hearing fee to the Animal Control
18 Division within twenty (20) days of the date the denial or
19 conditional approval was mailed to the applicant by certified mail.

20 (C) Any party whose facility license has been revoked may
21 appeal that revocation as provided in subsection (B).

22 SECTION X. AMENDMENT

23 The following section is added to MCC 8.10:

24 8.10.055 Hearings, Procedure.

25 (A) The board shall adopt procedural rules governing the
26 conduct and scheduling of the appeal hearings under this chapter.

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1 (B) Upon the receipt of a timely appeal, Animal Control
2 Division shall set the matter for hearing on the next available
3 date scheduled for Animal Control Appeals Hearings.

4 (C) Any party appealing a notice of infraction or license/
5 denial revocation or Director's decision under this Chapter shall
6 be given a written notice of the hearing date no less than ten (10)
7 days prior to the scheduled hearing.

8 (D) The hearings officer shall hold a public hearing on any
9 timely appeal from a notice of infraction, Director's decision, or
10 the denial/revocation of a facility license. The party who brought
11 the appeal or any other person having relevant evidence concerning
12 the nature of the infraction or license denial/revocation shall be
13 allowed to present testimony and documentary evidence at the
14 hearing. The hearings officer may consider mitigating or
15 extenuating circumstances presented on behalf of a party.

16 (E) If the hearing is held to address a notice of infraction
17 or Director's decision issued under MCC 8.10.275 or 8.10.290, the
18 hearings officer shall determine whether the infraction contained
19 in the notice did occur.

20 (F) If the hearing is held to address a facility license
21 denial or revocation, the hearings officer shall determine whether
22 the license was rightfully denied or revoked as provided under MCC
23 8.10.120.

24 (G) The hearings officer shall issue a written decision
25 containing findings of fact addressing the allegations contained in
26 the notice of infraction, the Director's decision, or the license

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1 denial revocation under MCC 8.10.100 - 8.10.145. The decision
2 shall clearly state the hearings officer's conclusion and the
3 reasoning based on the findings of fact. The decision shall be
4 signed and dated by the Hearings Officer and shall be served by
5 personal service or certified mail to the last known address of the
6 party who filed the appeal. The decision shall be final on the
7 date of mailing.

8 (H) In all appeals under this Chapter the Hearings Officer
9 shall have discretion ordering conditions, restrictions and
10 penalties.

11 (I) Failure of a party to file an appeal as provided in this
12 section or unexcused failure of a party to appear at a duly
13 scheduled hearing shall constitute a waiver by the party of any
14 further appeal under this Chapter. Upon the entry of a waiver in
15 the record, the last decision issued by the Animal Control Division
16 shall become final.

17 SECTION XI.

18 The following section is added to MCC 8.10:

19 8.10.056 Stay of Enforcement, Exceptions.

20 (A) Enforcement of any notice of infraction or decision of
21 the Director shall be stayed during the pendency of an appeal,
22 except:

23 1. Restrictions or conditions placed on animal owner or
24 keeper by the Director under MCC 8.10.265 through 8.10.280 or MCC
25 8.10.290; or

26 2. The impoundment of an animal as required under this

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1 Chapter or because it was necessary for the protection of the
2 animal under MCC 8.10.040.

3 (B) Notwithstanding paragraph (A) of this subsection, in any
4 case wherein the subject animal has been impounded and is to be
5 euthanized pursuant to a hearings officer's decision, a party
6 seeking a Writ of Review under ORS 34.010 to 34.100 of that
7 decision, may obtain a stay of the destruction of the animal
8 pending the resolution of the Writ of Review proceeding only as
9 provided in this paragraph. The party shall submit a written
10 notice to the Director within fifteen (15) days of the date of the
11 Hearings Officer's decision of the party's intent to file a Writ of
12 Review. The written notice shall be submitted with a deposit as
13 required under MCC 8.10.057(B), if applicable.

14 (C) In any case subject to paragraph (B), the written notice
15 to the Director shall stay the destruction of the animal until a
16 date not less than fifteen (15) days after final judgment by the
17 court or the party's rights have expired under ORS 34.030.

18 SECTION XII. AMENDMENT

19 The following section is added to MCC 8.10.

20 8.10.057 Impoundment of Animals Pending Appeals, Fees.

21 (A) In any appeal wherein the subject animal has been
22 impounded pending appeal of Director's decision to the hearings
23 officer, the owner or keeper of the animal shall be required to
24 post a deposit with the Director in the amount of \$100 at the time
25 an appeal is requested to apply towards the expense of sheltering
26 the animal during the appeal process.

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1 (B) If an animal not previously impounded under this Chapter
2 is subsequently ordered to be impounded by a Hearings Officer and
3 the owner or keeper appeals the Hearings Officer's decision by Writ
4 of review to the Circuit Court, the owner or keeper of the animal
5 shall be required to post a deposit with the Director in the amount
6 of \$100 at the time the notice of intent to file the Writ of Review
7 is submitted under MCC 8.10.056(B) to apply towards the expense of
8 sheltering the animal during the pendency of the Writ of Review
9 proceeding.

10 (C) In either situation described above in a subsection (A)
11 or (B), if the finding of a violation is upheld on appeal, the
12 animal's owner or keeper shall be liable for the cost of the
13 animal's impoundment and shall pay all fees incurred for sheltering
14 and caring for the animal, or forfeit any amount remaining of the
15 original deposit. If the Animal Control Division's finding is
16 reversed on appeal the deposit shall be refunded.

17 SECTION XIII. AMENDMENT

18 MCC 8.10.120 is amended to read as follows:

19 8.10.120 Denial and revocation of licenses; ~~{appeals.}~~

20 (A) A license required by MCC 8.10.100 to 8.10.140 may be
21 denied or revoked for any of the following reasons:

22 (1) Failure to comply substantially with any provision
23 of this chapter.

24 (2) Conviction of the owner or any person subject to the
25 owner's direction or control for the infraction of any provision of
26 this chapter or other applicable state or federal law, rule, order

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1 or regulation pertaining to any activity relating to animals.

2 (3) Furnishing false information on an application for
3 a license under this chapter.

4 (B) The Director shall refund 50 percent of any fee paid upon
5 denial of a license, provided, however, no refund shall be made
6 upon revocation.

7 (C) If ~~the Director denies~~ an application for a license ~~is~~
8 ~~denied,~~ or approve~~d~~s subject to conditions, ~~the determination is~~
9 ~~final unless~~ the applicant ~~may~~ appeals the denial or conditional
10 approval. ~~{to the Board of County Commissioners by filing a written~~
11 ~~request including the \$25 appeal fee, within 15 days of the date~~
12 ~~denial or conditional approval was mailed to the applicant by~~
13 ~~certified mail.}~~

14 (D) The Director shall investigate any complaint concerning
15 licensed facilities and, upon determination that a license should
16 be revoked, shall serve written notice upon the licensee of that
17 determination by certified mail. ~~{and schedule a hearing at which~~
18 ~~the licensee may appear and be heard. The hearing shall be public,~~
19 ~~and notice of the hearing shall be mailed to the licensee by~~
20 ~~certified mail no later than 10 days before the date of the~~
21 ~~hearing.}~~ The Director's determination shall become final unless
22 appealed.

23 (E) ~~{If the Director confirms the revocation, the holder of~~
24 ~~a revoked license may appeal the revocation to the Board of County~~
25 ~~Commissioners by filing a written request to the Director within 15~~
26 ~~days after notice of the Director's determination of revocation was~~

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1 ~~mailed by certified mail.]~~ Failure to file a timely request shall
2 terminate any appeal right, and the Director's decision revoking
3 the license shall not be reviewable otherwise.

4 ~~{(F) A hearing upon an appeal under subsection (C) or (E) of~~
5 ~~this section shall be conducted by the Board of County~~
6 ~~Commissioners within 30 days of the request, with notice to be~~
7 ~~mailed to the applicant by certified mail no later than 10 days~~
8 ~~prior to the hearing, provided, however, that the board may refer~~
9 ~~the matter to a hearings officer for the purpose of taking~~
10 ~~evidence, making findings of fact and law and making~~
11 ~~recommendations to the board, which shall act on any~~
12 ~~recommendations within the time fixed in this subsection.}~~

13 ~~{(G) A decision of the Board of County Commissioners resulting~~
14 ~~from any appeal under this section shall be reviewable only as~~
15 ~~provided in ORS Chapter 34 and not otherwise.}~~ [Ord. 156 s V 3
16 ~~(1977)]~~

17 SECTION XIV. AMENDMENT.

18 MCC 8.10.190 (B)(7), (B)(9), (B)(11), and (B)(12) are amended
19 to read as follows:

20 8.10.190(B)(7) Leave an animal unattended for more than 24
21 consecutive hours without ~~{adequate}~~ minimum care.

22 8.10.190(B)(9) Physically mistreat any animal either by
23 deliberate abuse or neglect to furnish ~~{adequate}~~ minimum care,
24 including medical care.

25 ~~{8.10.190(B)(11) Fail to comply with the regulations~~
26 ~~applicable to potentially dangerous dogs.}~~

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1 8.10.190(B)(11) Permit any dog to engage in any of the
2 behaviors described in MCC 8.10.270(A) or (B).

3 8.10.190(B)(12) Permit any dog to engage in any of the
4 behaviors described in MCC 8.10.270(C) through 8.10.270(E);

5 SECTION XV

6 MCC 8.10.191: Failure to Comply; Enforcement

7 (A) The failure to comply with any conditions or restrictions
8 lawfully imposed pursuant to a notice of infraction or
9 Director's decision not otherwise stayed under MCC
10 8.10.056 is a violation of this chapter. Failure to pay
11 the civil fine shall be a infraction under this section.
12 A notice of infraction issued under this section for
13 failure to comply shall be of the same classification as
14 the original infraction. The first notice of infraction
15 issued under this section shall not be construed as a
16 second offense under MCC 8.10.900(B).

17 (B) Except as provided in MCC 8.10.191(C), all enforcement
18 actions under this section shall be brought before
19 Hearings Officers.

20 (C) Any enforcement action for failure to comply wherein the
21 circumstances of the failure to comply by the party in
22 violation are determined by the Director to:

- 23 1) Be a substantial risk to public safety; or
24 2) Be a substantial risk to the care and
25 treatment of the subject animal(s); or
26 3) Be a failure to pay past-due fines on three or

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1 more infractions within a 12-month period;
2 shall be brought in the State Court as provided under ORS
3 203.810 and ORS 30.315.
4

5 SECTION XVI. AMENDMENT.

6 MCC 8.10.275 is amended to read as follows:

7 8.10.275 Potentially dangerous dogs; appeals; restrictions
8 pending appeal.

9 (A) The Director shall have authority to determine whether
10 any dog has engaged in the behaviors specified. in MCC 8.10.270.
11 This determination may be based upon an investigation that includes
12 observation of and testimony about the dog's behavior, including
13 the dog's upbringing and the owner's control of the dog, and other
14 relevant evidence as determined by the Director. These
15 observations and testimony can be provided by Multnomah County
16 animal control officers or by other witnesses who personally
17 observed the behavior. They shall sign a written statement
18 attesting to the observed behavior and agree to provide testimony
19 regarding the dog's behavior of necessary.

20 (B) The Director shall have the discretion to increase or
21 decrease a classified dogs restrictions based upon relevant
22 circumstances.

23 (C) The Director shall give the dog's owner written notice by
24 certified mail or personal service of the dog's specified behavior,
25 of the dog's classification as a potentially dangerous dog, of the
26 fine imposed, and of the restrictions applicable to that dog by

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1 reason of its classification. If the owner denies that the
2 behavior in question occurred, the owner may appeal the Director's
3 decision to the Hearings Officer by filing a written request for a
4 hearing with the Director [~~within ten (10) days of the notice was~~
5 ~~mailed to the owner by certified mail or the owner was personally~~
6 ~~served. Level 1 classifications are not appealable. The Director~~
7 ~~shall establish a non-refundable appeal fee of not less than \$25~~
8 ~~that must accompany the written request for appeal. Failure to~~
9 ~~meet all appeal requirements within ten (10) days shall result in~~
10 ~~the classification being final.] as provided under MCC 8.10.054.~~

11 ~~{(D) [The Hearings Officer shall hold a public hearing on any~~
12 ~~appeal from the Director's decision to classify a dog as~~
13 ~~potentially dangerous. The owner shall be mailed written notice of~~
14 ~~the appeal hearing no less than seven (7) days prior to the~~
15 ~~hearing. The owner and any other persons having relevant evidence~~
16 ~~concerning the dog's behavior as specified in MCC 8.10.270 shall be~~
17 ~~allowed to present testimony and documentary evidence at the~~
18 ~~hearing. The Hearings Officer shall determine whether behavior~~
19 ~~specified in MCC 8.10.270 was exhibited by the dog in question.~~
20 ~~The Hearings Officer may reduce or increase the classification~~
21 ~~level. The Hearings Officer shall have discretion ordering~~
22 ~~restrictions. The order shall state what, if any, level of~~
23 ~~classification has been applied and shall impose the applicable~~
24 ~~restrictions under this code. The order shall be signed and dated~~
25 ~~by the Hearings Officer and shall be mailed to the last known~~
26 ~~address of the owner and any person who gave testimony at the~~

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1 ~~appeal hearing. The order shall be final on the date of mailing.~~

2 ~~{(E)}~~ (D) Upon receipt of notice of the dog's classification
3 as a Level 1, 2, 3, or 4 potentially dangerous dog pursuant to
4 subsection (C) of this section, the owner shall comply with the
5 restrictions specified in the notice unless ~~{as the Director's~~
6 ~~decision is}~~ reversed on appeal. Failure to comply with the
7 specified restrictions shall be a violation of this chapter for
8 which a fine can be imposed. Additionally, the Director shall have
9 authority to impound the dog pending completion of all appeals.

10 ~~{(F)}~~ (D) If ~~{the Director}~~ the Director's decision or the
11 Hearings Officer's decision finds that a dog has engaged in Level
12 5 behavior, the dog shall be impounded pending the completion of
13 any appeals. ~~{In addition to the appeal fee set forth in MCC~~
14 ~~8.10.275(C) the owner shall be required to post a deposit with the~~
15 ~~Director in the amount of \$100, at the time an appeal is requested~~
16 ~~to apply towards the expenses of sheltering the dog during the~~
17 ~~appeal process. If the Director's decision is upheld on appeal,~~
18 ~~the dog's owner shall be liable for the cost of the dog's~~
19 ~~impoundment, and the owner shall pay all fees incurred for the~~
20 ~~sheltering of the dog or forfeit the deposit. If the Director's~~
21 ~~decision to classify the dog as a potentially dangerous dog is~~
22 ~~reversed, the deposit shall be refunded.}~~

23 ~~{(G) The Board shall adopt procedural rules governing the~~
24 ~~scheduling of the appeals provided for in this section.}~~

25 ~~{(H) The imposition of regulations pursuant to this section~~
26 ~~shall prevent the Director from also issuing a citation pursuant~~

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1 ~~to MCC 8.10.900.] [Ord 517 s 3 (1986); Ord 550 s 2 (1987); Ord~~
2 ~~591 s 3 (1988)]~~

3 SECTION XVII. AMENDMENT.

4 MCC 8.10.280 is amended to read as follows:

5 8.10.280 Regulation of potentially dangerous dogs. In addition to
6 the other requirements of MCC Chapter 8.10, the owner or keeper of
7 a potentially dangerous dog shall comply with the following:

8 (A) Dogs classified as Level 1 dogs shall be restrained in
9 accordance with MCC 8.10.010(B) by a physical device or structure,
10 in a manner that prevents the dog from reaching any public
11 sidewalk, or adjoining property and must be located so as not to
12 interfere with the public's legal access to the owner's property,
13 whenever that dog is outside the owner's home and not on a leash.

14 (B) Dogs classified as Level 2 dogs shall be confined within
15 a secure enclosure whenever the dog is not on a leash or inside the
16 home of the owner. The secure enclosure must be located so as not
17 to interfere with the public's legal access to the owner's
18 property. In addition, the Director may require the owner to
19 obtain and maintain proof of public liability insurance. In
20 addition, the owner may be required to pass a responsible pet
21 ownership test administered by the Director.

22 (C) Dogs classified as Level 3 or Level 4 dogs shall be
23 confined within a secure enclosure whenever the dog is not on a
24 leash or inside the home of the owner. The secure enclosure must
25 be located so as not to interfere with the public's legal access to
26 the owner's property, and the owner shall post warning signs, which

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1 are provided by the Director, on the property where the dog is
2 dept, in conformance with rules to be adopted by the Director. In
3 addition, the Director may require the owner to obtain and maintain
4 proof of public liability insurance. the owner shall not permit
5 the dog to be off the owner's property unless the dog is muzzled
6 and restrained by and adequate leash and under the control of a
7 capable person. In addition, the Director may require the owner to
8 satisfactorily complete a pet ownership program.

9 (D) Dogs classified as Level 5 dogs as described in
10 MCC 8.10.270 shall be euthanized. In addition, the Director may
11 suspend, for a period of time specified by the Director, that dog
12 owner's right to be the owner of any dog in Multnomah County,
13 including dogs currently owned by that person.

14 (E) All dogs classified as Level 5 potentially dangerous dogs
15 shall be euthanized at any time not less than [~~ten-(10)~~] twenty
16 (20) days after the date of classification [~~by the Director~~].
17 Notification to the Director of any appeal to the Hearings Officer
18 as provided for in MCC [~~8.10.275(B)~~] 8.10.054(A) or to any court of
19 competent jurisdiction shall delay destruction of the dog until a
20 date not less than [~~ten-(10)~~] fifteen (15) days after a final
21 decision by the Hearings Officer or final judgment by the court.

22 (F) To insure correct identification, all dogs that have been
23 classified as potentially dangerous may be marked with a permanent
24 identifying mark, photographed, or fitted with a special tag or
25 collar provided by the Director. The Director shall adopt rules
26 specifying the type of required identification.

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1 (G) In addition to the normal licensing fees established by
2 MCC 8.10.220(A)(1) and (2), there shall be an annual fee of \$15 for
3 dogs that have been classified as potentially dangerous. This
4 additional fee shall be imposed at the time of classification of
5 the potentially dangerous dog, and shall be payable within 30 days
6 of notification by the Director. Annual payment of this additional
7 fee shall be payable within 30 days of notification by the
8 Director.

9 (H) The owner of a potentially dangerous dog shall not permit
10 the warning sign to be removed from the secure enclosure, and shall
11 not permit the special tag or collar from being removed from the
12 classified dog. The owner of a potentially dangerous dog shall not
13 permit the dog to be moved to a new address or change owners
14 without providing the Director with ten (10) days prior written
15 notification.

16 (I) Declassification of potentially dangerous dogs. Any
17 owner of a classified potentially dangerous dog may apply to the
18 Director or the hearings officer, in writing, to have the
19 restrictions reduced or removed.

20 (1) The following conditions must be met:

21 (a) Level 1 or Level 2 dog has been classified for
22 ~~{two}~~ one years without further incident, or ~~{five}~~ two years for
23 Level 3 or Level 4 dogs; and

24 (b) The owner provides the Director with written
25 certification of satisfactory completion of obedience training for
26 the dog classified; and

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1 (c) There have been no violations of the specified
2 regulations; and

3 (d) In addition, the Director may require the dog
4 owner to provide written verification that the classified dog has
5 been spayed or neutered.

6 (e) Any reclassification request submitted under
7 this subsection must include \$25 review fee.

8 (2) When the owner of a potentially dangerous dog meets
9 all of the conditions in this subsection, the restrictions for
10 Level 1 and Level 2 classified dogs may be removed. Restrictions
11 for Level 3 and Level 4 dogs may be removed, with the exception of
12 the secure enclosure. ~~{Ord 517 s 3 (1986); Ord 591 s 4 (1988)}~~

13 SECTION XVIII. AMENDMENT

14 The following section is added to MCC 8.10:

15 MCC 8.10.290 Restrictions In Cases Other Than Potentially
16 Dangerous Dogs, Directors' Authority, Notice;

17 (A) The Director shall have authority to determine whether
18 any infraction of this chapter warrants other restrictions and
19 conditions be imposed on the party in violation as provided in MCC
20 8.10.900(c), in addition to the civil fine.

21 (B) This determination may be based upon an investigation
22 that includes observation of and testimony about the circumstances
23 and the nature of the infraction, including the animal's behavior,
24 the owner's control of the animal, the care and treatment of the
25 animal, and other relevant evidence as determined by the Director.
26 These observations and testimony can be provided by Multnomah

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1 County Animal Control officers or by other witnesses who personally
2 observed the circumstances. They shall sign a written statement
3 attesting to the observed circumstances and agree to provide
4 testimony, if necessary.

5 (C) The Director shall give the party in violation written
6 notice by certified mail or personal service of the Director's
7 decision imposing a fine and any conditions or restrictions under
8 this section and MCC 8.10.900(c). The notice shall contain a brief
9 explanation why the additional conditions and restrictions were
10 imposed. If the party wishes to challenge the Director's decision,
11 the party may appeal, as provided under MCC 8.10.054.

12
13 SECTION XIX. AMENDMENT

14 MCC 8.10.900 is amended to read as follows:

15 8.10.900 Penalties, generally. ~~{Offenses committed in violation~~
16 ~~of provisions of this chapter shall be prosecuted in the manner~~
17 ~~provided in ORS 203.810. conviction of a violation of any~~
18 ~~provision of this chapter not specifically listed in MCC 8.10.900~~
19 ~~to 8.10.940, shall be subject to a fine not to exceed}~~

20 (A) Violations of the provisions of this chapter shall be
21 classified as provided below.

22 (1) Class A infractions. Violations of the following
23 sections or subsections shall be Class A infractions:

- 24 (a) MCC 8.10.030
- 25 (b) MCC 8.10.180
- 26 (c) MCC 8.10.190 (B)(3)

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1 (d) MCC 8.10.190 (B)(8)

2 (e) MCC 8.10.190 (B)(9)

3 (f) MCC 8.10.190 (B)(10)

4 (g) MCC 8.10.190 (B)(12)

5 (h) MCC 8.10.200

6 (2) Class B Infractions: Violations of the following
7 sections or subsections of this chapter shall be Class B
8 infractions:

9 (a) 8.10.150

10 (b) 8.10.155

11 (c) 8.10.190(B)(4)

12 (d) 8.10.190(B)(5)

13 (e) 8.10.190(B)(6)

14 (f) 8.10.190(B)(7)

15 (g) 8.10.190(B)(11)

16 (3) Class C Infractions. Infractions of the following
17 sections or subsections of this chapter shall be Class C
18 infractions:

19 (a) 8.10.070

20 (b) 8.10.170

21 (c) 8.10.190(B)(1)

22 (d) 8.10.190(B)(2)

23 (e) 8.10.210

24 (4) Any other violation of this chapter not listed in
25 this subsection shall be a Class A infraction.

26 (B) Fines:

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1 (1) Class A Infraction. A fine for Class A infraction
2 shall be no less than \$100 nor more than \$500 for a first offense.
3 The fine for a second Class A infraction committed within 12 months
4 from the date that the first offense was committed shall be no less
5 then \$200, nor more than \$500. The fine for a third Class A
6 infraction committed within 12 months from the date that the first
7 offense was committed, the fine shall be not less than \$500.

8 (2) Class B Infraction. A fine for Class B infraction
9 shall be no less than \$50 nor more than \$250 for a first offense.
10 If the violator committed either a Class A or B infraction within
11 the 12 month period immediately prior to the date of the second
12 infraction, the fine shall be no less than \$100 nor more than \$250.
13 If the violator has committed two or more Class A or B infractions
14 within the twelve month period immediately prior to the date of the
15 most recent notice of infraction for a Class B infraction, the fine
16 shall be \$250.

17 (3) Class C Infractions: A fine for a Class C
18 infraction shall be no less than \$25 nor greater than \$150 for a
19 first offense. If the violator has committed a class A, B, or C
20 infraction within the 12 month period immediately prior to the date
21 of the second infraction, the fine shall be no less than \$50 nor
22 more than \$150. If the violator has committed two or more Class A,
23 B, or C infractions within the 12-month period immediately prior to
24 the date of the most recent notice of infraction for a Class C
25 infraction, the fine shall be \$150.

26 (C) Additional Conditions and Restrictions. In addition to

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1 the monetary civil penalties imposed for infractions of this
2 chapter, and the regulations applicable under MCC 8.10.280, the
3 Director and the Hearings Officer shall have authority to order
4 additional restrictions and conditions upon the party in violation,
5 including but not limited to:

6 (1) Require the violator to satisfactorily complete an
7 obedience program approved by the Director or Hearings Officer at
8 owner's expense;

9 (2) Require the violator to attend a responsible pet
10 ownership program adopted and/or approved by the Director or
11 Hearings Officer, at the violator's expense;

12 (3) Require the owner or keeper of an animal that
13 unreasonably causes annoyance, as described in 8.10.190 (B)(6), to
14 keep the animal inside the owner or keeper's residence between the
15 hours of 10:00 p.m. and 7:00 a.m.;

16 (4) Any other condition(s) that would reasonably abate
17 the infraction;

18 (5) Require the owner or keeper to have the animal
19 surgically sterilized within a time period determined by the
20 Director or Hearings Officer.

21 (D) Late Payment Penalties. If a civil penalty is unpaid
22 after 30 days, the fine then due shall be increased by 25% of the
23 original amount; if the civil penalty is not paid after 60 days,
24 the fine then due shall be increased by 50% of the original amount.

25
26 (E) At the discretion of the Director, any civil penalty(ies)

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1 ~~not paid within thirty (30) days from the date of issuance of the~~
 2 ~~notice of infraction may be assigned to a collections agency for~~
 3 ~~collection.~~

4 ~~(F) Ten percent (10%) of the fines and penalties collected~~
 5 ~~under this chapter shall be placed in a separate fund for the~~
 6 ~~purpose of providing training for animal control personnel.~~

7 SECTION XX. AMENDMENT

8 MCC 8.10.910 is amended to read as follows:

9 8.10.910 Facilities: operation without license or in
 10 violation of license standards.

11 (A) ~~{Any person convicted of operating}~~ The operation of a
 12 facility without a license for which licensing is required under
 13 MCC 8.10.100 to 8.10.145 shall be ~~{subject to a fine not to exceed~~
 14 ~~\$500}~~ a Class A infraction, and, in addition, the ~~{court}~~ Director
 15 or hearings officer may order removal of all animals housed in the
 16 facility which exceed the number allowed under this chapter and
 17 require them to be removed from the County or to be impounded
 18 subject to ~~{subsection (D) of MCC 8.10.040.}~~ MCC 8.10.040(D).

19 8.10.910(B)

20 ~~{Any person holding a facility license issued under MCC~~
 21 ~~8.10.100 to 8.10.145 who is convicted of violation of any provision~~
 22 ~~of this chapter applicable to that license or the care of animals~~
 23 ~~housed in the facility, shall, in addition to the revocation~~
 24 ~~proceedings provided in MCC 8.10.100 to 8.10.145, be subject to a~~
 25 ~~fine not to exceed \$500, and in addition, the court may order~~
 26 ~~removal of any or all animals from the facility for impoundment~~

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1 ~~subject to subsection (D) of MCC 8.10.140. Ord. 156 s. VIII-2~~
 2 ~~1977)} The operation of a facility by a person holding a facility
 3 license under MCC 8.10.100 to 8.10.145, in violation of any
 4 provision of this chapter applicable to that license or to the care
 5 of the animals housed in the facility, shall be a Class A
 6 infraction; and in addition the Director or hearings officer may
 7 order removal of any or all animals from the facility for
 8 impoundment subject to MCC 8.10.040(D).~~

9 SECTION XXI. AMENDMENT

10 Sections MCC 8.10.920 through MCC 8.10.950 are repealed.

11 ~~{8.10.920 Poisonous food penalty. Any person convicted of~~
 12 ~~violation of MCC 8.10.180, shall be subject to imprisonment for not~~
 13 ~~more than one year and a fine not to exceed \$1,000 or both. Ord.~~
 14 ~~156 s. VIII-3 (1977)}~~

15 ~~{8.10.930 Animal owner regulation violations. Any person~~
 16 ~~convicted of violation of MCC 8.10.190, shall be subject to a fine~~
 17 ~~not to exceed \$500, and the court in its discretion may also order~~
 18 ~~destruction of the animals involved, subject to subsection (D) of~~
 19 ~~MCC 8.10.040 or surgical sterilization of any animal or appropriate~~
 20 ~~procedure to render an animal mute. Additionally, appropriate~~
 21 ~~procedure to render an animal mute. Additionally, the court in its~~
 22 ~~discretion may suspend, for a period of time specified by the~~
 23 ~~court, that person's right to be the owner of any dog in Multnomah~~
 24 ~~County, including dogs currently owned by that person. Ord. 156 s.~~
 25 ~~VII-4 (1977); Ord. 417 s. 5 (1986)}~~

26 ~~{8.10.940 Penalty for keeping gamecocks, animal fights and~~

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1 ~~fight training.]~~

2 ~~[(A) Any person convicted of violation of MCC 8.10.200, shall~~
3 ~~be subject to a fine not to exceed \$500, and the court may order~~
4 ~~impoundment of any animal caused to be engaged in the prohibited~~
5 ~~conduct, which animal may be disposed of by the Director.]~~

6 ~~[(B) Any person previously convicted under this section shall~~
7 ~~be subject to punishment by imprisonment for a term of not more~~
8 ~~than one year and a fine not to exceed \$1,000 or both. Ord. 156 s.~~
9 ~~VIII-5 (1977).]~~

10 ~~[8.10.950 Penalty for violation of potentially dangerous dog~~
11 ~~requirements.]~~

12 ~~[In addition to the provisions of MCC 8.10.930, any person~~
13 ~~convicted of violating MCC 8.10.190 (B) (11) and (12) shall be~~
14 ~~subject to a minimum fine of \$100 for the first offense; and a~~
15 ~~minimum fine of \$500 for any subsequent offense. Minimum fines~~
16 ~~shall not be suspendable by the court. Ord. 591 s. 6 (1988).]~~

17 ADOPTED this 3rd day of September, 1992, being
18 the date of its second reading before the Board of County
19 Commissioners of Multnomah County, Oregon.



21 *Gladys McCoy*
22 Gladys McCoy, Chair
23 Multnomah County, Oregon

24 *Matthew O. Ryan*
25 By Matthew O. Ryan, Assistant County Counsel
26 For Multnomah County, Oregon

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