

ANNOTATED MINUTES

*Tuesday, January 2, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602*

PUBLIC HEARING

PH-1 Public Hearing Concerning Governance of the Multnomah County Library.

ARLENE COLLINS AND JACK RADOW TESTIMONY.

*Tuesday, January 2, 1990 - 1:30 PM
Multnomah County Courthouse, Room 602*

BOARD BRIEFING/WORK SESSION

B-1 Briefing and Discussion Concerning Rebuilding the Entire Donald E. Long Home, and Possible Financing Options

B-2 Discussion Concerning Proposed Street Safety Ordinance (Guns)

WORK SESSION TO BE SCHEDULED JANUARY 23, 1990. POSSIBLE FIRST ORDINANCE READING AND HEARING SCHEDULED FOR FEBRUARY 1, 1990.

*Wednesday, January 3, 1990 - 7:00 PM
Multnomah County Public Library Auditorium
801 S.W. 10th Avenue, Portland*

PUBLIC HEARING

Chair Gladys McCoy convened the meeting at 7:00 p.m., with Commissioners Pauline Anderson, Gretchen Kafoury and Sharron Kelley present, and Commissioner Rick Bauman arriving at 7:30 p.m.

PH-2 Public Hearing Concerning Governance of the Multnomah County Library.

JANET IRWIN, KATIE BRETSCHE, JOHN BAILEY, PAUL THALHOFER, URSULA LeGUIN, DOROTHY HINSCH, ALICE MEYER, ARLENE COLLINS, RUTH BARRIE, PAUL MEYER, JOHN SWEENEY, BOBBI GARY, JIM WORTHINGTON, AMY ESTRIN, JOLINDA OSBORNE, GORDON HUNTER, CHARLES DAVIS AND JUDE NICHOLSON TESTIMONY AND RESPONSE TO BOARD QUESTIONS. BOARD DISCUSSION. CHAIR McCOY

**SCHEDULED AN EXECUTIVE SESSION FOR 9:00 AM,
THURSDAY, JANUARY 4, 1990.**

There being no further business, the meeting was adjourned at 8:10 p.m.

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

DEBORAH L. BOGSTAD
Deborah L. Bogstad

*Thursday, January 4, 1990 - 9:00 AM
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners Convened an Emergency Executive Session Pursuant to ORS 192.660(1)(d)(h) for the Purpose of Consultation with Labor Negotiator and County Counsel Regarding the Library Governance Issue*

EXECUTIVE SESSION HELD.

*Thursday, January 4, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602*

FORMAL MEETING

Chair Gladys McCoy convened the meeting at 9:35 a.m., with Commissioners Pauline Anderson, Gretchen Kafoury, Rick Bauman and Sharron Kelley present.

- A. *Election of Vice-Chair for 1990 Calendar Year*

**UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KELLEY,
COMMISSIONER GRETCHEN KAFOURY WAS
UNANIMOUSLY APPOINTED VICE-CHAIR FOR 1990.**

PLANNING ITEMS

- P-1 *Decisions of the Planning Commission of December 11, 1989, reported to the Board for acknowledgement by the County Chair:*

CS 10-89 *Approve, subject to conditions, change in zone designation from LR-10 to LR-10, CS, Community Service, for property located at 12911*

SE Holgate Blvd., for use as a day care center for a maximum of 50 children

CS 11-89 *Approve, subject to conditions, modification of the Community Service designation for a one-acre portion of the property located at 10500 SE Mt. Scott Blvd., to allow its development with a two-million gallon in-ground reservoir, 125-ft. in diameter and a 22-foot depth plus an easement as a driveway for maintenance purposes*

CS 12-89 *Approve, subject to conditions, requested modification of the community service approval of the property located at 12710 SE Division Street, to allow its development with a 21,625 sq. ft. building and 77 off-street parking spaces*

MC 4-89 *Approve an easement as a means of access for the property adjacent to 1455 SW Highland Road for the existing lot and a potential future second lot, until such time as it is replaced with a public street*

CHAIR McCOY ACKNOWLEDGED PLANNING COMMISSION DECISIONS.

P-2 Resolution in the Matter of Issuance of an Industrial Development Revenue Bond State of Oregon to Teeny Foods Corporation

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, RESOLUTION 90-1 WAS APPROVED, WITH COMMISSIONERS ANDERSON, KAFOURY, KELLEY AND McCOY VOTING AYE, AND COMMISSIONER BAUMAN VOTING NO.

P-3 Auto Wreckers License renewal submitted by Planning & Development and Sheriff's Office, with recommendation for approval for Ron Barber Enterprises, Inc., dba Division Street Auto Parts, U-Pull-It Division, 13232 SE Division Street

UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER KELLEY, THE LICENSE RENEWAL WAS UNANIMOUSLY APPROVED.

BOARD OF COUNTY COMMISSIONERS

R-4 In the matter of the appointments of Andrea Dobson and Elena Rivier to the Nondepartmental Citizen Budget Advisory Committee

FOLLOWING EXPLANATION AND UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY

APPROVED THAT ANDREA DOBSON BE APPOINTED TO THE NOND CBAC.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-5 *In the matter of the sale of 18 feet of Lot 15, Block 2, Whitwood Court, by Multnomah County, to the adjacent property owner*

HAROLD HOLUB EXPLANATION. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-5 WAS UNANIMOUSLY APPROVED.

R-6 *In the matter of ratification of an intergovernmental agreement with the State Marine Board to accept a \$2,000,000 grant to the Parks Services Division, for the construction of Chinook Landing Boating facility*

R-7 *Budget Modification DES #7 reflecting additional revenues in the amount of \$2,000,000 from State Marine Board to Parks Services, Capital Equipment, and related cash transfer to Federal/State fund, and transfer of county's match, for the construction of Chinook Landing Boating Facility*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-6 AND R-7 WERE UNANIMOUSLY APPROVED.

R-8 *In the matter of ratification of an intergovernmental agreement with Metropolitan Service District, whereby Metro will inventory and map natural areas throughout the Metropolitan Service District, as well as portions of Multnomah County located outside District boundaries, for period January 15 to June 30, 1990*

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

BOARD OF COUNTY COMMISSIONERS

R-9 *Resolution in the Matter of prohibiting county sponsorship of activities or events co-sponsored by alcohol or tobacco companies or promoted by such organizations*

VICE-CHAIR KAFOURY EXPLANATION. GARY OXMAN TESTIMONY IN SUPPORT. COMMISSIONER KAFOURY MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-9. RESOLUTION READ. BOARD COMMENTS. RESOLUTION 90-2 UNANIMOUSLY

APPROVED.

NONDEPARTMENTAL

R-10 *Board Discussion to provide policy direction to the County Chair for future negotiations with the Library Association of Portland on Library Governance*

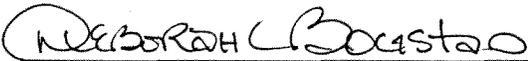
BOARD DISCUSSION.

The meeting was recessed at 10:00 a.m. and reconvened at 10:25. a.m.

BOARD DISCUSSION AND COMMENTS. FRED NEAL, CHARLES DAVIS, LINDA ALEXANDER AND JOHN DuBAY RESPONSE TO BOARD QUESTIONS AND DISCUSSION. COMMISSIONER BAUMAN MOVED, SECONDED BY COMMISSIONER ANDERSON, THAT THE BOARD AUTHORIZE THE CHAIR TO NEGOTIATE WITH THE LIBRARY ASSOCIATION OF PORTLAND FOR THE COUNTY TO ASSUME DIRECT GOVERNANCE RESPONSIBILITIES OF THE LIBRARY, WITH THE QUESTION OF WHETHER THERE'S AN INTERVENING COMMISSION TO BE RESOLVED BY THE BOARD AT A LATER POINT. FOLLOWING DISCUSSION AND CLARIFICATION, IT WAS UNANIMOUSLY APPROVED THAT COUNTY COUNSEL BE DIRECTED TO PREPARE A RESOLUTION OR ORDINANCE, AS APPROPRIATE, REGARDING THE PROCESS TO FOLLOW TO ESTABLISH DIRECT COUNTY GOVERNANCE OF THE MULTNOMAH COUNTY PUBLIC LIBRARY SYSTEM.

There being no further business, the meeting was adjourned at 11:10 a.m.

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



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

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

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

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
JANUARY 1 - 5, 1990

Monday, JANUARY 1, 1990 - OFFICES CLOSED

Tuesday, JANUARY 2, 1990 - 9:30 AM - Formal Hearing . . . Page 2

Tuesday, JANUARY 2, 1990 - 1:30 PM - Work Session Page 3

Wednesday, JANUARY 3, 1990 - 7:00 PM - Public Hearing . . Page 4
Multnomah County Central Library
801 SW 10th Auditorium
Portland, Oregon

Thursday, JANUARY 4, 1990 - 9:30 AM - Formal. Page 4
Planning Items

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

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

Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

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

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Tuesday, JANUARY 2, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

FORMAL HEARING

LIBRARY GOVERNANCE - Update by staff on Library Policy options report

PUBLIC HEARING regarding Library

Tuesday, JANUARY 2, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL MEETING and WORK SESSION

1. Briefing and discussion concerning rebuilding the entire Donald E. Long Home, and possible financing options

2. Discussion concerning proposed street safety ordinance (guns)

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

-4-

WEDNESDAY, JANUARY 3, 1990 - 7:00 PM

801 SW 10TH, AUDITORIUM

PORTLAND, OREGON

Public Hearing concerning governance of the Multnomah County Library

Thursday, JANUARY 4, 1990, 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

A. Election of Vice-Chair for 1990 Calendar Year

PLANNING ITEMS

1. Decisions of the Planning Commission of December 11, 1989, reported to the Board for acknowledgement by the County Chair:
 - a. CS 10-89 Approve, subject to conditions, change in zone designation from LR-10 to LR-10, CS, Community Service, for property located at 12911 SE Holgate Blvd., for use as a day care center for a maximum of 50 children
 - b. CS 11-89 Approve, subject to conditions, modification of the Community Service designation for a one-acre portion of the property located at 10500 SE Mt. Scott Blvd., to allow its development with a two-million gallon in-ground reservoir, 125-ft. in diameter and a 22-foot depth plus an easement as a driveway for maintenance purposes
 - c. CS 12-89 Approve, subject to conditions, requested modification of the community service approval of the property located at 12710 SE Division Street, to allow its development with a 21,625 sq. ft. building and 77 off-street parking spaces
 - d. MC 4-89 Approve an easement as a means of access for the property adjacent to 1455 SW Highland Road for the existing lot and a potential future second lot, until such time as it is replaced with a public street
2. Resolution in the matter of Issuance of an Industrial Development Revenue Bond State of Oregon to Teeny Foods Corporation (RB 1-90) 8005 SE Stark Street - purpose is for the purchase of equipment that will allow for an expansion in production
3. Auto Wreckers License renewal submitted by Planning & Development and Sheriff's Office, with recommendation for approval for Ron Barber Enterprises, Inc., dba Division Street Auto Parts, U-Pull-It Division, 13232 SE Division Street

REGULAR AGENDA

BOARD OF COUNTY COMMISSIONERS

- R-4 In the matter of the appointment of Andrea Dobson and Elena Rivier to the Nondepartmental Citizen Budget Advisory Committee

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-5 In the matter of the sale of 18 feet of Lot 15, Block 2, Whitwood Court, by Multnomah County, to the adjacent property owner
- R-6 In the matter of ratification of an intergovernmental agreement with the State Marine Board to accept a \$2,000,000 grant to the Parks Services Division, for the construction of Chinook Landing Boating facility
- R-7 Budget Modification DES #7 reflecting additional revenues in the amount of \$2,000,000 from State Marine Board to Parks Services, Capital Equipment, and related cash transfer to Federal/State fund, and transfer of county's match, for the construction of Chinook Landing Boating Facility
- R-8 In the matter of ratification of an intergovernmental agreement with Metropolitan Service District, whereby Metro will inventory and map natural areas throughout the Metropolitan Service District, as well as portions of Multnomah County located outside District boundaries, for period January 15 to June 30, 1990

BOARD OF COUNTY COMMISSIONERS

- R-9 Resolution in the Matter of prohibiting county sponsorship of activities or events co-sponsored by alcohol or tobacco companies or promoted by such organizations

NONDEPARTMENTAL

- R-10 Board Discussion to provide policy direction to the County Chair for future negotiations with the Library Association of Portland on Library Governance

DATE SUBMITTED _____

(For Clerk's Use)
Meeting Date 1/2/90
Agenda No. 1 Informal

REQUEST FOR PLACEMENT ON THE AGENDA

Subject General Obligation Bond Issue for D.E. Long Home Replacement.

Informal Only* January 2 1990
(Date) ~~AAA~~

Formal Only _____
(Date)

DEPARTMENT Human Services DIVISION DHS Administration

CONTACT _____ TELEPHONE x3782

Duane Zussy

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD _____

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested. The Board has previously expressed support for rebuilding the entire D E Long facility, including Juvenile Justice Administration, courtrooms, District Attorneys and counselors offices, and Detention, on the present site. The Board has been briefed regarding possible financing options for this project, and has been informed that General Obligation Bond financing is the only realistic financing mechanism. This method of financing requires an election. The Board must hold a public hearing prior to placing such a measure on the ballot. An informal discussion is requested to discuss recent developments and timing issues.

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

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

General Fund

Other _____

CLERK OF COUNTY COMMISSIONERS
1989 DEC 27 AM 9:38
MULTI-DISTRICT COUNTY
OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Duane Zussy (MC)

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____

(Purchasing, Facilities Management, etc.)

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



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
7th FLOOR J. K. GILL BUILDING
426 S.W. STARK STREET
PORTLAND, OREGON 97204
(503) 248-3782

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

MEMORANDUM

TO: County Chair Gladys McCoy

FROM: Duane Zussy, Director *Duane Zussy (pc)*
Department of Human Services

DATE: December 26, 1989

SUBJECT: Board Informal Regarding Replacing Donald E. Long Home

I have requested that your office schedule an informal Board discussion on January 4 regarding the advisability of scheduling a general obligation bond issue on the ballot for the March 1990 election. As I relayed to you in my memo of December 22 (copy attached) I must now recommend that you delay plans for the ballot measure until May of 1990 or later due to several unresolved issues. I would like to come to the Board on January 4 to discuss in detail the issues related to my recommendations and to request direction regarding the Board's wishes relative to the upcoming election.

I have attached detailed backup materials prepared by County Counsel which will be necessary for the election, when scheduled. These include a resolution calling for the election, the form of ballot, public notice, and a resolution calling for a public hearing.

For your information, if the Board were to determine to proceed with a G.O. Bond Issue on the March ballot the key dates would be as follows:

January 4 - Board calls for Public Hearing to be held on January 18
January 8 - First Published Notice
January 15 - Second Published Notice
January 18 (or 23) - Public Hearing
March 27 - Election

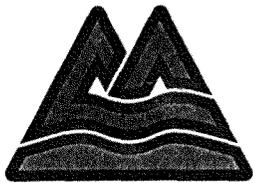
I will provide similar dates for the May and November elections at our January 4 meeting.

I look forward to our discussion.

cc: Commissioner Pauline Anderson
Commissioner Rick Bauman
Commissioner Gretchen Kafoury
Commissioner Sharron Kelley

[5765A/m]

file



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
7th FLOOR J. K. GILL BUILDING
426 S.W. STARK STREET
PORTLAND, OREGON 97204
(503) 248-3782

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

MEMORANDUM

TO: Gladys McCoy, Multnomah County Chair
FROM: Duane Zussy, Director
Department of Human Services
DATE: December 22, 1989
SUBJECT: Recommended Actions Relative to Replacing the Donald E. Long Home

Recommendation:

1. Reluctantly, I must recommend that you delay plans for placing the proposed General Obligation Bond Issue to finance the replacement of the Donald E. Long Home on the ballot for the March, 1990 election.
2. Further, I recommend that you plan a series of public hearings including community hearings in the evening hours to gain public input and to provide appropriate factual information to interested parties concerning this measure with an eye toward placement of the measure on the ballot in May of 1990.
3. Through these public hearings and parallel meetings with our several partners in this project, I recommend that you come to final agreement on the scope of the project and the date on which it is to be presented to the voters.

Analysis:

At the close of the last informational briefing session on this subject, more than one of the Commissioners expressed concern over the timeline for voter approval. Since several events have occurred which lead me to conclude that, despite all the planning, analysis, and group process that has gone into developing the current proposal, there are still several unresolved issues that cannot adequately be dealt with in the short time available before the March ballot would have to be finalized.

Memo To Chair Gladys McCoy
December 22, 1989
Page 2

While Clackamas and Washington Counties have indicated willingness to participate in the cost of providing the new juvenile detention spaces we collectively require under terms that appear acceptable to Multnomah County, the State Children's Services Division has conditioned their continued use of jointly developed detention space upon financial conditions that appear to be unacceptable. We need to further clarify CSD's position on this matter before we know whether to include the space they want in the proposal to be placed before the voters or not. Further, CSD has verbally proposed changes in the terms of the proposal they hope to submit to the Emergency Board relative to the \$1,500,000 for gang affected youth which may bring into question our ability to support a 30-day local detention program for post-adjudicatory juveniles, thus further muddying the waters at a time when we need greater clarity and precision.

Clearly, it would be premature to initiate placing this measure on the ballot when we have yet to achieve closure on these critical elements of the proposal.

Finally, given the legal limitations upon the County's advocacy for ballot measures, we feel the need for more time and more public process to allow for proper dissemination of the salient facts about this vitally important project. With more public exposure and with necessary refinements in the proposal to respond to that public input, we feel the prospects for eventual approval will be greatly enhanced.

Background:

We are continuing to meet with CSD, with our other partners and with other interested parties such as the Citizen's Crime Commission and will come to the January 4, 1990 Board meeting prepared to provide you with additional details upon which you may base your decision.

We will plan to proceed with the development of this proposal leading to its placement on the ballot at the earliest practical date.

cc: Commissioner Pauline Anderson
Commissioner Rick Bauman
Commissioner Gretchen Kafoury
Commissioner Sharron Kelley
Judge Linda Bergman
District Attorney Michael Schrunk

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

DRAFT

In the Matter of Calling an Election)
to Authorize Multnomah County, Oregon to)
Issue and Sell 20 Million Dollars)
(20,000,000) in General Obligation Bonds)
to Finance the Rebuilding of the Donald E.)
Long Facility; Directing the Publication)
of said Notice of Election; and Adopting)
a Form of Ballot)

† ORDER
RESOLUTION NO. _____

WHEREAS the Donald E. Long facility, which houses the Juvenile Justice Division, juvenile detention, juvenile court, district attorneys and counselors' offices, is approximately 40 years old; and

WHEREAS both the physical condition of the facility has gradually deteriorated, due to both age and hard use; and

WHEREAS the existing building conditions and current usage do not comply with minimum applicable building codes, standards or zoning regulations; and

WHEREAS there exists a current need for additional courtroom space as well as additional space for the district attorneys who work out of the facility; and

WHEREAS the detention area configuration is outmoded, with a very inadequate heating and ventilation system; and

WHEREAS it would be in the best interest of the citizens and government of Multnomah County to have the County construct a new Donald E. Long facility; and

WHEREAS current architectural plans call for a rebuild in stages of the entire facility on the current site; and

WHEREAS the County is now in need of _____ dollars in general obligation bonds to pay for such a project; and

WHEREAS pursuant to the provisions of state law, the County has the authority to issue and sell general obligation bonds of Multnomah County in the amount and for the purposes above mentioned; upon approval by a majority of legal voters of the County voting at the regularly scheduled March 27, 1990 election; and

WHEREAS on January __, 1990 the Board declared its intention to seek to finance ~~in part~~ the rebuilding of the Donald E. Long facility by the issuance and sale of general obligation bonds of Multnomah County in the amount of _____ dollars () and that it called for a public hearing on the question of the issuance and sale and directed the giving of notice thereof on accordance with state law; and

DRAFT

WHEREAS notice of the hearing was properly published, ~~that~~ the public hearing was held, ~~the~~ testimony was heard, and pursuant to the provisions of state law this Board has the authority to issue and sell general obligation bonds in the amount mentioned above upon authorization by a majority of the legal of Multnomah County; and

WHEREAS the Board finds it would be in the best interest of the people of Multnomah County to proceed immediately to call for an election;

IT IS THEREFORE RESOLVED AND ORDERED that the matter of the general obligation bond financing of the rebuilding of the Donald E. Long facility will be placed on the March 27, 1990 ballot, at which time the question shall be submitted to the legal voters of Multnomah County whether Multnomah County shall issue and sell general obligation bonds in the amount of _____ dollars to mature ~~and~~ ^{as a sinking fund} not to exceed 30 years, the proceeds to be used to finance the construction of the newly rebuilt Donald E. Long facility, as described herein; and

IT IS FURTHER RESOLVED AND ORDERED that when such bonds are authorized they shall be issued and sold at such times and in such amounts as the Board of County Commissioners of Multnomah County shall from time to time order.

Dated this _____ day of January, 1990

Board of County Commissioners
for Multnomah County

County Chair

DRAFT

FORM OF BALLOT

Authorization of Multnomah County to issue general obligation bonds to rebuild the Donald E. Long facility.

Shall Multnomah County issue general obligation bonds not to exceed _____ dollars to finance the rebuilding of the Donald E. Long facility?

The Donald E. Long facility, including Juvenile Justice Division, Juvenile Detention, Juvenile Court, district attorneys offices and counselors' offices is in need of complete renovation and rebuilding. The facility currently provides for sharing of space with other local governments and the state. The terms of bonds shall not exceed 30 years.

BONDS [] Yes

BONDS [] No

DRAFT

EXHIBIT A

Notice of election in Multnomah County on the question of issuance and sale of general obligation bonds of Multnomah County in the amount not to exceed 20 million dollars to finance the rebuilding of the Donald E. Long facility.

Public notice is hereby given that the Board of County Commissioners of Multnomah County, state of Oregon, will place on the March 27, 1990 ballot, the question of whether to issue and sell general obligation bonds of Multnomah County in the amount of _____ dollars _____) to provide funds to finance the rebuilding of the Donald E. Long facility, including the Juvenile Justice Division, Juvenile Detention, Juvenile Court, district attorneys office and counselors' office.

DRAFT

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Calling for a Public)
Hearing on a Proposed 20 Million Dollars) RESOLUTION NO. _____
General Obligation Bond Authorization to be)
Submitted to the Voters; and Calling for)
Publication of Notices of Said Hearing)

↓ ORDER

WHEREAS the Donald E. Long facility, which houses the Juvenile Justice Division, juvenile detention, juvenile court, district attorneys offices, and counselors' offices, is approximately 40 years old; and

WHEREAS both the physical condition of the entire facility has gradually deteriorated, due to both age and hard use; and

WHEREAS the existing building conditions and current usage do not comply with minimum applicable building codes, standards or zoning regulations; and

WHEREAS there exists a current need for additional courtroom space as well as additional space for the district attorneys who work out of the facility; and

WHEREAS the detention area configuration is outmoded, with a very inadequate heating and ventilation system; and

WHEREAS it would be in the best interest of the citizens and government of Multnomah County to have the County construct a new Donald E. Long facility; and

WHEREAS current architectural plans call for a rebuild in stages of the entire facility on the current site; and

WHEREAS the County is now in need of _____ dollars in general obligation bond financing to pay for such a project; and

WHEREAS by state law, the County has the authority to issue and sell general obligation bonds of Multnomah County in the amount and for the purposes above mentioned, upon approval by a majority of legal voters of the County voting at the regularly scheduled March 27, 1990 election; and

WHEREAS it is the intention of the Board of Commissioners of Multnomah County to submit to the voters of the County at the March 27, 1990 general election the question as to whether to authorize the issuance and sale of general obligation bonds in an amount not to exceed _____ dollars which will mature during a period not to exceed 30 years to finance construction of a new Donald E. Long facility, including Juvenile Justice Administration, district attorney and counseling offices, detention and all ancillary administrative and public spaces;

DRAFT

IT IS THEREFORE FOR ORDERED that it is this Board's intention to submit to the legal voters of Multnomah County at the election to be held on March 27, 1990 the question as to whether to authorize the issuance and sale of general obligation bonds in an amount not to exceed _____ dollars, which will mature during a period of time not to exceed 30 years and finance construction of a new Donald E. Long facility on the current site; and

IT IS FURTHER ORDERED that at _____ am on January 18 (or January 23, 1990) at the Multnomah County Courthouse, (put address and meeting room here); this Board shall hold a public hearing on the proposed bond issue; and

IT IS FURTHER ORDERED that the County Clerk of Multnomah County be directed to publish and notice of said hearing in the manner and for the time required by state law and in substantially the form attached hereto as exhibit A.

Dated this _____ day of _____, 1990

Board of County Commissioners
for Multnomah County

County Chair

DRAFT

EXHIBIT A

Notice of hearing on issuance of general obligation bonds of Multnomah County to finance construction of a newly rebuilt Donald E. Long facility, including detention, juvenile justice administration, district attorneys office, and other needs. *juvenile*

On January _____, 1990 at _____ am in the Commissioner's Hearing Room of the Multnomah County Courthouse (put address here) the Board of County Commissioners of Multnomah County will hold a public hearing on the issuance and sale of general obligation bonds of Multnomah County not to exceed _____ dollars. The bonds would mature over a period of time not to exceed 30 years.

The proceeds would be used to finance, ~~in part~~, the new construction of the Donald E. Long facility on the current site, for such purposes as courtrooms, detention, district attorneys and counselors' offices, and juvenile justice administration.

At the conclusion of the public hearing the Multnomah County Board of Commissioners will determine whether to proceed with the proposal to submit the question of issuing and selling general obligation bonds for the above stated purposes to the voters at the March 27, 1990 election. All interested person may attend the hearing and shall be given a reasonable opportunity to be heard.

Gladys McCoy, Chair
Board of County Commissioners for Multnomah County

GENERAL OBLIGATION BOND ISSUE FOR DONALD E. LONG HOME REPLACEMENT

12/29

SCHEDULING OPTIONS FOR ELECTIONS IN 1990

<u>STEPS</u>	<u>MAY ELECTION</u>	<u>JUNE ELECTION</u>	<u>AUG. ELECTION</u>	<u>SEPT. ELECTION</u>	<u>NOV. ELECTION</u>
1. BOARD CALLS FOR PUBLIC HEARING	FEB. 8	APRIL 5	MAY 31	JULY 12	AUGUST 2
2. FIRST PUBLISHED NOTICE	FEB. 15	APRIL 12	JUNE 7	JULY 19	AUGUST 9
3. SECOND PUBLISHED NOTICE	FEB. 22	APRIL 19	JUNE 14	JULY 26	AUGUST 16
4. PUBLIC HEARING	MARCH 1	MAY 3	JUNE 21	AUGUST 2	AUGUST 23
5. BALLOT FILING DEADLINE	MARCH 15	MAY 23	JULY 2	AUGUST 15	SEPTEMBER 6
6. ELECTION	MAY 15	JUNE 26	AUGUST 14	SEPTEMBER 18	NOVEMBER 6

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

1/2/90
#2 Inf

An ordinance to regulate the possession of firearms in public places, to require the Multnomah County Sheriff's Office to make available to the public a firearms safety training course, and to impose fees.

Multnomah County ordains as follows:

Section I. Section Title.

This ordinance shall be known as the Safe Streets Ordinance and shall be added to and made a part of Title 7 of the Multnomah County Code regarding Public Safety.

Section II. Findings.

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

(B) The proliferation and use of assault weapons pose a present and serious threat to the health, safety and security of the residents of Multnomah County.

(C) While assault weapons account for one million of the estimated 200 million firearms in America, they were used in one of every ten crimes that resulted in a firearms trace last year. The increasing and disproportionate use of assault weapons for criminal purposes endangers both the public and law enforcement personnel.

(D) Recognizing that assault weapons pose a threat to public safety, and with the recommendation from the Bureau of Alcohol, Tobacco and Firearms that assault weapons serve no legitimate sporting or recreational purpose, President Bush stopped the importation of certain assault weapons.

(E) Law enforcement organizations including The National Sheriffs' Association, the International Association of Chiefs of Police, the National Association of Police Organizations, the Police Executive Research Forum, and the Fraternal Order of Police have called for a national ban on the production and sale of assault weapons.

(F) There is a need for firearms training to ensure safe and informed firearms use and storage.

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

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

(I) Education in safe use of firearms may reduce the occurrences of accidental shootings.

(J) Oregon Laws _____ and this County Ordinance will create the following responsibilities for the Multnomah County Sheriff's Department:

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

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

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

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

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

(6) Review applications for permits to possess an assault weapon.

(7) Develop a safety training course and certification process; approve private organizations offering such courses. After January 1, 1991, offer this course to all gun purchasers.

(K) Because these responsibilities exist as a result of the large private ownership of guns in this County and because enforcing these regulations should enable gun owners to possess their weapons in a safer, more responsible manner, it is in the best interest of the citizens of the County that the costs of performing these responsibilities be borne largely by purchasers of guns in the County.

(L) Because of the increasing costs to Multnomah County of providing services to the public and of discharging the legal responsibilities of the County, and because of the decreased availability of general County revenue to defray costs, it is in the best interests of the people of the County to impose and collect a fee from the persons directly served or affected by these laws.

(M) The fee should reflect, as much as reasonably possible, the average actual costs of administration of these laws.

Section III. Definitions.

(A) As used in this ordinance, "assault weapon" means:

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

AK47 type
AK47S
AK74 type
AKS type
AKM type
AKMS type
84S type
ARM type
84S1 type
84S3 type
HK91 type
HK93 type
HK94 type
G3SA type
K1 type
K2 type
AR100 type
M14S type
MAS223 type
SIG 550SP type
SIG 551SP type
SKS type with detachable magazine
86S type
86S7 type
87S type
Galil type
Type 56 type
Type 56S type
Valmet M76 type
Valmet M78 type
M76 counter sniper type
FAL type
L1A1A type
SAR 48 type

AUG type
FNC type
Uzi carbine
Algimec AGMI type
AR180 type
Australian Automatic Arms SAR type
Beretta AR70 type
Beretta BM59 type
CIS SR88 type
Colt AR-15 type

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

Calico 100-P
Encom MK-IV,
Homes MP-83,
Intratec TEC-9,
Iver Johnson Enforcer,
MAC-10 and MAC-11,
Scarab Skorpion,
Sterling MK-7,
Uzi pistol,

(3) All of the following shotguns:

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

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

(B) "Assault weapon", as used in this chapter, does not include any of the following:

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

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

(3) Any handgun that is a revolver or conventional 18-shot semi-automatic pistol.

(4) Any weapons which do not use fixed ammunition, weapons which were manufactured in or prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons, single-shot weapons, multiple-barrel weapons,

revolving cylinder weapons, semi-automatic weapons which use exclusively Mannlicher-style clips, semi-automatic weapons manufactured prior to 1954, rim-fire weapons that employ a tubular magazine.

(C) "Assault weapon permit" means a permit issued by the Multnomah County Sheriff authorizing the permit holder to possess an assault weapon in a public place.

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

(E) "Firearm" is as defined in ORS 166.210 and means a weapon, by whatever name known, which is designed to expel a projectile by the action of smokeless powder and which is readily capable of use as a weapon.

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

(G) Annually, the Multnomah County Sheriff shall review this section and recommend to the Board of County Commissioners whether any weapons should be added to or deleted from this section.

Section IV. Assault Weapons.

(A) Restrictions.

(1) Except as provided herein, no person shall possess an assault weapon in a public place, except with a permit as provided herein and for the purposes permitted herein.

(2) No person under the age of 21 years may obtain a permit or possess an assault weapon in a public place.

(B) Permits for Assault Weapons.

(1) The Sheriff shall charge a fee of \$25.00 for issuance of this permit.

(2) Failure of a person who possesses an assault weapon in a public place also to carry an assault weapon permit is prima facie evidence that the person does not have such a permit.

(C) Permit Process.

(1) An applicant may be considered for an assault weapon permit if the applicant:

(a) Is at least 21 years of age;

(b) Has no outstanding warrants for arrest;

(c) Demonstrates competence in the safe use and storage of assault weapons in testing devised by the Sheriff and demonstrates understanding of the limitations on assault weapons possession contained in this ordinance.

(d) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;

(e) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application;

(f) Has not been committed to the Mental Health Division under ORS 426.130;

(g) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness; and

(2) A person who has been granted relief under state law (Oregon Laws _____) or 18 USC 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of other jurisdictions shall not be prohibited from applying for a permit.

(3) An application for an assault weapon permit shall:

(a) state the applicant's legal name, current address and telephone number, date and place of birth and height and weight. The application shall also list the applicant's residence address for the previous three years. The application shall contain a statement by the applicant that the applicant meets the requirements of paragraphs (a) through (g) of subsection (1). The application shall be signed by the applicant.

(b) At the time application is made the Sheriff shall fingerprint and photograph the applicant and shall conduct an investigation necessary to corroborate that the applicant is qualified under subsection (E) of this section.

(4) The Sheriff may grant an assault weapon permit if:

(a) The applicant is not disqualified under the criteria listed in subsection (1) of this section, and;

(b) After investigation, the Sheriff finds that the applicant does not pose a danger of harm self, others or to the community at large.

(5) The Sheriff may deny an assault weapon permit if the Sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others or to the community at large, as a result of the applicant's mental or psychological state, as demonstrated by a past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence.

(6) If the application for the permit is approved, the Sheriff shall issue and mail or otherwise deliver to the applicant at the address shown on the application, within 45 days of the application, a wallet sized permit bearing the photograph of the permit holder. The permit must be signed by the permit holder and carried whenever the permit holder possesses the assault weapon in a public place.

(7) If the application for a permit is denied, the Sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail within 45 days after the application was made. If no decision is issued within 45 days, or if the application is denied, the person may seek review under the procedures set forth in state law (Oregon Laws _____).

(8) Any act or condition that would prevent the issuance of a permit under this section shall be cause for revoking an assault weapon permit. The Sheriff may revoke a permit by serving upon the permit holder a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be attached to the file copy of the permit holder's permit. The revocation is effective upon the permit holder's receipt of the notice.

(9) An assault weapon permit is valid for one year from the date of issuance and is renewable by repeating the procedures set out in this section. The fee for renewal shall be \$25.00.

(10) The Sheriff shall keep a record of each permit issued, renewed or revoked under this ordinance.

(11) Application forms for assault weapon permits shall be developed by the Sheriff and supplied upon request.

(D) Permitted purposes for which assault weapons may be possessed in a public place by permit holders.

A person who has a permit for the possession of an assault weapon in a public place may possess the weapon in a public place only:

(1) While en route to that person's residence, place of business, or other property owned by that person, or to property owned by another with the owner's express permission.

(2) While on or en route to a target range of a public or private club or association organized for the purpose of practicing shooting at targets.

(3) While on or en route to a target range or shooting gallery which holds a regulatory or business license for the purpose of practicing shooting at targets.

(4) While en route to or attending any exhibition, display, or educational project which is about firearms and which is sponsored by, conducted under the auspices of or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(E) Possession for the purpose of sale prohibited.

No person shall possess for purposes of sale an assault weapon in a public place.

Section V. Safety Training Course.

(A) The Multnomah County Sheriff shall develop a firearms safety training course to be available to any person at no charge. The Sheriff may develop the course in conjunction with nationally or state recognized entities that foster education about firearms.

(B) The course shall emphasize safe firearm use and storage; laws regarding gun possession, use and transfer; the gravity of harms guns may cause; methods of protecting firearms from theft; and other topics as the Sheriff deems appropriate. The course shall reasonably accommodate citizens who do not speak English, and handicapped citizens.

(C) A person who successfully completes the course shall receive a training certificate. The Multnomah County gun purchase fee shall be reduced to \$15 for a person holding a valid training certificate.

(D) The Sheriff may certify firearms safety and training courses offered by other organizations and may issue training certificates to course participants.

(E) The certificate shall be issued only by the Multnomah County Sheriff's Office. It shall contain a photo identification and signature of the participant, a notation of the type of gun for which the participant was trained, and other information as the Sheriff deems pertinent.

Section VI. Fees.

(A) MCC 5.10.420 is amended to read as follows:

(M) Concealed weapon permit	[10.00] <u>\$50 first 2 years</u> <u>\$25.00 renewals</u>
(N) <u>Duplication of concealed weapon permit</u>	<u>\$10.00</u>
(O) <u>Permit to possess assault weapon</u>	<u>\$25.00</u> <u>\$25.00 renewals</u>
(P) <u>Fee for background check of purchaser of a firearm</u>	<u>see 5.10</u>

(B) MCC 5.10.425 is adopted to read as follows:

5.10.425. Fees for the background check for buyer of a firearm.

(A) Prior to January 1, 1990, the licensed dealer shall collect a \$40 fee from the applicant/purchaser for the Sheriff's Office background check required by Oregon Laws _____. If, at the time of purchase, the applicant presents a training certificate issued by the Multnomah County Sheriff's Office, the fee shall be \$15. If, after the purchase, the applicant presents the training certificate and the proof of payment of the \$40 fee, the Sheriff shall refund \$25 of the fee.

(B) Beginning January 1, 1991, the Multnomah County Sheriff's Office training certificate shall be required before a person can possess any firearm in a public place and the fee shall be \$40 for all purchasers.

(C) Failure to submit the appropriate background check fee will result in the application being returned to the dealer.

(C) MCC 5.10.426 is adopted to read as follows:

5.10.426. Fees for permit to possess an assault weapon in a public place.

A person who possesses an assault weapon in a public place must apply for a permit to the Sheriff's Office in accordance with MCC _____. The fee for the permit shall be \$25. The permit shall be valid for one year. The renewal fee is \$25.

Section VII. Regulation of firearms in public places.

(A) No person shall possess any firearm in a public place unless:

(1) The firearm is unloaded; and

(2) The person in possession of the firearm carries:

(a) A valid certificate of participation in a firearms safety training course offered or approved by the Multnomah County Sheriff's Office; and

(b) For firearms purchased on or after the effective date of this section, January 1, 1991, proof of purchase of the firearm from a federally licensed dealer. The Multnomah County Sheriff's Office shall develop and make available a proof of purchase form to federally licensed dealers.

(B) If the firearm possessed in a public place is a concealed handgun, the person in possession of the handgun must also carry a concealed weapon permit.

(C) If the firearm possessed in a public place is an assault weapon, as defined in Section IV of this ordinance, the person must also carry a permit for such weapon.

(D) Failure of a person who possesses a firearm in a public place also to carry the required documentation is prima facie evidence that the person does not have such documentation.

Section VIII. Penalties.

(A) Violation of this ordinance shall be punishable by a fine up to \$1,000 and forfeiture of the weapon.

(B) If, after investigation or adjudication, the weapon was not possessed, carried or used unlawfully, it shall be released to the owner if the owner files a written claim with the Multnomah County Sheriff's Office.

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

(D) This ordinance does not apply to law enforcement personnel, members of the Armed Forces of the United States, or the organized Militia or National Guard of this or any other state, to the extent that any such person is authorized to possess a weapon and is acting within the scope of his or her duties.

Section IX. Severability Clause.

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

Section X. Effective date of ordinance.

(A) Section IV regarding Assault Weapons, section V regarding training and section VI regarding fees shall become effective February 1, 1990.

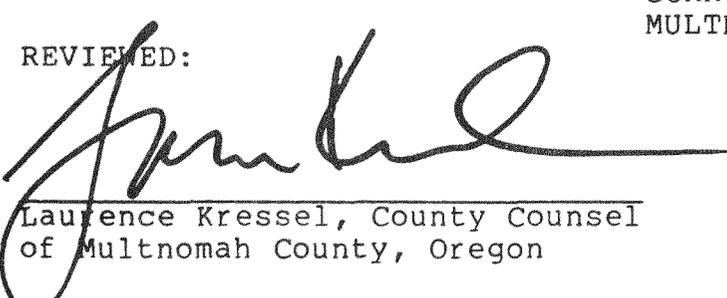
(B) Section VII regarding documentation for firearms in a public place shall become effective January 1, 1991.

Adopted this _____ day of _____, 19____
being the date of its _____ reading before the Board of
County Commissioners of Multnomah County, Oregon.

(SEAL)

By _____
COMMISSIONER GLADYS McCOY
MULTNOMAH COUNTY, OREGON

REVIEWED:



Laurence Kressel, County Counsel
of Multnomah County, Oregon

Page 11 of 11 pages.
gunordin
/wp/docs/
11/29/89
1st draft

Amendment to Section III (A) (1) - Definitions of "assault weapon".

Section III (A) (1) should be rewritten as follows:

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

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

Explanation:

This amendment consolidates the list in the first draft. It adds manufacturer's names to the model numbers. It is not intended to deviate significantly from the original list.

1 - 8

Amendments to Section VII. Regulation of firearms in public places.

Rephrase Section VII, paragraphs (B) and (C) as follows:

(B) No person shall possess a concealed handgun in a public place without possessing the documentation required in this section in addition to a concealed weapon permit as required by state law.

(C) No person shall possess an assault weapon in a public place without possessing the documentation required in this section in addition to an assault weapon permit as required by this ordinance.

Explanation:

These changes come at the recommendation of Sandy Duffy, assistant county counsel, and Wayne Pearson, deputy district attorney. By using clear prohibitory language, the D.A. can more easily draft indictments. These changes do not alter the intent or requirements set forth in the first draft.

Amendment to Section VII - Regulation of firearms in public places.

Following paragraph (D) of Section VII, add new paragraph (E) as follows:

(E) This section does not apply to transfers of firearms among family members, including transfers by gift, loan or bequest.

Explanation:

This amendment will allow transfers of firearms from parents to children and among spouses without the requirement that the transferring party be a licensed firearms dealer. The amendment is intended as a matter of convenience for family firearms transfers.



MULTNOMAH COUNTY OREGON

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C:fun

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY

M E M O R A N D U M

TO: Gladys McCoy
Multnomah County Chair

FROM: Larry Kessel *(JK)*
County Counsel (106/1530)

DATE: December 20, 1989

RE: Draft Ordinance on Loaded Firearms

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
ARMINDA J. BROWN
ASSISTANTS
JOHN L. DU BAY
SANDRA N. DUFFY
J. MICHAEL DOYLE
H. H. LAZENBY, JR.
PAUL G. MACKAY
MARK B. WILLIAMS

As you requested earlier this week, I have drafted a gun control ordinance (attached) modeled on Portland's law. The ordinance also imposes certain fees.

This draft has the following salient features:

1. With exceptions required by state law, makes it unlawful to carry a firearm, loaded or unloaded in a park or school. (Guns are banned in public buildings by state law already, although the ban doesn't apply to concealed handgun licensees.)
2. With exceptions required by state law, makes it unlawful to carry a firearm in a public place unless it is unloaded.
3. With exceptions required by state law, makes it unlawful to discharge a firearm.

(The last-mentioned provision is part of Portland's code, but it may be too broad-sweeping when applied to unincorporated Multnomah County. As worded, it

Gladys McCoy, Chair
December 20, 1989
Page 2

outlaws hunting for game. Should an exception be added for hunting? I suggest you consult with the sheriff.)

4. Imposes the state-required fee (\$38) for a concealed handgun license and a new fee (\$40) for the background check required by the "Katz Bill."

There are listed exceptions in the ordinance. The bans listed in points 1-3 would not apply to peace officers or persons having concealed handgun licenses. In addition, the ban on discharging a firearm (point 3) would not apply in various situations (e.g. target practice in licensed organization).

Note that Portland's code goes beyond firearms to deal with other types of weapons (e.g. knives, bombs). This draft deals only with firearms.

This type of ordinance should pass legal muster. The model for it (Portland) was upheld by the Court of Appeals on constitutional grounds. I believe the "Katz Bill" also leaves room for such a local measure. Let me know if you want further assistance.

cc. Grant Nelson
Fred Neal

ATTY1.28/mw

DRAFT

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. ____
4

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

9 Multnomah County ordains as follows:
10

11 Section I. Findings

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

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

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

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

26 E. The Oregon Court of Appeals specifically upheld

Page

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

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

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

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

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

26 (1) Conduct criminal and mental health

Page

1 background checks on purchasers of handguns from federally
2 licensed dealers.

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

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

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

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

13 J. It is in the best interest of the citizens of the
14 County that the costs of performing these responsibilities be
15 borne largely by purchasers of guns in the County.

16

17 Section II. Definitions

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

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

24 C. "Public place" is as defined in ORS 161.015(9) and
25 means a place to which the general public has access and
26 includes, but is not limited to, hallways, lobbies, and other

Page

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

6

7 Section III. Carrying and Discharge of Firearms

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

10 B. It is unlawful for any person in a public place to
11 carry a firearm upon his person, or in a vehicle under his
12 control or in which he is an occupant, unless all ammunition
13 has been removed from the chamber and from the cylinder, clip,
14 or magazine.

15 C. It is unlawful for any person to fire or discharge
16 a firearm.

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

22 E. The prohibitions in Subsections (A), (B), and (C)
23 of this Section do not apply to a peace officer acting within
24 the scope of duty; to any government employee authorized or
25 required by his employment or office to carry or use firearms;
26 or to any person having a valid concealed handgun license

Page

1 issued to him by lawful authority.

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

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

6 (2) The member or guest of any licensed
7 organization who, for the purpose of shooting practice,
8 discharges a firearm at a target upon an established target
9 range of that organization;

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

12 (4) Members of the armed forces firing blank
13 ammunition at military ceremonies;

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

16 (6) Hunter safety instructors of the Oregon
17 State Game Commission or their pupils who are engaged in hunter
18 safety training classes sponsored by the Commission.

19
20 Section IV. Fees

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

- 22
- 23 (M) (1) Concealed handgun license [weapon
- 24 permit] [10.00] \$38.00
- 25 (2) Duplication of concealed handgun license. \$10.00
- 26 (3) Renewal of concealed handgun license . . . \$25.00

Page

- 1 (4) Fee for background check of purchaser
- 2 of a firearm. \$40.00
- 3 (5) Failure to submit the appropriate background check
- 4 fee under Subsection (M)(4) will result in the application
- 5 being returned to the dealer.

6

7 Section V. Penalties

8 A. Violation of Section III of this ordinance shall

9 be punishable by a fine up to \$1,000 and forfeiture of the

10 weapon.

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

12 determined the weapon was not possessed, carried or used

13 unlawfully, it shall be released to the owner if the owner

14 files a written claim with the Multnomah County Sheriff's

15 Office.

16 C. If there is a question as to ownership or right to

17 possession, the weapon shall be released as ordered by the

18 court in a proceeding initiated under ORS 133.633 to 133.663 by

19 any person claiming ownership or right to possession.

20

21 Section VI. Severability Clause

22 If any section, subsection, sentence, clause, phrase or

23 portion of this ordinance is for any reason held invalid or

24 unconstitutional, that portion shall be considered a separate,

25 distinct and independent provision, and the holdings shall not

26 affect the validity of the remaining portions of this ordinance.

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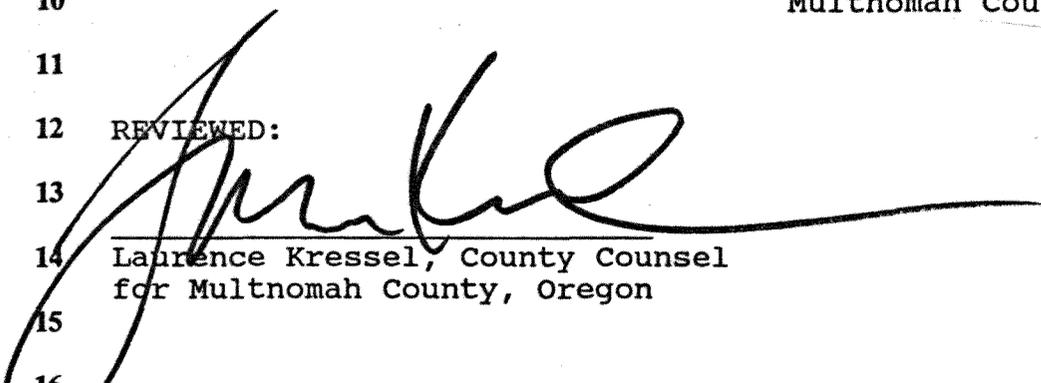
Section VII. Adoption

Adopted this ____ day of _____, 19____, being
the date of its _____ reading before the Board of County
Commissioners of Multnomah County, Oregon.

(SEAL)

By _____
Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:



Laurence Kressel, County Counsel
for Multnomah County, Oregon

6637R/mc

Page

MONDAY, JANUARY 1, 1990

Man shot by off-duty officer

□ A Portland
policewoman fires at a
man who stole her
purse during a stop at a
Mount Hood rest area

GOVERNMENT CAMP — An off-duty Portland policewoman shot and wounded a man early Sunday morning after he stole her purse in a public restroom.

The policewoman, Officer Gloria L. Lewis, 40, was driving toward Portland about 2 a.m. Sunday and pulled into a rest area at Government Camp. She was in the public restroom when a man came inside and stole her purse, said Detective David W. Simpson, spokesman for the Portland Police Bureau.

Simpson said the man started to leave the restroom, then came back toward Lewis.

"She told the suspect to get away, that she had a gun," Simpson said. Lewis fired one shot, and the man ran outside. Lewis, who is stationed at Portland's East Precinct, followed the man into the parking lot and saw him get into a pickup driven by another man. Simpson said the truck tried to run down Lewis in the parking lot and then fled the scene. She fired one other shot at the truck as it sped away.

Later in the morning, Jeffery J. McClimans, 20, 10303 N. Oswego St., was arrested at Emanuel Hospital & Health Center when he came to the emergency room to be treated for a gunshot wound. McClimans was released to the police after being treated for the wound and was taken to the Justice Center jail, where he was held on three warrants for failing to appear in court and for revocation of a previous recognizance agreement.

Simpson said Clackamas County sheriff's detectives were investigating the shooting and robbery at Government Camp, a town on the western slope of Mount Hood. A decision on whether to charge McClimans with either crime would be made at the completion of their investigation, he said.

Simpson said the shooting also would be investigated by Portland police, as are all incidents involving the use of deadly force by police.

DRAFT

Work Session
January 2, 1990

ASSAULT WEAPONS

1st draft	Proposed 2nd draft
<u>permit criteria:</u> 21 years statutory exclusions for purchase danger to community	<u>permit criteria:</u> drop to 18 years same same
<u>permitted purposes:</u> en route to home, target range, etc.	<u>prohibited uses:</u> omit and substitute Portland carry and discharge ordinances for all guns (See McCoy draft)
<u>permit cost:</u> \$25/year	<u>permit cost:</u> same
<u>sales:</u> prohibited in public places	<u>sales:</u> prohibited in Expo Center by resolution & lease agreement (See Kafoury resolution on alcohol)
<u>penalty:</u> \$1000 fine and forfeiture	<u>penalty:</u> \$500 fine and forfeiture; make explicit that these are civil penalties

*Stubb has draft
Clark does not
have*

Work Session
January 2, 1990

REVENUE

1st draft

Proposed 2nd draft

Fees:

\$40 on purchase of any gun

reduced to \$15 with training

\$25 refund for training administered
by MCSO

imposed in unincorporated county;

city consent required for application
inside cities

Taxes:

tax on sales of guns and
ammunition; percentage of value
of goods with maximum tax amount
(See hotel and car rental tax)

inducements (tax break) for
training?

imposed throughout county

no city consent required

Work Session
January 2, 1990

TRAINING

1st draft

Proposed 2nd draft

training course:

to be developed by MCSO;
emphasis areas listed;
MCSO may certify other courses

training course:

same;
same;
same;
add: persons who completed
approved courses before
effective date of law or are
themselves firearms instructors
may qualify without further
coursework for training
certificate

voluntary/ mandatory:

voluntary training for 1st year;
becomes mandatory thereafter

voluntary/ mandatory:

leave voluntary; structure
financial inducements for
compliance

Work Session
January 2, 1990

1991 DOCUMENTATION REQUIREMENTS/ USE LIMITATIONS

1st draft

Proposed 2nd draft

required documentation:
training certificate

proof of purchase from FFD

prohibition on loaded firearms:
no loaded firearms in public places

effective date 1/1/91

penalty:
\$1000 fine and forfeiture

required documentation:
omit; training remains voluntary

omit and substitute 6 month
study group to present options
for:
- regulation of all firearms in
public;
- application of state law to
as many gun sales as possible;
- other? insurance; safety lock
devices, 1991 legislative
agenda, etc.

prohibited carry/ discharge:
substitute Portland carry/
discharge ordinances (See McCoy
draft)
add: prohibitions on all
firearms in parks, schools,
public buildings, hospitals,
places of amusement (See ORS
prohibitions)

move effective date to normal
time of ordinance enactment

penalty:
\$500 fine and forfeiture; make
explicit that these are civil
penalties

- ▶ Child-proof your semi-automatic handgun by removing the magazine, disassembling the frame from the slide and magazine or securing a trigger lock.
- ▶ Always carry with you on your key chain the keys that open both the locked container that stores your handgun and its padlock or trigger lock.
- ▶ If you go on vacation, consider additional safe-

keeping measures for your handgun while you are away. Be certain to check with your police department about the laws governing transportation of handguns outside the home.

- ▶ Store ammunition in a locked container, away from heat or moisture.
- ▶ Never throw out ammunition in the trash.

Maintenance

Another important responsibility you undertake, if you choose to own a handgun, is to clean and maintain your weapon on a monthly basis. Proper functioning and safety of a handgun can be impaired by rust, dirt or improper maintenance procedures. As with any high quality piece of precision equipment, your handgun must be cared for according to the manufacturer's directions. In addition, we recommend that you:

- ▶ Always check twice prior to cleaning your handgun to make sure it is unloaded.
- ▶ Clean your handgun after each use according to the manufacturer's directions and with the proper equipment.
- ▶ Clean your handgun alone and in a safe place.
- ▶ Check your handgun every month for proper functioning, either by dry firing in a safe location or target shooting at a pistol range.
- ▶ Store your handgun in a location that protects it from excessive temperature changes or moisture.
- ▶ Wrap your handgun in a silicone cloth or moisture-barrier paper. Never wrap it in a newspaper, sock or leather holster — these attract moisture.
- ▶ Do not make repairs on, or modifications to, your handgun. These should only be made by the manufacturer or a qualified gunsmith. Note that any modification to your handgun may be potentially dangerous and may void your warranty.

Training

If you own a handgun you have a responsibility to receive proper training on how to use and maintain your weapon. Certified and reputable handgun safety courses and instructors are often sponsored by state and local gun clubs.

Any safety course should present relevant information as well as ample opportunities for you to practice firing and cleaning your handgun. Specifically, the course should:

- ▶ Provide information describing the parts and workings of the handgun, how to load and unload it, and the location and operation of its safety features.
- ▶ Teach specific procedures for proper care, cleaning and maintenance of the handgun.
- ▶ Describe safety rules for handgun home storage and use, while transporting the weapon, and while on the range.
- ▶ Specify the legal requirements and moral considerations related to handgun ownership, use, possession, sale and transfer.
- ▶ Teach the principles of marksmanship: trigger control, grip and sight alignment and sight picture.
- ▶ Provide opportunities for you to fire a minimum of 400 rounds of ammunition at the pistol range.
- ▶ Require you to pass a written test demonstrating your comprehension of course material.
- ▶ Require you to pass a performance test demonstrating your ability to handle, use and clean the handgun properly.

Handling and Use

If you own a handgun, you must be absolutely certain that it is unloaded whenever you or a family member handles it. Further, it should never be displayed at a social gathering or made a topic of conversation. It should never appear accompanying the use of drugs or alcohol. We recommend that the following safety rules be strictly enforced:

- ▶ Always treat every handgun as if it were loaded.
- ▶ Give your handgun to someone only if you verify that it is unloaded and the cylinder or action is open. Take a handgun from someone only after you verify that it is unloaded and the cylinder or action is open.

- ▶ Check and see that a handgun is unloaded immediately after you pick up the weapon.
- ▶ Check that the barrel is clear before you load or fire your handgun.
- ▶ Load your handgun only if and when you intend to fire it.
- ▶ Assume your handgun's safety devices will fail.
- ▶ When handling or cleaning your handgun, never leave it unattended — it should be in your view and under your supervision at all times.

Legal Requirements

Laws regulating handguns are often complex and vary greatly among the states. If you are a handgun owner, it is your responsibility to learn about all relevant aspects of federal, state and local firearms laws. Specifically you should know:

- ▶ Legal requirements pertaining to handgun purchase, transfer, possession, licensing and registration.
- ▶ Legal requirements regulating carrying and transporting a handgun.
- ▶ Legal requirements defining the appropriate use of deadly force by citizens. In some states, for instance, deadly force can only be used after all other defensive remedies have been tried and the armed citizen believes he is in imminent danger of the use of deadly force against him.
- ▶ Civil penalties for death or injuries even if you were justified in firing your handgun.
- ▶ Civil penalties for deaths and injuries if someone other than yourself abuses your handgun.

If you are unable to answer ▶ these questions, you may want to reconsider your decision to own a handgun; and also enroll in a handgun safety training course.

Owning a Handgun

The decision to own a handgun assumes you are prepared to undertake full-time responsibility for your weapon's safety and security. You must protect yourself and your family members against misuse of the handgun by anyone who is either incompetent or unqualified to handle the weapon. In particular, you must secure your handgun from theft and misuse by children.

If you have a handgun, you must also personally assume full-time responsibility for its safe handling and use, making sure you know how it works and how to maintain it. You must also be aware of the circumstances in which you may legally use a handgun for self-defense.

If you have a handgun you should understand that it is a lethal weapon, capable of inflicting death and disabling injury on living targets. If not treated with utmost caution and safety, it can accidentally discharge and result in tragic consequences for you and your family. Studies show that accidental handgun deaths in the home occur most often while playing with the gun, examining or demonstrating the gun and cleaning or repairing the gun.

In the pages that follow, we describe step-by-step precautions that you can take to protect you and your family members from being accidentally killed or maimed by your handgun. It is your responsibility to put these safety rules into practice.

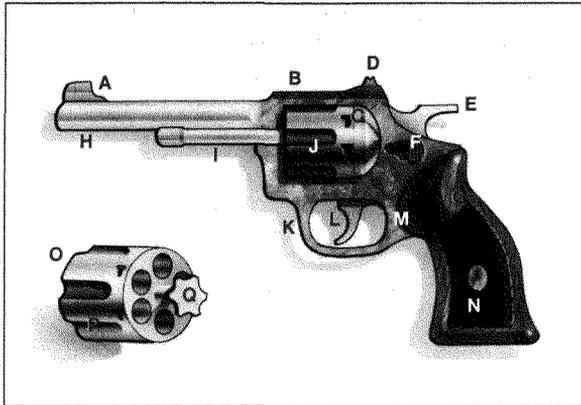
Before we begin, you should know the parts of your pistol or revolver, as illustrated on the preceding page.

Storage

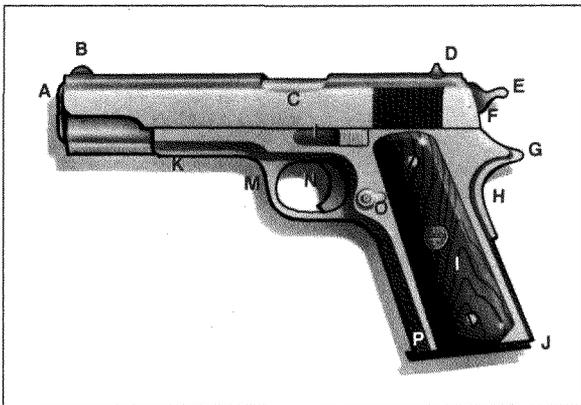
As a handgun owner, safe and secure storage is one of the most important responsibilities that you assume. Only you and your spouse should be aware of where your weapon is permanently stored. It should not be within sight or reach of children, or accessible to burglars. Specifically we recommend that you:

- ▶ Store your handgun unloaded and uncocked in a securely locked container.
- ▶ Store your handgun and its ammunition in separate locations.
- ▶ Do not store your handgun among your valuables, such as jewelry or silver.
- ▶ Do not store your handgun in a bedside table or under your mattress or pillow.
- ▶ Child-proof your revolver by placing a padlock around the top strap of the weapon or by securing a trigger lock.

Handgun Owner's Checklist



- | | |
|-----------------------|-----------------|
| A Front Sight | J Cylinder |
| B Top Strap | K Trigger Guard |
| C Cylinder Bolt Notch | L Trigger |
| D Rear Sight | M Frame |
| E Hammer | N Stock or Grip |
| F Cylinder Release | O The Cylinder |
| G Backstrap | P Chamber |
| H Barrel | Q Ejector |
| I Ejector Rod | |



- | | |
|-----------------------------|-----------------------|
| A Barrel and Barrel Bushing | I Stock or Grip |
| B Front Sight | J Main Spring Housing |
| C Slide | K Frame |
| D Rear Sight | L Slide Stop |
| E Hammer | M Trigger Guard |
| F Safety Catch | N Trigger |
| G Tang | O Magazine Catch |
| H Grip Safety | P Magazine |

- ▶ What are the legal requirements for the purchase, possession, registration and transfer of a handgun in your community?

- ▶ What is your handgun serial number? Where is it recorded?

- ▶ Under what circumstances can you legally use a handgun in the protection of your life or the life of another?

- ▶ What kind of handgun training have you received? What did you learn about handgun safety, use and maintenance?

- ▶ Were you required to pass a written test at the conclusion of the course?

- ▶ Were you required to demonstrate safe handgun handling and cleaning techniques?

- ▶ What have you done to "child-proof" your handgun?

2300 M STREET, N.W.
SUITE 910
WASHINGTON, D.C. 20037



DARREL W. STEPHENS
EXECUTIVE DIRECTOR

- ▶ How and where is your handgun stored?

Is it secured by a lock?

Where is the key?

Who else knows about where it is stored?

Is it unloaded?

Where is the ammunition?

- ▶ When did you last change or replace your ammunition?

- ▶ When was your handgun last inspected and cleaned?

- ▶ If you own a revolver, identify its cylinder, trigger guard and hammer:

- ▶ If you own a semi-automatic pistol, identify its slide, safety catch and magazine catch:

- ▶ Name the safety features on your handgun:

- ▶ Explain how they function:

Dear Friend:

As police officers, we live each day with handguns. Before we were issued our handguns we were carefully trained and made to understand the serious responsibility of handgun ownership and the dangers of our handguns falling into the wrong hands.

A handgun is a magnet for children, who too often mistake it for a toy. The result each year is hundreds of needless deaths and injuries.

Due in part to their accessibility, more than 100,000 handguns are stolen every year from law-abiding citizens. These handguns are often used to commit further crimes by the burglar or resold on the black market.

Few realize that handguns in the wrong hands kill as many Americans each year as do drunk drivers. As police, we are doing all we can to curb drunk driving. Likewise, a handgun should be taken away from someone who is under age, mentally disturbed or under the influence of alcohol or drugs.

Many handgun tragedies could be prevented if additional safety precautions were taken by handgun owners. If you are considering purchasing a handgun or already own one, we strongly recommend you take the time to read carefully the information contained in this brochure. It may save the life of someone you love.

Sincerely,

Lt. Anthony Chiesa
Chicago Police Department

Lt. Jack Harris
Tucson Police Department

Lt. Mike McCampbell, Ret.
Arlington County (Va.)
Police Department

Sgt. Robert McDonnell
Baltimore County
Police Department

This brochure is published by the Center to Prevent Handgun Violence (formerly The Handgun Information Center) as a service to the public. It was developed and written under a grant to the Police Executive Research Forum ("PERF"). The Center and PERF disclaim any and all liability arising from publication or distribution of this brochure. Due to the danger of handguns, the Center and PERF advise extreme caution in their safekeeping and use.

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Washington, D.C. 20005
(202) 289-7319

Seventh Reprint, 1989

HANDGUN
SAFETY
GUIDELINES



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

McGARVIN

ROBERT G. SKIPPER
SHERIFF

(503) 255-3600

January 2, 1990

TO: Board of County Commissioners
FROM: Bill Vandever
RE: Concealed Weapon License Applicants

RECEIVED BY
COUNTY COMMISSIONERS
1990 JAN - 2 PM 3:18
MULTNOMAH COUNTY
OREGON

For your information, here is a copy of the material provided to persons requesting an application for a concealed weapon license.

The "Handgun Safety Guidelines" was produced by the Police Executive Research Forum, and the Sheriff's Office believes it is a particularly useful brochure for this purpose.

MULTNOMAH COUNTY SHERIFF'S OFFICE
12240 NE Glisan Street
Portland, Oregon 97230

255-3600

APPLICATION FOR A CONCEALED WEAPON LICENSE

NAME: _____ AGE: _____

DATE OF BIRTH: _____ RACE: _____ PLACE OF BIRTH: _____

HEIGHT: _____ WEIGHT: _____ EYES: _____ HAIR: _____

HOME ADDRESS: _____

HOME PHONE: _____ OCCUPATION: _____

BUSINESS ADDRESS: _____

DRIVER'S LICENSE NUMBER: _____ SOCIAL SECURITY NUMBER: _____

ARREST RECORD (Other than minor traffic)	DATE	CHARGE	LOCATION	DISPOSITION
--	------	--------	----------	-------------

MENTAL TREATMENT	DATE	LOCATION	DISPOSITION
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I hereby declare as follows:

I am at least 21 years of age. I have never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the Mental Health Division under ORS 426.130 within four years prior to the effective date of this 1989 Act nor have I been found mentally ill and subject to an order prohibiting me from purchasing or possession a firearm because of mental illness. If any of the previous conditions do apply to me, I have been

granted relief from the disability under section 11 of this 1989 Act or 18 U.S.C. 925(c), or have had the records expunged. I understand that I will be fingerprinted and photographed.

I have read the entire text of this application, and the statements therein are correct and true.

(Making false statements on this is a misdemeanor.)

_____ Date _____ Signature of Applicant

Proof of identification (Two pieces of current identification are required, one of which must bear a photograph of the applicant. Type of identification and number on identification to be filled in by the Sheriff):

1. _____

2. _____

Character References:

_____ Name Address Daytime Phone

_____ Name Address Daytime Phone

List residences for the past three years:

_____ Date Address

_____ Date Address

_____ Date Address

Approved _____ Disapproved _____ by: _____ Date _____

Permit # _____ Fee Paid: _____

Competence with handgun demonstrated by _____ (to be filled in by Sheriff)



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

ROBERT G. SKIPPER
SHERIFF

(503) 255-3600

CONCEALED WEAPON LICENSE INFORMATION

Dear Concealed Weapon License Applicant:

Effective January 1, 1990, the sheriff of a county shall issue a concealed handgun license if the applicant:

1. Is at least 21 years of age.
2. Has a principle residence in the county in which the application is made.
3. Has no outstanding warrants for arrest.
4. Is not free on any form of pre-trial release.
5. Demonstrates competence with a handgun by any one of the following:
 - A. Completion of any hunter education or hunter safety course approved by the State Department of Fish and Wildlife or similar agency if handgun safety was a component of the course.
 - B. Completion of any National Rifle Association firearm safety or training course if handgun safety was a component of the course.
 - C. Completion of any firearms safety or training course or class available to the general public offered by law enforcement, community college, or private or public institution or organization, or firearms training school utilizing instructors certified by the National Rifle Association or law enforcement agency if handgun safety was a component of the course.
 - D. Completion of any law enforcement firearms safety or training course offered for security guards, investigators, reserve law enforcement officers or any other law enforcement officers if handgun safety was a component of the course.
 - E. Presents evidence of a equivalent experience with a handgun through participation in organized shooting competition or military service.
 - F. Is licensed or has been licensed to carry a firearm in this state unless the license has been revoked, or
 - G. Completion of any firearms training or safety course or class conducted by a law enforcement certified or National Rifle Association certified firearms instructor if handgun safety was a component of the course.

6. Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;
7. Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application;
8. Has not been committed to the Mental Health Division under ORS 426.130 within four years prior to the effective date of this 1989 Act;
9. Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possession a firearm as a result of that mental illness;
10. Is not listed on the Health Division registry under section 5 of this 1989 Act.
11. A person who has been granted relief under section 11 of this 1989 Act or 18 U.S.C. 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of other jurisdictions is not subject to the disabilities in paragraphs (6) to (10).
12. The applicant must furnish two pieces of identification, one of which must bear a photograph of the applicant.
13. You will need to personally return the completed application form on Monday or Wednesday, 9 - 11 a.m. or 1:30 - 3:30 p.m. so that your photograph and fingerprints may be taken.
14. The application process will take approximately 45 days. Your fingerprints and photograph will be taken and a check for \$12 made payable to the Oregon State Police to cover the cost of the fingerprint check will be needed at the time of application. A separate check for \$38 made payable to Multnomah County will also be needed to cover the cost of the application process. These fees are not refundable. The handgun license, which is valid for two years, will be mailed to you.
15. A Sheriff may deny a concealed handgun license if the sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental or psychological state, as demonstrated by past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence.



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

ROBERT G. SKIPPER
SHERIFF

(503) 255-3600

TO: CONCEALED WEAPON LICENSE APPLICANTS

SUBJECT: OREGON REVISED STATUTES THAT APPLY TO THE USE OF FIREARMS

The below listed Oregon Revised Statutes were selected from the Criminal Code of Oregon. They are provided so that they may give the concealed weapon permit applicant more knowledge of the law as it relates to the possession and use of firearms, and the use of force. It is important to keep in mind that these selected statutes do not encompass all of Oregon's laws relating to firearms and their use. Also, incorporated cities may have ordinances that further regulate possession and use of firearms.

161.209 - Use of Physical Force in Defense of a Person.

Except as provided in ORS 161.215 and 161.219, a person is justified in using physical force upon another person for self defense, or to defend a third person from what the person reasonably believes to be the use or imminent use of unlawful physical force, and the person may use a degree of force which the person reasonably believes to be necessary for the purpose.

161.215 - Limitations on Use of Physical Force in Defense of a Person.

Notwithstanding ORS 161.209, a person is not justified in using physical force upon another person if:

- (1) With intent to cause physical injury or death to another person, the person provokes the use of unlawful physical force by that person; or
- (2) The person is the initial aggressor, except that the use of physical force upon another person under such circumstances is justifiable if the person withdraws from the encounter, and effectively communicates to the other person the intent to do so, but the latter nevertheless continues or threatens to continue the use of unlawful physical force; or
- (3) The physical force involved is the product of a combat by agreement not specifically authorized by law.

161.219 - Limitations on Use of Deadly Physical Force in Defense of a Person. Notwithstanding the provisions of ORS 161.209, a person is not justified in using deadly physical force upon another person unless the person reasonably believes that the other person is:

- (1) Committing or attempting to commit a felony involving the use or threatened imminent use of physical force against a person; or
- (2) Committing or attempting to commit a burglary in a dwelling; or
- (3) Using or about to use unlawful deadly physical force against a person.

161.225 - Use of Physical Force in Defense of Premises.

- (1) A person in lawful possession or control of premises is justified in using physical force upon another person when and to the extent that the person reasonably believes it necessary to prevent or terminate what the person reasonably believes to be the commission or attempted commission of a criminal trespass by the other person in or upon the premises.
- (2) A person may use deadly physical force under the circumstances set forth in subsection (1) of this section only:
 - (a) In defense of a person as provided in ORS 161.219; or
 - (b) When the person reasonably believes it necessary to prevent the commission of arson or a felony by force and violence by the trespasser.
- (3) As used in subsection (1) and paragraph (a) of subsection (2) of this section, "premises" includes any building as defined in ORS 164.205 and any real property. As used in paragraph (b) of subsection (2) of this section, "premises" includes any building.

161.229 - Use of Physical Force in Defense of Property.

A person is justified in using physical force, other than deadly physical force, upon another person when and to the extent that the person reasonably believes it to be necessary to prevent or terminate the commission or attempted commission by the other person of theft or criminal mischief of property.

161.255 - Use of Physical Force by Private Person Making Citizen's Arrest.

- (1) Except as provided in subsection (2) of this section, a private person acting on the person's own account is justified in using physical force upon another person when and to the extent that the person reasonably believes it necessary to make an arrest or to prevent the escape from custody of an arrested person whom the person has arrested under ORS 133.225.

- (2) A private person acting under the circumstances prescribed in subsection (1) of this section is justified in using deadly physical force only when the person reasonably believes it necessary for self defense or to defend a third person from what the person reasonably believes to be the use or imminent use of deadly physical force.

166.180 - Negligently Wounding Another.

Any person who, as a result of failure to use ordinary care under the circumstances, wounds any other person with a bullet or shot from any firearm, or with an arrow from any bow, shall be punished by imprisonment in the County jail for a period not to exceed six months, or by a fine not to exceed \$500, or both. In addition, any person so convicted shall forfeit any license to hunt, obtained under the laws of this State, and shall be ineligible to obtain a license to hunt for a period of ten years following the date of his conviction.

166.190 - Pointing Firearm at Another; Courts Having Jurisdiction Over Offense.

Any person over the age of 12 years who, with or without malice, purposely points or aims any loaded or empty pistol, gun, revolver or other firearm, at or toward any other person within range of the firearm, except in self-defense, shall be fined upon conviction in any sum not less than \$10 nor more than \$500, or be imprisoned in the County jail not less than 10 days nor more than six months, or both. Justices of the peace and district courts have jurisdiction concurrent with the circuit court of the trial of violations of this section. When any person is charged before a justice of the peace with a violation of this section, the court shall, upon motion of the district attorney, at any time before trial, act as a committing magistrate, and if probable cause be established, hold such person to the grand jury.

166.210 - Definitions for ORS 166.250 to 166.470. As used in ORS 166.250 to 166.270, 166.280, 166.290, and 166.410 to 166.470:

- (1) "Firearm", means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder, and which is readily capable of use as a weapon.
- (2) "Pistol", "Revolver", and "Firearms capable of being concealed upon the person", apply to and include all firearms having a barrel less than 12 inches in length.
- (3) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.220 - Attempting to Use Unlawfully Dangerous Weapon; Carrying Dangerous Weapon With Intent to Use It Unlawfully.

Any person who attempts to use unlawfully against another, or who carries or possesses with intent to use unlawfully against another, any dangerous or deadly weapon as defined in ORS 161.015, commits a Class C felony.

166.240 - Carrying of Concealed Weapons.

- (1) Except as provided in ORS 166.260, 166.290, and subsection (2) of this Section, any person who carries concealed upon the person any knife having a blade that projects or swings into position by force of a spring or by centrifugal force and commonly known as a switch blade knife, any dirk, dagger, ice pick, slung shot, metal knuckles, or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person, commits a Class B misdemeanor.
- (2) Nothing in subsection (1) of this section applies to any peace officer as defined in ORS 133.005, whose duty it is to serve process or make arrests. Justices of the peace have concurrent jurisdiction to try any person charged with violating any of the provisions of subsection (1) of this section.

166.250 - Unlawful Possession of Firearms.

- (1) Except as otherwise provided in this section, ORS 166.260, 166.270, 166.280, 166.290, or 166.410 to 166.470, a person commits the crime of Unlawful Possession of a Firearm if the person knowingly:
 - (a) Possesses or has in possession any machine gun not registered as required under Federal law;
 - (b) Carries any firearm concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290; or
 - (c) Carries concealed and readily accessible about the person within any vehicle which is under the person's control or direction, any firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290.
- (2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or keeping within the person's place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at the person's place of residence or place of business is required of any such citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle while used, for whatever period of time, as residential quarters.
- (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.
- (4) Unlawful possession of a firearm is a Class A misdemeanor.

166.260 - Persons Not Affected by ORS 166.250. ORS 166.250 Does Not Apply to or Affect:

- (1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.
- (2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.
- (3) The possession or transportation by any merchant of unloaded firearms as merchandise.
- (4) Members of the Army, Navy or Marine Corps of the United States, or the National Guard; when on duty.
- (5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.
- (6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organization.
- (7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.
- (8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.
- (9) A Corrections Officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention.

166.270 - Certain Ex-Convicts Forbidden to Possess Arms.

- (1) Any person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns, or has in the person's possession or under the person's custody or control, any firearm capable of being concealed upon the person, or any machine gun, commits the crime of ex-convict in possession of a firearm.
- (2) Any person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the government of the United States, who owns or has in the person's possession or under the person's custody or control any instrument or weapon having a blade that projects or swings into position by force of a spring or by centrifugal force and commonly known as a switch blade knife, or any instrument or weapon commonly known as a black jack, slung shot, sandclub, sand bag, sap glove, or metal knuckles, or who carries a dirk, dagger or stiletto, commits the crime of Ex-Convict in Possession of a Restricted Weapon.

- (3) For the purposes of this section, a person "has been convicted of a felony" if, at the time of conviction for an offense, that offense was a felony under the law of the jurisdiction in which it was committed. Provided, however, that such conviction shall not be deemed a conviction of a felony if:
- (a) At the time of the conviction, and pursuant to the law of the jurisdiction in which the offense occurred, the offense was made a misdemeanor by the type or manner of sentence actually imposed; or
 - (b) The offense was for possession of marijuana.
- (4) Subsection (1) of this section shall not apply to any person who has been convicted of only one felony under the law of this state or any other state, or who has been convicted of only one felony under the laws of the United States, which felony did not involve the possession or use of a firearm or switch blade knife, and who has been discharged from imprisonment, parole or probation for said offense for a period of 15 years prior to the date of alleged violation of subsection (1) of this section.
- (5) Ex-convict in possession of a firearm is a Class C felony. Ex-convict in possession of a restricted weapon is a Class A misdemeanor.

166.280 - Seizure of Concealed Weapons; Destruction; Exception; Sale by Auction.

- (1) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any machine gun, pistol, revolver or other firearm capable of being concealed upon the person, or any firearm used during the commission of any felony or misdemeanor is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are nuisances, and shall be surrendered to the magistrate before whom the person is taken, except that in any city, county, town or other municipal corporations the weapons shall be surrendered to the head of the police force or police department.
- (2) The officers to whom the weapons are surrendered, except as provided under subsection (4) of this section, or upon the certificate of a judge of a court of record or of the District Attorney of the county that their preservation is necessary or proper to the ends of justice, shall have the authority and be responsible, subject to applicable laws, for selling such weapons or shall destroy the weapons to such extent that they are wholly and entirely ineffective and useless for the purpose for which they were manufactured.

- (3) Upon the certificate of a judge or of the District Attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases, at which time, except as provided under subsection (4) of this section, the court shall order that the weapons be delivered to the officials having responsibility under applicable laws and subsection (2) of this section for selling such weapons, or destroying the weapons to such extent that they are wholly and entirely ineffective, and useless for the purpose for which they were manufactured.
- (4) In the event any such weapon has been stolen and is thereafter recovered from the thief or the thief's transferee, it shall not be destroyed but shall be restored to its lawful owner as soon as its use as evidence has been served, upon identification of the weapon and proof of ownership.
- (5) The sale of any weapons under this section shall be by public auction. The agency holding the weapons shall conduct the auction annually. The agency shall publish notice of the time and place of the auction in the principle local newspaper no less than 20 nor more than 30 days before the date of the auction. Written or printed notice of the auction shall also be posted in three public places of the county where the sale is to take place, not less than 10 days successively. The agency shall permit public inspection of the weapons to be auctioned. Items shall be sold individually unless there is no interested bidder, in which case they may be sold in lots.

166.300 - Killing Another as Cause For Loss of Right to Bear Arms.

- (1) Any person who has committed, with firearms of any kind or description, murder in any degree, or manslaughter, either voluntary or involuntary, or who in a careless or reckless manner, kills or injures another with firearms, and who, at any time after committing murder or manslaughter or after said careless or reckless killing or injury of another, carries or bears firearms of any kind or description within this state, shall be punished upon conviction by a fine of not more than \$500, or by imprisonment in the county jail not to exceed one year, or both.
- (2) Subsection (1) of this section does not deprive the people of this state of the right to bear arms for the defense of themselves and the state, and does not apply to any peace officer in the discharge of official duties or to a member of any regularly constituted military organization while on duty with such military organization.
- (3) Justices of the peace, district courts, county courts, and all other courts having jurisdiction as justices of the peace, shall have concurrent jurisdiction with the circuit courts of all prosecutions under subsection (1) of this section.

166.360 - Definitions for ORS 166.360 to 166.380. As Used in ORS 166.360 to 166.380, Unless the Context Requires Otherwise:

- (1) "Capitol building" means the Capitol, the Supreme Court Building, the State Office Building, the State Library Building, the Labor and Industries Building, the State Highway Building, the Agriculture Building, or the Public Service Building and includes any new buildings which may be constructed on the same grounds as an addition to the group of buildings listed in this subsection.
- (2) "Destructive device" means:
 - (a) A projectile containing an explosive or incendiary material or any other chemical substance; or
 - (b) A bomb, grenade, missile or similar device or any launching device therefor.
- (3) "Loaded firearm" means:
 - (a) A breech-loading firearm in which there is an unexpended cartridge or shell in or attached to the firearm including, but not limited to, in a chamber, magazine or clip which is attached to the firearm.
 - (b) A muzzle-loading firearm which is capped or primed and has a powder charge and ball, shot or projectile in the barrel or cylinder.
4. "Public building" means a hospital, capitol building, a public or private school, college or university, a county courthouse, a city hall, or the residence of any state official elected by the state at large, and the grounds adjacent to each such building. The term also includes that portion of any other building occupied by an agency of the state or a municipal corporation, as defined in ORS 297.405.

166.370 - Possession of Destructive Device or Firearm in Public Building; Exceptions.

- (1) Any person who possesses a destructive device or loaded or unloaded firearm, on the person in or on a public building, shall be punished upon conviction by a fine of not more than \$500 or by imprisonment in the county jail for not more than one year, or both.
- (2) Subsection (1) of this section does not apply to:
 - (a) A sheriff, policeman, or other duly appointed peace officers or a Corrections Officer while acting within the scope of employment.
 - (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

- (c) A member of the military forces of this state or the United States, when engaged in the performance of duty.
- (d) A person who is licensed under ORS 166.290 to carry a concealed weapon.
- (e) A person who is authorized by the officer or agency that controls the public building to possess a firearm in that public building.

166.380 - Examination of Device or Firearm by Peace Officer; Arrest For Failure to Allow Examination.

- (1) A peace officer may examine a firearm possessed by anyone on the person while in or on a public building to determine whether the firearm is a loaded firearm.
- (2) Refusal by a person to allow the examination authorized by subsection (1) of this section constitutes reason to believe that the person has committed a crime and the peace officer may make an arrest pursuant to ORS 133.310.

161.535, 161.555, 161.615, and 161.635 (Classifications of Misdemeanors and Felonies; Fines for Misdemeanors and Felonies):

Misdemeanors:

- Class A - one year, \$2,500 maximum
- Class B - six months, \$1,000 maximum
- Class C - thirty days, \$500 maximum

Felonies:

- Class A - 20 years
- Class B - 10 years
- Class C - 5 years

Fines not to exceed \$100,000