



# AGENDA \*Revised

**Thursday February 5, 2015 - 10:00 AM**  
**BOARD OF COUNTY COMMISSIONERS**

Beginning Board Order No. 2015-12

## CALL TO ORDER

- Roll Call
- Pledge of Allegiance

**I. CITIZEN COMMUNICATION** *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the meeting. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

**II. PUBLIC HEARINGS** *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

1. Reading and Adoption of Ordinance No. \_\_\_\_\_ Amending Title 5, Animals of the Clackamas County Code and Declaring an Emergency (Scott Ciecko, County Counsel and Mike Bezner, DTD)
2. First Reading of Ordinance No. \_\_\_\_\_ for the Proposed Amendment to Chapter 2.10, an Ordinance to Clarify the Hamlet and Village Program (Stephen Madkour, County Counsel and Gary Schmidt, Public and Government Affairs)

**III. DISCUSSION ITEMS** *(The following items will be individually presented by County staff or other appropriate individuals. Citizens wishing to comment on a discussion item must fill out a blue card provided on the table outside of the hearing room prior to the beginning of the meeting.)*

## \*Public and Government Affairs

1. A Resolution Regarding the Clackamas County Coordinating Committee (Gary Schmidt, Public and Government Affairs)

**IV. CONSENT AGENDA** *(The following items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Study Session. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

A. Elected Officials

- 4 1. Approval of Previous Business Meeting Minutes – BCC

V. COUNTY ADMINISTRATOR UPDATE

VI. COMMISSIONERS COMMUNICATION

**NOTE: Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove by the following Saturday. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.**

[www.clackamas.us/bcc/business.html](http://www.clackamas.us/bcc/business.html)



**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**  
 2051 KAEN ROAD | OREGON CITY, OR 97045

February 5, 2015

**Stephen L. Madkour**  
 County Counsel

Board of County Commissioners  
 Clackamas County

**Kimberley Ybarra**  
**Kathleen Rastetter**  
**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Christina Thacker**  
 Assistants

Members of the Board:

Approval of an Ordinance Amending Title 5, Animals, of the Clackamas  
 County Code and Declaring an Emergency

<b>Purpose/Outcome</b>	Amends Title 5, Animals, of the County Code to shorten appeal period for cases in which a dog is ordered to be euthanized from 60 days to 10 days. The change is consistent with State law and will allow owners adequate time to appeal while ensuring that certain dangerous dogs are not kept in the shelter for extended periods of time.
<b>Dollar Amount and Fiscal Impact</b>	There may be some cost savings from this ordinance as dogs ordered euthanized may be impounded for shorter periods of time, however, this situation does not occur frequently so the savings will be limited.
<b>Funding Source</b>	Not applicable.
<b>Safety Impact</b>	The ordinance will create a safer environment for staff at the shelter by ensuring that certain dangerous dogs are impounded there for shorter periods of time.
<b>Duration</b>	The ordinance should be passed on an emergency basis to become effective immediately.
<b>Previous Board Action/Review</b>	Ordinance discussed at issues at study session on February 3, 2015.
<b>Contact Person(s)</b>	Scott Ciecko, Assistant County Counsel Mike Bezner, Interim Dog Services Manager

**BACKGROUND:**

Title 5 of the County Code currently allows all hearings officer decisions to be appealed within 60 days. The Code does not currently contain a shorter appeal time for cases in which the hearings officer orders a dog to be euthanized. As a result, dogs that are ordered to be euthanized are currently impounded at the animal shelter for the entire 60-day appeal period. It is not in the best interest of the dogs to confine them in the shelter for this extended period of time, nor is it cost efficient for the County.

State law currently allows a 10-day appeal period for cases where a dog is ordered to be euthanized. The current version of the County Code, however, expressly supersedes state law. As a result, the County Code must be amended to allow for the shorter appeal period in these specific cases.

This ordinance also contains provisions that clarify that a dog owner must pay in advance the costs of keeping an impounded dog ordered to be euthanized to prevent the County from carrying out the order. In

addition, the ordinance allows the County to file a motion in Circuit Court to obtain a court order to euthanize the dog in situations where the dog is dangerous, it will be harmful to the dog to keep it impounded for the duration of an appeal, and the County is likely to prevail in the appeal. Finally this ordinance confirms that Title 5 of the County Code supersedes state law only to the extent that there is a conflict between the two.

**RECOMMENDATION:**

Staff recommends the Board approve this ordinance to be consistent with state law and to ensure that dogs ordered to be euthanized are dealt with in a fair, humane, and efficient manner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SCC', written in a cursive style.

Scott Ciecko  
Assistant County Counsel

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

**An Ordinance Amending Title 5, Animals, of the Clackamas County Code and  
Declaring an Emergency**

WHEREAS, currently the appeal period for all final orders of the Hearings Officer, including those requiring euthanasia of a dog is 60 days; and

WHEREAS, during the appeal period a dog ordered euthanized is kenneled at the County animal shelter and cannot be released; and

WHEREAS, the Clackamas County Board of Commissioners finds that it is generally inhumane and inefficient to confine a dog in the shelter for 60 days or longer; and

WHEREAS, the Clackamas County Board of Commissioners finds that where euthanasia is ordered, an appeal period of 10 days is consistent with state law, provides people with sufficient time to appeal, and is more humane for the dog; and

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Title 5 of the Clackamas County Code is hereby amended as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

**Section 2:** The new appeal period for final orders providing for euthanasia shall apply to dogs currently being held due to such an order.

**Section 3: Severability.** Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 4: Emergency.** The Board of Commissioners hereby finds and declares that an emergency exists inasmuch as the immediate effect of this Ordinance is necessary for the peace, health and welfare of the residents of the County. Accordingly, this Ordinance shall be effective upon its adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

**TITLE 5**

**ANIMALS**

**Summary**

**5.01 ANIMAL LICENSING, SERVICES AND ENFORCEMENT ..... 1**

**TITLE 5**

**ANIMALS**

**5.01 ANIMAL LICENSING, SERVICES AND ENFORCEMENT ..... 1**

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## Chapter 5.01

### 5.01 ANIMAL LICENSING, SERVICES AND ENFORCEMENT

#### 5.01.010 Enactment; Authority

The County is authorized by Oregon Revised Statutes (ORS) 203.035 to regulate matters of County concern. The Board of County Commissioners finds that dog licensing and services within the County is a matter of County concern that impacts the health and safety of the people of Clackamas County. ORS 609.015, ORS 609.135 and ORS 153.030 recognize the authority of the County to enact and enforce regulations and procedures that vary from related state law provisions. The Board of County Commissioners adopts the following dog licensing and services regulations and procedures pursuant to ORS 203.035. Matters that concern crimes of abuse, neglect, or abandonment of dogs and other animals regulated by this code will be investigated and prosecuted under state law. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 03-2014, 7/31/14]

#### 5.01.020 Definitions; Exclusions; Fines and Fees

- A. Definitions. Terms used but not defined shall have their plain meaning.
1. ANIMAL means any nonhuman mammal, bird, reptile, amphibian or fish as defined in ORS 167.310 or ORS 167.374.
  2. ANIMAL RESCUE ENTITY means an individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility, that keeps, houses, and maintains in its custody 10 or more animals and that solicits or accepts donations in any form.
  3. BITE, BITING, BITTEN means the breaking of the skin of a person, domestic animal, or livestock by the teeth of a dog.
  4. CONDITIONAL RELEASE means a security or non-security release of an impounded dog which imposes regulations and conditions on the activities and keeping of the dog pending final disposition of a violation of this chapter, including appeal.
  5. CONTINUOUS ANNOYANCE means any dog that unreasonably causes annoyance, alarm or noise disturbance to any person by barking, whining, screeching, howling or making other sounds which may be heard beyond the boundary of the owner's or keeper's property, either as an episode of continuous noise lasting for a minimum period of thirty (30) minutes or repeated episodes of intermittent noise lasting for a minimum period of 45 minutes within a 24-hour period.
  6. COSTS mean any monetary assessment, other than fines and fees ordered by a Hearings Officer, including but not limited to, costs for veterinarian care, restitution, prosecution and attorney fees.
  7. DANGEROUS DOG means any dog that menaces, bites, injures or kills a person, domestic animal, or livestock.
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8. DOG means the common dog (*Canis familiaris*) and also includes any animal claimed by its owner to be a wolf-hybrid unless the owner provides written verification from a licensed veterinarian that the animal is a wolf-hybrid and not a dog.
  9. DOG AT LARGE means a dog that is off or outside the dog owner's property and not under the immediate control of a person.
  10. DOG OWNER means the following, however any presumption of ownership raised in this section may be rebutted by proof to the contrary:
    - a. Any person in whose name a dog license has been issued;
    - b. Any person who has a possessory property right in a dog;
    - c. Any person who without regard to any ownership interest, shelters a dog or has a dog in that person's care, possession, custody or control, or knowingly permits a dog to remain on property occupied by that person for more than 30 days.
    - d. In all three circumstances described above, it is understood that in a family situation the adult head(s) of household shall be jointly and severally presumed to be the owner(s).
  11. DOG SERVICES means Clackamas County Dog Services.
  12. DOG SERVICES OFFICER means a person employed by or contracting with Clackamas County who is authorized to investigate violations and issue citations as provided in this chapter.
  13. DOMESTIC ANIMAL means any nonhuman mammal, bird, reptile, amphibian or fish as defined in ORS 167.310.
  14. ENFORCING AGENCY means Clackamas County.
  15. EUTHANASIA means the putting to death of an animal in any humane manner permitted under ORS 609.405.
  16. EXPENSES mean expenditures incurred by Dog Services during impoundment, keeping and disposition of a dog.
  17. HEARINGS OFFICER means any authority appointed by the Board of County Commissioners to hear and determine violations of this chapter.
  18. IMPOUND means taking physical or constructive custody of a dog. A dog shall be considered impounded from the time Dog Services staff or a peace officer takes physical custody of the dog or serves an owner with a Notice of Impound and Conditional Release in accordance with this chapter.
  19. LIVESTOCK has the meaning provided in ORS 609.125.
  20. MANAGER means the Clackamas County Dog Services Manager or his/her designee.
  21. MENACE means lunging, growling, snarling, chasing, attacking, or other behavior by a dog that would cause a reasonable person to fear for the person's safety, the safety of another person or the safety of a domestic animal or livestock.
  22. MINIMUM CARE means care sufficient to preserve the health and well-being of a dog and, except for emergencies or circumstances beyond the reasonable control of the owner, includes but is not limited to, each of the following requirements:
    - a. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
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- b. Open or adequate access to potable water in sufficient quantity to satisfy the dogs' needs. Access to snow or ice is not adequate access to potable water.
  - c. Access to adequate shelter. For a dog other than one engaged in herding or protecting livestock, this requires access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun with adequate bedding to protect against cold and dampness.
  - d. Access to adequate bedding, which is defined as bedding of sufficient quantity and quality to permit a dog to remain dry and reasonably clean and to maintain a normal body temperature.
  - e. Veterinary care deemed necessary by a reasonably prudent person to relieve the dog's distress from injury, neglect or disease.
  - f. Continuous access to an area:
    - i. with adequate space for exercise necessary for the health of the dog;
    - ii. with air temperature suitable for the dog; and
    - iii. that is kept reasonably clean and free from excess waste or other contaminants that could affect the dog's health.
23. PEACE OFFICER has the meaning provided in ORS 161.015.
24. PHYSICAL INJURY has the meaning provided in ORS 167.310.
25. SECURE ENCLOSURE means any of the following:
- a. A fully fenced pen, kennel or structure that is in compliance with applicable County codes, that will remain locked with a padlock or combination lock, and which has secure sides at least five feet high. The County may also require that the structure have a secure top and/or floor attached to the sides, or require that the sides be embedded in the ground no less than one foot; or
  - b. A house or garage that has latched doors kept in good repair to prevent the escape of the dog. A house, garage, patio, porch or any part of the house is not a secure enclosure if the structure would allow the dog to exit the structure of its own will; or
  - c. For a dangerous dog, a fully fenced pen, kennel or structure at least six feet in height that is either anchored beneath the ground or is in concrete and which prevents the dog from digging under it. The enclosure must be of a design that prevents entry of children or unauthorized persons and also prevents those persons from extending an arm or leg inside the enclosure. The enclosure must remain locked with a padlock or combination lock when occupied by the dog. A County approved sign must remain posted at all entry points of the dog owner's property that informs both children and adults that the dog is dangerous.
26. TETHERING means to restrain a dog by tying the dog to any object or structure by any means. Tethering does not include using a handheld leash for the purpose of walking a dog.
27. VIOLATION means any violation of this chapter for which a fine, condition, restriction, or other sanction may be imposed.
28. WOLF-HYBRID means an animal that is either the result of cross-breeding a purebred wolf and a dog, an existing wolf-hybrid with a dog, or any dog declared by its owner to be a wolf-hybrid. A wolf-hybrid will be considered to
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be a dog under this chapter unless the owner provides written verification from a licensed veterinarian that the animal is a wolf-hybrid and not a dog.

B. Exclusions.

This chapter does not regulate kennel operators or pet shop owners who for a period of not more than 90 days maintain on their property dogs owned by other persons.

C. Fines and Fees.

All fines and fees associated with this chapter shall be set by the Board of County Commissioners.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05 2010, 7/1/10; Amended by Ord. 03-2014, 7/31/14]

NOTE: Section 5.01.020.A.5 does not go into effect until January 5, 2015.

### **5.01.030 Licensing; Vaccinations**

A. License.

1. Individual Dog License.

- a. A person must be at least 18 years old to obtain a license for a dog.
- b. Every dog owner shall license a dog by the time the dog has a set of permanent canine teeth or is six months old, whichever comes first, or within thirty (30) days of acquiring the dog.
- c. A dog owner who has moved to Clackamas County and does not have a current dog license from another Oregon city or county, shall obtain a dog license within thirty (30) days of moving into Clackamas County unless the dog has not yet reached six months of age. A dog with a current dog license from another Oregon city or county shall not require licensing under this chapter until expiration of the current license, if within thirty (30) days of moving into Clackamas County the owner notifies Dog Services of the dog's description, license number, city or county of issuance, and Clackamas County address.
- d. A dog license is not transferable to another dog. The license number shall be assigned to the particular dog and shall remain with that dog for the life of the dog.

2. Multiple Dog License.

- a. Qualification; Application; Inspection. When an owner has more than one dog, the owner may obtain or renew a multiple dog license after submitting a completed, qualifying Multiple Dog License Application and after either 1) submitting an inspection certification from a veterinarian licensed in the state of Oregon; or 2) a County inspection of the applicant's premises to determine that the owner is in compliance with minimum care standards as provided by this chapter.
  - b. Denial. Causes for denial of a multiple dog license application may include, but are not limited to, denial for any person currently under active investigation or prosecution for any animal-related crime, persons under parole or probation following a conviction for any animal-related crime, or any person for which ownership, keeping or responsibility for animals would be a violation of any rule, regulation or law, either civil or criminal.
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- c. Transfer. A multiple dog license may be transferred to another holder with prior written approval of Clackamas County, provided that the transferee qualifies to hold the license in all ways that an applicant for a new multiple dog license must qualify.
  - d. Appeal of Denial of Multiple Dog License. An owner may appeal the denial or a new multiple dog license or denial of a transfer of a multiple dog license to a Hearings Officer by delivering a written request to Dog Services within seven (7) days of the mailing date of the written notice denying the license. A hearing will follow the same procedures set forth in this chapter for a hearing on a violation, except that the burden of proof will be on the owner to prove that the denial was improper.
  - e. Land Use Approval. Issuance of a multiple dog license does not constitute approval of a particular land use or indicate compliance with any zoning or land use planning restrictions that may apply. Applicant may be required to demonstrate compliance with city or county zoning or land use planning restrictions prior to issuance.
  - f. To ensure that minimum care standards are continually being met, an owner can either 1) submit an inspection certification from a veterinarian licenses in the state of Oregon or 2) allow a County inspection of the premises to determine that the owner is in compliance with the minimum care standards as provided for by this chapter.
3. Licensing of Animal Rescue Entities:
- a. Licensing Requirement. An animal rescue entity shall comply with the following license requirements:
    - i. Obtain a license issued by the enforcing agency in accordance with this section; and
    - ii. Pay a reasonable fee for a license or an annual renewal of the license.
  - b. Issuance and Renewal of License. The enforcing agency may not issue or renew a license under this section unless the animal rescue entity demonstrates it is in compliance with this chapter and with applicable state and local law.
  - c. Record Keeping. An animal rescue entity shall maintain a record for each animal that identifies:
    - i. The animal's date of birth or, if the date of birth is unknown, the animal's approximate age;
    - ii. The date possession, control or charge of the animal was acquired and the source of the animal;
    - iii. The number of offspring the animal has produced, if applicable;
    - iv. The disposition of each animal, including the date of disposition, manner of disposition, and the name and address for any individual or organization taking possession, control or charge of an animal;
    - v. Sex, breed type and weight of the animal at intake; and
    - vi. A photograph of the animal taken within 24 hours of intake.
  - d. Inspections. The following inspections of animal rescue entities by the enforcing agency shall be permitted:
    - i. Inspection of the records required by this section.
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- ii. Furnish reports and information required by Section 5.01.030(C)(1)-(6) and by state and local law.
  - iii. Conduct an on-site investigation of the premises whenever the enforcing agency has reason to believe that the animal rescue entity is operating without a license. The purpose of an investigation under this section is to determine whether the animal rescue entity is subject to the requirements of this chapter.
  - iv. At any reasonable time, an on-site investigation of the premises may be conducted to determine whether the animal rescue entity is in compliance with this section.
  - v. An on-site investigation if a credible and serious complaint has been received that the animal rescue entity has failed to comply with the requirements of this section. The investigation shall be limited to determining if the animal rescue entity has failed to comply with the requirements of this chapter.
  - vi. If during the course of an inspection made under this section, the enforcing agency finds evidence of animal cruelty in violation of ORS 167.310 to 167.351, 167.355 or 167.360 to 167.372, the enforcing agency shall seize the evidence and report the violation to law enforcement.
- e. **Transfer of License.** An animal rescue entity may transfer a license issued under this section to another person with the written consent of the enforcing agency, provided that the transferee otherwise qualifies to be licensed as an animal rescue entity and does not have a certified unpaid debt to the state. The transferee shall submit a signed release to the enforcing agency permitting the performance of a background investigation of the transferee, and the enforcing agency shall conduct the background investigation.
  - f. **Violations.** A violation of any provision in this section may be prosecuted by the enforcing agency, as provided by section 5.01.070 of this chapter, and may result in the imposition of fines and civil penalties, or other restrictions or remedies as provided in this chapter.
- B. Dog Rabies Vaccination**
- 1. Individual or multiple dog licenses will not be issued without evidence of one of the following for each dog to be licensed:
    - a. A rabies vaccination certificate issued by a licensed veterinarian that is valid for the license period; or,
    - b. A written statement signed by a licensed veterinarian stating that for medical reasons the rabies vaccination cannot be administered to the dog.
  - 2. A dog that does not have proof of a current rabies vaccination, exemption from vaccination, or current Oregon county or city license, shall be apprehended and impounded at the owner's expense.
  - 3. A veterinarian performing a rabies vaccination of any dog must transmit a copy of the vaccination certificate or written documentation that includes information contained on the certificate to Dog Services within 30 days of the vaccination. In the alternative, a veterinarian may issue a dog license in accordance with the rules adopted by this Chapter, and submit proof of license to Dog Services within 30 days of the vaccination.
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- C. License Term; Renewal; Fine
1. A license will be valid for one, two or three years from the date of issuance at the option of the dog owner, based on the license fee paid by the owner, and requires a rabies vaccination certificate for the licensing period.
  2. Renewal of a license shall not be due until the last day of the month in which the license expires. If a person fails to renew a license prior to its expiration date, a fine may be assessed at the time the license is renewed.
- D. Identification Tags.
1. At the time an individual dog license is issued, the County will issue a free identification tag that is to be fastened to a collar or harness and kept on the dog at all times when the dog is not in the immediate possession of the owner.
  2. When a multiple dog license is issued, the owner may obtain identification tags for each dog in his possession upon payment of a fee.
  3. If a dog license tag is lost, the owner may obtain a duplicate tag from Dog Services upon payment of a fee.
- E. License Fees Exemptions.
1. No license fee will be required for the following:
    - a. Any dog that meets the definition of an "assistance animal" as defined in ORS 346.680, provided that the license applicant has filed a statement with Dog Services indicating that the dog is an "assistance animal" for a person who has a physical impairment in one or more of their daily life activities and resides in the applicant's household.
    - b. Any dog in training to be an "assistance animal" as defined in ORS 346.680, in affiliation with a recognized organization for the training or placement of assistance animals, provided the trainer files a statement with Dog Services verifying that the dog is an assistance animal.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12; Amended by Ord. 03-2014, 7/31/14]

#### **5.01.040 Control**

- A. Duties of Owners. For the purposes of this chapter, a dog owner is responsible for the behavior of the dog regardless of whether the owner or another person allowed the dog to engage in the behavior that is the subject of the violation.
- B. Violations.
1. It is unlawful to permit a dog to be a public nuisance. A dog is a public nuisance if it:
    - a. Menaces, bites, injures or kills a person, domestic animal or livestock. It is a defense to this section if the dog engages in such behavior as a result of a person wrongfully assaulting the dog or owner, or other similar provocation, or when the dog's behavior was directed towards a trespasser or other extenuating circumstances that establishes that the dog does not constitute an unreasonable risk to life or property;
    - b. Is a dog at large. It is a defense to this section that the dog was a working dog wearing a locating device and temporarily separated from the person in control of the dog;
    - c. Chases a vehicle while off the dog owner's property;
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- d. Damages or destroys property of another person while off the dog owner's property;
  - e. Scatters garbage while off the dog owner's property;
  - f. Is a female in heat (estrus) and is a dog at large.
2. It is unlawful to fail to comply with the requirements of this chapter that apply to keeping a dangerous dog.
  3. It is unlawful to permit any dog to leave the confines of any prescribed quarantine area and/or fail to comply with any other condition of quarantine.
  4. It is unlawful to interfere with an identified County employee or peace officer who is enforcing any provision of this chapter by intentionally acting in any manner that prevents, or attempts to prevent, a County employee or peace officer from performing their lawful duties.
  5. It is unlawful to knowingly provide false information to a County employee or peace officer enforcing any provision of this chapter.
  6. It is unlawful to permit a dog to be confined within a motor vehicle at any location under such conditions as may endanger the health or well-being of the dog.
  7. It is unlawful to permit a dog to be unrestrained in an open portion of a vehicle.
  8. It is unlawful to fail to reclaim an impounded dog.
  9. It is unlawful to fail to comply with any fine, fee, cost, expense, condition, restriction or other order imposed by a Hearings Officer under this chapter.
  10. It is unlawful to fail to surrender a dog for apprehension to the County when required by this chapter.
  11. It is unlawful to fail to license a dog or renew a license as required by this chapter.
  12. It is unlawful for an owner to fail to immediately notify Dog Services when the owner's dog has bitten a person, domestic animal or livestock.
  13. It is unlawful to keep a dog in a manner that does not meet minimum care standards of this chapter.
  14. It is unlawful to fail to maintain a current rabies vaccination.
  15. It is unlawful for a person who has been bitten by a dog, or a parent/guardian of a bitten minor, to fail to immediately notify Dog Services when required by this chapter.
  16. It is unlawful for a dog owner to fail to follow any condition of release pending final disposition of a violation of this chapter, including appeal.
  17. It is unlawful to permit any dog to cause continuous annoyance as defined in Section 5.01.020(5)\*\*.
  18. It is unlawful to permit any dog to be tethered in any manner as provided below:
    - a. with a tether that is not a reasonable length given the size of the dog and available space and that allows the dog to become entangled in a manner that risks the dog's health or safety;
    - b. with a collar that pinches or chokes the dog when pulled;
    - c. for more than 10 hours in a 24-hour period;
    - d. for more than 15 hours in a 24-hour period if the tether is attached to a runner, pulley or trolley system;It is not a violation of this section if for any dog to be tethered:
    - e. while the dog remains in the physical presence of the person who owns, controls or otherwise has charge of the dog;
    - f. pursuant to the requirements of a campground or other recreational area;
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- g. for the purpose of engaging in an activity that requires licensure in this state, including but not limited to hunting;
  - h. to allow transport of the dog; or
  - i. if the dog is kept for herding, protecting livestock or dog sledding.
- 19. It is a violation for a veterinarian performing a rabies vaccination on a dog to fail to report the rabies vaccination as provided in 5.01.030(B)(3).
  - 20. It is unlawful to operate an animal rescue entity without proper licensing and compliance with requirements outlined in 5.01.030(A)(3).
- C. **Lost Dogs; Duties of Finders.** Any person who finds and shelters a dog without knowing the dog owner's identity shall be subject to the responsibilities provided in ORS 98.005, ORS 98.025 and ORS 609.100.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12; Amended by Ord. 03-2014, 7/31/14]

\*\*NOTE: Section 5.01.040.B.17 does not go into effect until January 5, 2015.

#### **5.01.050 Biting Dogs; Dangerous Dogs**

- A. **Reporting Biting Dogs.**
- 1. The owner of a dog that bites a person, domestic animal or livestock shall immediately notify Dog Services of the time and circumstances of the bite along with a description of the biting dog, its rabies vaccination status, the owner's name and address, and if known the name and address of the person who was bitten or the owner of the bitten domestic animal or livestock.
  - 2. Any person who is bitten by a dog, is the parent/guardian of a bitten minor, or owns a domestic animal or livestock bitten by a dog shall immediately notify Dog Services of the time and circumstances of the bite along with his/her name and address, a description of the biting dog, and if known the name and address of the dog owner.
- B. **Quarantine of Biting Dogs.**
- 1. A dog suspected of biting a person will be quarantined at the owner's expense until the tenth day following the bite in accordance with state law.
  - 2. At the discretion of the County, a dog that has proof of a current rabies vaccination, exemption from vaccination, or a current Oregon county or city license may be quarantined at the premises of a licensed veterinarian or at the premises of the owner providing the dog is kept within a secure enclosure or with approved restraint deemed adequate to prevent contact with any person or other animal, and is kept in accordance with any other conditions set by the County as permitted by this chapter or required by state law. It shall be a violation of this chapter if during home quarantine the dog leaves the confines of a prescribed quarantine area for any reason or otherwise violates the conditions of quarantine.
  - 3. Dogs that have bitten a person and do not have proof of a current rabies vaccination, exemption from vaccination, or a current Oregon county or city license shall be apprehended and impounded as resources allow.
- C. **Dangerous Dogs.**



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1. Classification of Dog as a Dangerous Dog. A dog may be classified by the Hearings Officer as a dangerous dog when it has menaced, bitten, chased, injured or killed any person, domestic animal or livestock.
  2. Notice of Classification; Hearing.
    - a. Notice. Prior to a dog being classified as dangerous, the owner shall have a right to a hearing before a Hearings Officer. The County shall send a Dangerous Dog Notice to the dog owner by certified mail or personal service. If sent by mail, the date of mailing will be considered the date of service. The notice shall inform the owner of:
      - i. A description of the alleged incident and specific behavior that supports classification of the dog as dangerous.
      - ii. The regulations that may be imposed following a dangerous dog classification, including the requirement of a dangerous dog certificate.
      - iii. An opportunity to request a hearing.
      - iv. Information that the dog owner must request a hearing within seven (7) days from the date of service by delivering a written request to Dog Services.
      - v. Information that if the dog owner does not make a timely request for hearing, the dog owner shall be deemed to have waived his/her right to a hearing. Thereafter, following proof of sufficient evidence that the dog is dangerous, the Hearings Officer may so classify the dog and impose regulations consistent with this chapter.
    - b. Hearing.
      - i. Following a timely request for hearing, the County will notify the dog owner and Hearings Officer of the date and time of the hearing. The hearing shall follow the procedures set forth in this chapter for a hearing on a violation.
      - ii. The Hearings Officer may refrain from classifying a dog as dangerous upon a finding that the behavior was the result of a person wrongfully assaulting the dog or owner, or other similar provocation, or when the dog's behavior was directed towards a trespasser, or other extenuating circumstances that establishes that the dog does not constitute an unreasonable risk to life or property.
      - iii. A hearing on classification of a dangerous dog may be consolidated with a hearing on any underlying violation for which the dog owner has been cited.
  3. Regulation of Dangerous Dogs; Microchip Identification. When a dog has been classified as dangerous, the dog shall be microchip identified at Dog Services at the expense of the owner, as provided in ORS 609.168. In addition, a Hearings Officer may order the following regulations:
    - a. That the dog be kept in a secure enclosure;
    - b. That the dog owner obtain and maintain proof of public liability insurance;
    - c. That the dog owner not permit the dog to be off the owner's premises unless the dog is muzzled and restrained by an adequate leash and under the control of a competent person;
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- d. That the dog owner successfully complete a County approved pet ownership program;
  - e. That the dog successfully complete obedience training certified by the American Temperament Testing Society or other similar County approved program;
  - f. That the dog be spayed or neutered;
  - g. After consideration of the factors set forth in ORS 609.093, require euthanasia when a dog has bitten or killed a person, domestic animal, or livestock. The Hearings Officer may also consider the public nuisance violation history of the dog and owner to include all known determinations by any court, governing body, official or agency of any local or state government without regard to where or when the incident occurred.
4. Certificate of Registration; Secure Enclosure; Notice to New Owner
- a. Certificate of Registration. Within seven (7) days after a dog has been classified as dangerous, the owner must license the dog, if not already licensed, and obtain a dangerous dog certificate of registration to be renewed annually until the dog is declassified or dies. The County will only issue certificates of registration and renewals to persons who are at least 18 years of age and who present sufficient evidence of:
    - i. A rabies vaccination certificate which will remain in effect for at least one year from the date the certificate of registration is issued;
    - ii. A secure enclosure to confine the dangerous dog;
    - iii. A clearly visible County-approved warning sign to be posted and remain at all entry points of the owner's property that informs both children and adults that the dog is dangerous;
    - iv. Microchip identification as provided in ORS 609.168; and,
    - v. Payment of an annual dangerous dog registration fee.
  - b. Secure Enclosure. The owner of a dog classified as dangerous shall confine the dog in a secure enclosure. The owner must immediately notify Dog Services when a dangerous dog is at large, or has bitten a person, domestic animal or livestock. A dangerous dog shall not be permitted to leave the confines of a secure enclosure unless the dog is muzzled and restrained by an adequate chain or leash and under control of a competent person.
  - c. Notice to New Owner. Prior to a dangerous dog being sold or given away, the owner shall provide notice to the new owner that the dog has been classified as a dangerous dog and provide the County with the name, address and telephone number of the new owner whether or not the new owner resides in Clackamas County. If the new owner resides in Clackamas County, he/she must comply with all dangerous dog regulations imposed unless and until the dog is declassified or dies.
5. Declassification of Dangerous Dog.
- a. Declassification. Following an owner's written request, the County may declassify a dog as dangerous and terminate the regulations ordered at the time of classification, except for microchip identification and secure enclosure, when the following conditions have been met:
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- i. For two years from the date of classification the dog has had no further incidents of behavior that would make it a dangerous dog;
  - ii. For two years from the date of classification there have been no violations of the regulations imposed;
  - iii. The dog owner has obtained a certificate of satisfactory completion of obedience training for the classified dog.
- b. Appeal of Declassification Denial. A dog owner may appeal to a Hearings Officer the denial of a request to declassify a dangerous dog by delivering a written request for appeal to Dog Services within seven (7) days of the mailing date of the County's written notice denying declassification.
- i. The County's written denial shall include information on how the dog owner may appeal the denial.
  - ii. On appeal the Hearings Officer shall determine whether the dog meets the criteria for declassification and shall either uphold the County's denial or order declassification.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 03-2014, 7/31/14]

#### **5.01.060 Impoundment; Release; Adoption**

##### **A. Impoundment**

1. Any Dog Services Officer or peace officer may impound an animal that is in violation of this chapter, or when a Dog Services Officer or peace officer reasonably believes the animal requires medical assistance or care, or when ordered by a court or Hearings Officer.
2. If a person refuses to allow a Dog Services Officer or peace officer to enter the premises to apprehend and impound an animal as authorized by this chapter, the County may request the assistance of the local law enforcement official to obtain and execute a search warrant as authorized by law to search for and seize the animal subject to impound.
3. Any Dog Services Officer or peace officer is authorized to remove the animal from a motor vehicle to apprehend and impound the animal when the officer reasonably believes it is confined in a manner that endangers its health or well-being, including but not limited to dangerous temperature, lack of food, water or attention. A written notice of impoundment will be left on or in the vehicle with information on how to reclaim the animal.
4. Any person may immediately apprehend and hold for impoundment any animal that has trespassed upon the property of that person or another in violation of this chapter, or has menaced, bitten, injured or killed a person, domestic animal, or livestock.
5. Animals other than dogs that are seized by Dog Services Officers will be taken to facilities that are appropriate for the holding or keeping of those animals. Release of such animals will be subject to State law as well as any rules or procedures for the facility where the animal is being kept.

- B. Impound Holding Periods.** Unless otherwise provided in this chapter or reclaimed sooner by the owner, dogs that have been impounded will be held for the following minimum time periods:
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1. Dogs not wearing a license tag shall be held for at least three consecutive business days, not including the day of impoundment.
  2. Dogs wearing a license tag shall be held for at least five consecutive business days, from the date of notification of impoundment. If notification is by mail, the date of mailing shall be considered the date of notification.
- C. Release of Animals Impounded at County Dog Shelter; Conditional Release.
1. Release.
    - a. Release Prohibited. Unless otherwise ordered by a Hearings Officer or court of competent jurisdiction, an impounded dog may not be released until final disposition of any violation alleging that the dog has killed a person, or when a dog is pending classification or has been classified as a dangerous dog.
    - b. Release Permitted. Unless prohibited by this chapter prior to final disposition of a violation or pending appeal, an impounded animal may be released subject to release conditions in subsection 5.01.060(C)(2)(a) and upon posting security in the amount equal to 50% of the base fine for each violation and payment of fees and costs owed to date including prior outstanding balances, except upon showing of good cause.
  2. Conditional Release.
    - a. Conditions. As permitted by this chapter pending final disposition of a violation or appeal, the County or Hearings Officer may conditionally release an impounded animal to its owner and may impose any of the following release conditions, including but not limited to a requirement that the animal owner:
      - i. Obtain and provide proof of a rabies vaccination within a designated time, if applicable;
      - ii. Provide proof of license within a designated time, if applicable;
      - iii. Restrain the dog on the dog owner's property by means of a secure enclosure;
      - iv. If the animal is a dog, control the dog on a leash that is no longer than six (6) feet, and at all times handled by an adult who is able to control the dog;
      - v. If the animal is a dog, muzzle the dog at all times when the dog is off the dog owner's property;
      - vi. Obtain veterinary care for the animal within a designated time;
      - vii. Comply with minimum care standards consistent with this chapter;
      - viii. Keep the animal indoors during certain hours.
    - b. Revocation of Conditional Release; Violation; Security Forfeited.
      - i. Revocation. Upon reasonable ground to believe that a release condition has been violated, the County may revoke release, and apprehend and impound the subject animal pending final disposition of the underlying violation or appeal.
      - ii. Violation. At the time of revocation the animal owner, or the owners, operators or managers of animal rescue entities shall be cited for failure to follow condition(s) of release. A hearing on revocation may be made in accordance with section 5.01.070 of this chapter and consolidated with a hearing on the underlying violation(s).
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- iii. Security Forfeited. The security amount posted on conditional release shall be forfeited upon a finding that one or more conditions of release were violated or if no timely hearing is requested.
    - 3. If a dog owner, or the owners, operators or managers of animal rescue entities, has been cited for a violation(s) of this chapter, and a Hearings Officer finds that no violation(s) occurred, then impoundment and board fees shall not be assessed until the first business day after notice of the Hearings Officer's Final Order.
    - 4. An owner must reclaim an animal within five (5) business days after notice of a Hearings Officer's Final Order unless otherwise ordered or unless stayed by a court of competent jurisdiction.
  - D. Failure to Reclaim.
    - 1. If an owner fails to reclaim an animal as provided in this chapter, the animal will be deemed abandoned and shall become the property of the County without compensation paid to the owner.
    - 2. An owner that fails to reclaim an animal will be civilly liable to the County for all penalties, fines, fees, costs and expenses authorized by this chapter, which may be collected in the same manner as any other debt allowed by law.
  - E. Diseased or Injured Animal. A dog owner, or the owners, operators or managers of animal rescue entities shall be liable to the County for costs paid for medical treatment during impoundment. If the County determines an animal is seriously injured or seriously ill or its health condition causes a threat to public health or safety, the animal may be immediately euthanized without compensation paid to the owner.
  - F. Release for Adoption.
    - 1. Fees. Adoption fees will be assessed consistent with this chapter.
    - 2. Standards. The Dog Services Manager shall have the authority to develop and enforce adoption policies and procedures.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12; Amended by Ord. 03-2014, 7/31/14]

#### **5.01.070 Citation; Complaint; Hearing Process**

- A. Issuance of Citation.
    - 1. Any Dog Services Officer or peace officer may issue and serve a dog owner, or the owners, operators or managers of animal rescue entities with a citation when there are reasonable grounds to believe that a violation of this chapter has occurred. The citation shall serve as the County's complaint and may include a fine that is payable to Clackamas County.
    - 2. A citation shall be served by personal service or by certified mail with return receipt requested, no later than six (6) months from the date the alleged violation occurred. When mailed the date of mailing shall be considered the date of service. The failure of any person to receive notice properly given shall not invalidate or otherwise affect proceedings under this chapter.
  - B. Inspection and Investigation. In determining whether to issue a citation, a Dog Services Officer may request entry onto any real property in order to investigate a suspected violation of this chapter.
  - C. Form of Citation.
    - 1. The citation shall include:
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- a. The name and address of the person cited;
  - b. The date(s) the alleged violation(s) occurred;
  - c. The number and title of the chapter section(s) violated;
  - d. A description of the animal(s) involved;
  - e. The base fine, to be equal to the minimum fine, along with the maximum fine for each violation as authorized by this chapter;
  - f. A statement providing notice of the penalties that could be imposed by the Hearings Officer, including penalties and keeping restrictions provided in Section 5.01.080 of this chapter.
  - g. Whether appearance before a Hearings Officer is optional, or if mandatory, the date, time and place at which the person is to appear;
  - h. The procedure for the person to follow to admit the violation and pay the fine or to contest the citation and appear before a Hearings Officer;
  - i. A statement that if the person fails to pay the fine within the time allowed, or fails to appear before the Hearings Officer when required, the person shall have waived his/her right to contest the citation and the Hearings Officer may enter a judgment against the person for an amount up to the maximum fine, in addition to any fees, costs or expenses, conditions or restrictions authorized by this chapter;
  - j. A statement that when appearance before a Hearings Officer is mandatory the person cannot pay the fine in lieu of appearance.
2. An error in transcribing information into a citation, when determined by the Hearings Officer to be non-prejudicial to the defense of the cited person, may be corrected prior to or at the time of the hearing with notice to the cited person. Except as provided in this subsection, a citation that does not conform to the requirements of this section shall be set aside by the Hearings Officer upon motion of the cited person before any other proceedings at the hearing. Minor variations in the form of citation shall not be a basis for setting aside a citation. Nothing prohibits the Hearings Officer from amending a citation in the Hearings Officer's discretion.
- C. Response to Citation
1. Unless an appearance before a Hearings Officer is mandatory, a dog owner, or the owners, operators or managers of animal rescue entities who has received a citation may respond by:
    - a. Appearing personally before the Hearings Officer on the cited appearance date and either admit or deny the violation; or
    - b. Prior to the appearance date return a signed copy of the citation to Dog Services admitting the violation, along with a check or money order payable to Clackamas County for the total base fine amount. Admission and payment does not relieve the dog owner, or the owners, operators or managers of animal rescue entities of the requirement to correct the violation; or
    - c. Prior to the appearance date, return a signed copy of the citation to Dog Services denying the violation and requesting a hearing. Dog Services will set a time and place for the hearing and notify the Hearings Officer, and the dog owner, or the owners, operators or managers of animal rescue entities.
  2. Mandatory Appearance. Personal appearance before a Hearings Officer at the time and place indicated on the citation shall be mandatory:
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- a. When a dog owner, or the owners, operators or managers of animal rescue entities has received a citation three (3) times or more within a twelve (12) month period or the issuing officer has determined the appearance should be mandatory;
  - b. For violation of Failure to Surrender an Animal;
  - c. For violation of Interfering with a County employee or Peace Officer;
  - d. For violation of Providing False Information to a County employee or Peace Officer;
  - e. For violation of Failure to Comply with Conditions of Quarantine;
  - f. For violation of Failure to Comply with any Fine, Fee, Cost, Expense, Condition or Restriction authorized by this chapter;
  - g. For violation of Dog as a Public Nuisance when a dog kills a person, domestic animal or livestock;
  - h. For violation of Failure to Comply with the Requirements of Keeping a Dangerous Dog.
  - i. For failure to reclaim an impounded animal.
  - j. For failure to meet minimum care standards.
3. Failure to Respond to Citation. If a person cited fails to respond to a citation as required by this chapter, then the person shall be deemed to have waived his/her right to contest the citation. Following proof of sufficient evidence that the person has committed the cited violation(s), the Hearings Officer may enter a Final Order against the person for an amount up to the maximum fine, in addition to any applicable fees, costs or expenses, and any other imposition consistent with this chapter. A copy of the Final Order shall be sent to the person cited by regular mail.
- D. Hearing Process.
1. Informal Disposition. The County and the dog owner, or the owners, operators or managers of animal rescue entities may agree to an informal and final disposition of any violation before a Hearings Officer issues a Final Order.
  2. Burden of Proof. The burden will be on the County to prove that the violation occurred by a preponderance of the evidence.
  3. Testimony of Witnesses and Parties. The Hearings Officer shall have the authority to administer oaths or affirmations and take testimony of and question witnesses and parties. Parties may offer witness testimony on their own behalf. Written testimony must be submitted by sworn affidavit and may be admitted into the record subject to exclusion by the Hearings Officer and objections by the opposing party.
  4. Cross-Examination of Witnesses. The person cited and attorneys may examine or cross-examine witnesses.
  5. Evidence. Reliable and relevant evidence shall be admitted subject to the rules of privilege recognized by law. Records developed, kept and maintained, during the normal course of business, including but not limited to, law enforcement reports and veterinary records, shall be admissible provided the party offering the records establishes the authenticity of the records through written or oral testimony. The burden of presenting evidence to support a fact or position shall be on the offering party. The Hearings Officer may establish procedures for the presentation of evidence to ensure that the hearing record reflects a full and fair inquiry into the facts necessary to determine the matter
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- alleged. The Hearings Officer shall have the discretion to exclude any material or testimony that is accumulative, repetitious, irrelevant or immaterial.
6. **Objections.** Objections to admission of evidence shall be noted in the record and will be considered with respect to the weight to be given the particular evidence offered. The Hearings Officer shall have the discretion to admit or exclude any evidence presented and may reserve the ruling on the admissibility or exclusion of evidence until the time the Final Order is issued.
  7. **Subpoenas.** The Hearings Officer may issue subpoenas to parties when a request is supported by a showing of general relevance and reasonable scope of the evidence sought. Witnesses appearing pursuant to subpoena, other than the parties, peace officers or employees of the County, shall be paid the same witness fees and mileage as allowed in civil cases from the party requesting the subpoena to be paid at the time the subpoena is issued. The party requesting the subpoena will be responsible for its service in accordance with the Oregon Rules of Civil Procedure.
  8. **Representation.** The person cited may represent him/herself or may be represented by counsel at personal expense. The County may be represented at the hearing by any employee of the County. If the employee is not an attorney, the employee shall not present legal argument, examine or cross-examine witnesses, present rebuttal evidence or give legal advice to the Hearings Officer conducting the hearing.
  9. **Record.** A verbatim record shall be made of all hearings. The record may be transcribed at the request of a party upon payment in advance of the cost of transcription.
  10. **Final Order.** At the conclusion of the hearing, the Hearings Officer shall issue a Final Order based upon reliable, relevant and substantial evidence which shall be the County's final determination. A Final Order shall be effective on the date that it is issued unless otherwise provided by the Hearings Officer. The order may be oral or written, but in all cases must be recorded in the record of the proceeding. The Hearings Officer may impose fines, fees, costs, expenses, conditions or restrictions and any other imposition authorized by this Chapter. Monetary obligations are due and payable on the effective date of the Final Order unless otherwise provided.
  11. **Judicial Review.** Review of a Final Order of the Hearings Officer may be made by any party by writ of review as provided in ORS 34.010-34.100. Notwithstanding ORS 34.030, if the Final Order of the Hearings Officer provides the dog is to be euthanized, a writ of review must be filed no later than the 10th day after service of the order. The order to euthanize a dog may not be carried out during the period that the order is subject to review or appeal, unless:
    - a. A person appealing the Hearings Officer order, or a person with the right to appeal the order, fails to maintain advance payment of the costs of keeping the dog in the shelter during the period; or
    - b. The County files a motion in the Court where the appeal is filed and demonstrates by a preponderance of the evidence that (1) the dog cannot be safely released from the shelter because it presents a risk of causing physical injury to a person or another animal; (2) it is not humane or in the best interest of the dog to remain confined in the shelter; and (3) the County shows a reasonable likelihood of success on the appeal.
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~~44.12.~~ **Enforcement of Final Order.** The County may maintain civil proceedings in law or equity in a court of competent jurisdiction to enforce any provision of a Hearings Officer's Final Order.

- F. **Process when Citation is for Dog as Continuous Annoyance.** When the County receives a complaint of a dog causing a continuous annoyance, all of the procedures in this chapter shall apply and the following additional procedures shall also be required:
1. **First Complaint.** The county will not investigate or issue a citation, but will provide assistance to the complainant and the dog owner to help them resolve the issue between themselves.
  2. **Second Complaint.** The complainant and the dog owner will be referred to mandatory mediation:
    - a. If the complainant fails to participate in mediation, no citation will be issued to the owner, the county will not investigate the complaint and not further complaints will be considered until and unless the complainant participates in mediation.
    - b. If the owner fails to participate in mediation, the county may conduct further investigation into the complaint, may issue a citation and may take other steps that it determines are reasonable in the circumstances.
  3. **Complaints Following Mediation Where All Parties Have Participated.** If mediation is conducted wherein both the owner and complainant participate, upon receipt of further complaints the County may conduct further investigation into the complaint, may issue a citation and may take other steps that it determines are reasonable in the circumstances.
  4. **After Citation Issued.** After a citation is issued by the County, all standard procedures and provisions in this chapter shall apply.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12; Amended by Ord. 03-2014, 7/31/14]

NOTE: Section 5.01.070.F does not go into effect until January 5, 2015.

#### **5.01.080 Penalties**

- A. **Fines, Fees, Costs; Expenses.**
1. Upon a finding that the dog owner or the owners, operators or managers of animal rescue entities has violated this chapter, a Hearings Officer may impose fines, fees, costs and expenses, which shall become a debt owing to Clackamas County and may be collected in the same manner as any other debt allowed by law. If fines, fees, costs or expenses are not paid within sixty (60) days after payment is ordered, the County may file and record the Final Order for payment in the County Clerk Lien Record as authorized by ORS 30.460.
  2. If the Hearings Officer finds that the alleged violation did not occur, the County shall reimburse the owner for any fines, fees, costs and expenses previously paid by the owner for the alleged violation.
  3. The Hearings Officer may order payment of the County's attorney fees and prosecution costs to include staff time for any violation of this Chapter.
- B. **Conditions and Restrictions; Restitution; Euthanasia.**
1. Upon a finding by the Hearings Officer that a dog owner, or the owners, operators or managers of animal rescue entities has violated a provision of this chapter, in addition to and not in lieu of any fine, fee, cost or expense, the
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Hearings Officer may impose restitution, euthanasia, and reasonable conditions and restrictions, including but not limited to:

- a. Suspend the owner's right to own or keep any animal in Clackamas County for a period not to exceed five (5) years;
  - b. Upon sufficient proof order restitution to any person who has suffered actual monetary loss as a result of a violation of this chapter, including but not limited to expenses incurred for veterinary care, burial and memorial expenses, repair or replacement of damaged property, or medical bills;
  - c. Require the owner to spay or neuter the animal;
  - d. Require the owner to remove the animal to a location where the animal does not present a threat to persons, domestic animals or livestock;
  - e. Require the owner to surrender the animal to the County;
  - f. After consideration of the factors set forth in ORS 609.093, require euthanasia when an animal has bitten or killed a person, domestic animal or livestock. The Hearings Officer may also consider the public nuisance violation history of the animal and owner to include all known determinations by any court, governing body, official or agency of any local or state government without regard to where or when the incident occurred;
  - g. Require that the owner comply with any other condition or restriction reasonably designed to abate any future violation of this chapter;
  - h. Require that the owner obtain microchip identification for the animal;
  - i. Require the owner to reduce the number of animals on the owner's premises.
2. Any condition or restriction imposed by a Hearings Officer must be complied with immediately unless otherwise ordered. The County may request that an owner provide proof of compliance by a date certain. If proof is not provided, or proof is insufficient, then a rebuttable presumption will exist that the owner has failed to comply and the owner may be cited for the violation of Failure to Comply in accordance with this chapter.
  3. An owner shall be responsible for all costs incurred in complying with any condition or restriction imposed.
  4. Upon a finding that an owner is guilty of a violation set forth in this chapter, regarding the same animal for the third time in a twelve (12) month period, the Hearings Officer may order that the owner surrender the animal to the County, without compensation paid to the owner.
  5. When an animal has been ordered surrendered and the County has determined that the animal qualifies for adoption, the County may give placement preference to any person who had prior contact with the animal, including but not limited to the former owner's family members or friends who reside separately from the former owner and whom the County has determined will provide adequate care and follow all conditions or restrictions imposed by the Hearings Officer in order to maintain control of the animal.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12; Amended by Ord. 03-2014, 7/31/14]

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**5.01.090 Authority of Dog Services Manager**

In accordance with the provisions of this chapter the Dog Services Manager shall have the authority to:

- A. Collect fines, fees, costs and expenses.
- B. Authorize an owner to keep a licensed dog that has been impounded and quarantined, at the premises of the owner during the period of quarantine.
- C. Declassify a dog as dangerous in accordance with the provisions of this chapter.
- D. Require a dog owner, or the owners, operators, or managers of animal rescue entities to provide proof of compliance with a Hearings Officer's Final Order.
- E. Inspect premises of a dog owner, or of an animal rescue entity to ensure compliance with this chapter;
- F. Develop and enforce policy, procedures and standards to ensure the effective administration of this chapter.

[Added by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10; Amended by Ord. 03-2014, 7/31/14]

**5.01.100 Transition**

[Added by Ord. 01-2004, 4/8/04; Repealed by Ord. 08-2012, 8/2/12]

**5.01.110 Severability**

If any clause, section or provision of this chapter is declared unconstitutional or invalid for any reason or cause, the remaining portion of this chapter shall remain in full force and effect and be valid as if the invalid portion had not been incorporated herein.

[Added by Ord. 01-2004, 4/8/04; Amended by Ord. 05-2010, 7/1/10]

**5.01.120 Enforcement of Other Laws**

- A. **Enforcement of Dogs.** Pursuant to ORS 203.035; 153.030; 609.015 and ORS 609.135, to the extent there is any conflict, this chapter supersedes enforcement in the County of the following state statutes regarding control of dogs: ORS 609.030 and 609.035 to 609.110; 609.155; 609.158; 609.165; 609.170; 609.180; 609.190.
- B. **Enforcement of Rabies Control.** Rabies control shall be enforced by the Clackamas County Health Officer in cooperation with the Dog Services Manager in accordance with the provisions of ORS 433.340 through 433.390.
- C. **Enforcement of Violations Involving Livestock.** When a dog is determined to be a Public Nuisance under this chapter for menacing, biting, injuring or killing livestock, in addition to all other provisions and regulations of this chapter the following state statutes apply: ORS 609.125; 609.156; 609.161; 609.162; 609.163; 609.167; 609.168.
- D. **Enforcement of Possession of Dogs.** The number of dogs possessed by a person shall be limited as provided in ORS 167.374. In addition to all other provisions and regulations of this chapter, ORS 167.374 shall apply.
- E. **Other Laws Apply.** Except as expressly provided in this chapter, this chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state and federal laws, rules and regulations, and other ordinances which relate to the requirements provided in this chapter.

[Added by Ord. 05-2010, 7/1/10; Amended by Ord. 08-2012, 8/2/12]

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**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**

2051 KAEN ROAD OREGON CITY, OR 97045

February 5, 2015

**Stephen L. Madkour**  
County Counsel

Board of County Commissioners  
Clackamas County

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**Nathan K. Boderman**  
**Christina Thacker**  
Assistants

Members of the Board:

**Approval to Revise Chapter 2.10 Ordinance to Clarify the  
Hamlets and Villages Program**

<b>Purpose/Outcomes</b>	Conduct Public Hearing of First Reading or Proposed Ordinance Amendment
<b>Dollar Amount and Fiscal Impact</b>	The County, through PGA provides each Hamlet and Village \$2,000.00 each fiscal year, distributed in quarterly payments of \$500.00.
<b>Funding Source</b>	General Fund
<b>Safety Impact</b>	Not Applicable
<b>Duration</b>	Perpetual unless amended or repealed
<b>Previous Board Action</b>	The draft amendments were presented for board consideration at study sessions on June 24 and December 16, 2014.
<b>Contact Person</b>	Stephen Madkour, County Counsel Gary Schmidt, Public & Government Affairs Director
<b>Contract No.</b>	Not Applicable

**BACKGROUND:**

The Board requested Public and Government Affairs prepare a report evaluating the successes of the Hamlets and Villages Program. The program is a result of the Complete Communities process which began in 1999 and culminated with the adoption by the Board of County Commissioners of Ordinance 06-2005, entitled "Community Connections" which "enabled citizens in unincorporated areas of the county to form hamlets and villages as an innovative way for residents to participate in decision that affect their local communities." That ordinance is contained in Chapter 2.10 of the County Code.

In addition to financial support, Public and Government Affairs provides staff support to each Hamlet and Village. This includes coordination of speakers for meetings, conducting elections, assisting with mailings and communications, promoting the program (Citizen News), updating County web pages dedicated to each Hamlet and Village and providing quarterly meetings and trainings.

Currently there are four Hamlets and one Village including; the Villages at Mt. Hood (formed March 2006), the Hamlet of Beaver creek (formed September 2006), Stafford Hamlet (formed

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December 2006), the Hamlet of Mulino (formed May 2007) and the Hamlet of Molalla Prairie (formed March 2009).

As described in Chapter 2.10 the purpose of Hamlets and Villages is to provide “an organizational structure for unincorporated areas of the county that will facilitate involvement in community activities.”

At the June 24, 2014 study session PGA presented a report evaluating the successes of the Hamlets and Villages program. In addition to providing an update on the status of the program, PGA staff recommended potential revisions to the Hamlets and Villages Ordinance of Chapter 2.10 of the County Code.

PGA and County Counsel presented these proposed changes to the BCC on December 16, 2014.

### **Hamlets and Villages Ordinance – Chapter 2.10 County Code**

Specific areas for revisions include:

#### **Elections/Voting**

- Review the role of the BCC in approving candidates for Hamlets and Villages Board of Directors elections.
- Clearly identify the notification process for Hamlets & Villages Board elections. For instance, requiring that a postcard be mailed to all residents in the Hamlet or Village announcing the election date, time and location.

#### **Financing**

- Trust Accounts – accounts that the County maintains for each Hamlet and Villages that includes funds raised by Hamlets and Villages through donations, fundraising, grants and other sources. The County Treasurer oversees this account and issues checks at the request of the Hamlet and Village. Reviewing the need for such accounts and suggesting an alternative, such as each Hamlet and Village open their own checking account for these monies.
- Imprest Account – the County provides each Hamlet and Village \$2,000.00 every fiscal year which is distributed in the amount of \$500.00 each quarter. Reviewing if this funding method and processing is meeting the intent of the ordinance.

#### **Code of Conduct for Board of Directors**

- Developing and including in the Ordinance a Code of Conduct for all Hamlets and Villages Board members.

#### **General Updates**

- Identifying and replacing or deleting terms and language no longer relevant.

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- Clarifying sections that are confusing or unclear including the status of CPO's and liability.

**RECOMMENDATION:**

PGA and county counsel recommend amendments to the County Code to revise Chapter 2.10 ordinance by clarifying various sections as outlined in this staff report and by seeking input from the Hamlet and Village leaders. The Board will hear a first reading of the ordinance by title only and schedule a second reading for the Board's business meeting on February 19, 2015.

Respectfully submitted,



Stephen Madkour  
County Counsel

Ordinance No. \_\_\_\_\_

An Ordinance Amending Chapter 2.10, Community Connections,  
of the Clackamas County Code

WHEREAS, Chapter 2.10, Community Connections was adopted in 2005 and substantially amended in 2007; and

WHEREAS, it has become apparent that procedural and substantive changes are necessary to more accurately address the operational needs and requirements of the hamlet and village program; NOW, THEREFORE,

THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1: Chapter 2.10, Community Connections is hereby amended to read as follows:

**2.10.010 Preamble**

A. Policy objectives. The Board of County Commissioners is committed to engaging its citizens by encouraging them to participate in decision-making processes that affect their lives. This Chapter is intended to further these policy objectives by creating a legal framework to enhance the connection between county government and its citizens.

B. This Chapter represents the work of citizens, staff, and professional consultants who assisted the county in developing ways to meet these policy objectives. Information was gathered through community meetings and events, random opinion sampling, and mail-back questionnaires. Central to the project were two major phases:

1. ~~Complete Communities. The concept of Complete Communities was initiated by the Board of County Commissioners in 1999, and is among the most ambitious public outreach efforts ever conducted by the county. The award-winning Complete Communities for Clackamas County project has received state, national and international attention, and was the recipient of the prestigious 2002 Public Education Award by the American Planning Association, the 2005 National Association of Counties Achievement Award, and a public engagement award for Completing Connections from the International Association for Public Participation.~~

a. ~~The following purpose of Complete Communities was defined by its 65-member citizen Steering Committee based on broad outreach and involvement:~~

~~*“Working together to define our common and unique community values, identify the diverse attributes of complete communities, and guide future policy decisions and actions.”*~~

b. ~~Through a number of community meetings, including the convening of several widely attended Community Congress events, citizens identified and prioritized countywide recommendations in eleven issue areas. They then identified those recommendations determined to be most effective~~

and easiest to carry out. Central to this process was the overarching recommendation that citizens be able to better connect with the county and be more involved in county decisions that affect their lives.

e. ~~From March 2001 to March, 2002, volunteer citizens and county staff formed work groups under nine areas: Cultural Diversity; Cultural Opportunities; Economy and Employment; Education; Environmental Quality; Growth, Land Use and Infrastructure; Health and Social Services; Housing Choices and Access to Transportation; Parks, Open Space and Recreation; and Public Safety. In July 2002 the Board of Commissioners approved the final report made by the work groups, and allocated funding for further work on the overarching recommendation to develop ways for citizens in unincorporated areas to become more closely involved in decisions that affect their lives. Updates on the various efforts were given at the 2005 Community Congress.~~

2. ~~Completing Connections. Concurrent with the work of Complete Communities, a citizen based task force was formed. Supported by staff and professional consultants, the task force's primary purpose was to conduct research and identify organizational and governance frameworks to implement the overarching recommendation to develop ways to better involve residents in unincorporated areas in decisions that affect their lives. As a result of the work of the task force and subsequent discussions at Complete Communities Congresses, the task force recommended two models short of incorporation for communities in Clackamas County: hamlets and villages.~~

[Adopted by Ord. 03-2007, 2/22/07]

#### **2.10.020. Purpose, intent, authority.**

- A. This Chapter establishes the organizational structure and process for hamlets and villages, which are intended to provide a forum for citizens residing, owning property or having businesses within defined geographic areas. Under this Chapter, citizens may form local hamlets or villages for the purpose of considering and making advisory recommendations to the county concerning a broad range of issues affecting the livability and quality of life in their communities. Hamlets and villages are advisory to the Board of County Commissioners, and are not local governments.
- B. It is intended that the powers created by this Chapter be interpreted and applied to enable the broadest exercise of the powers granted by this Chapter, to the extent not pre-empted by state or federal law. Hamlets and villages are intended to be a form of participatory democracy to the extent that they promote the active involvement of citizens in county affairs and provide an opportunity for greater participation in matters affecting their local communities.
- C. It is a matter of local concern and a proper subject for county legislation to promote the active involvement of citizens in county affairs so that citizens may have a greater opportunity to participate in matters affecting their local communities.



**2.10.030 Definitions Asas used in this Chapter**

- A. BCC means the Board of County Commissioners.
- B. BOARD means the board of directors of a hamlet or village.
- C. CITIZEN means:
  - 1. A person domiciled within the boundaries of a proposed or existing hamlet or village; a person who owns real property within the boundaries of a hamlet or village, but is domiciled outside those boundaries; or
  - 2. A business entity that is established under ORS Chapters 56-70, 554, 748, or that qualifies as a Business Trust under ORS Chapter 128 if the entity or trust owns real property or maintains a business located within a hamlet or village.  
To participate in formation activities, sign petitions, vote, or serve on the board of directors of a hamlet or village, a citizen who is an individual must be at least 18 years of age.
- D. COMMUNITY PLANNING ORGANIZATION (CPO), as described in Chapter 2 (Citizen Involvement) of the Clackamas County Comprehensive Plan, means a community organization which acts in an advisory capacity to the Board of County Commissioners, Planning Commission, and Planning Division on land use matters affecting its area. The CPO program is the method Clackamas County uses to meet Goal 1, Citizen Involvement, of the Statewide Planning Goals. A CPO is not considered an agent of the County.
- E. COUNTY LIAISON means the person designated by the County Administrator to facilitate communications among citizens, county staff, the Board and the BCC. The liaison will also render advice and assistance to citizens to accomplish the goals and objectives of this chapter.
- F. DOMICILE means the place where individuals have their true, fixed, permanent and principal home.
- G. HAMLET means an unincorporated area that is an organized forum for citizens to express issues of concern, prioritize activities, and coordinate community-based activities, as may be approved by the Board of County Commissioners. A hamlet is financed primarily through contributions, grants or volunteer fundraising activities.
- H. VILLAGE means an unincorporated area that is an organized forum for citizens to express issues of concern, prioritize activities, and coordinate community-based activities, as may be approved by the Board of County Commissioners and that, after approval by village citizens and the Board of County Commissioners, may be financed through a range of means.
- I. TOWN HALL MEETING means a general meeting of the hamlet or village that is open to the community and provides an opportunity to discuss and decide matters of hamlet or village concern.
- J. AGENTS OF THE COUNTY means that Hamlets and Villages board members acting within the scope of authority granted by the organization bylaws and county policies are advisory to the Board of County Commissioners and shall be treated as agents of the county for claims against them for purposes of the Oregon Tort Claims Act.

[Adopted by Ord. 03-2007, 2/22/07]

**2.10.040 CPO Functions, memoranda of understanding**

A hamlet or village may assume the functions of a CPO upon agreement of the existing CPO, the hamlet or village, and the BCC. If a hamlet or village seeks to assume the functions of a CPO, it must first meet with the CPO to discuss the proposed transfer of responsibility. If the CPO agrees to assumption of its functions by the hamlet or village, a memorandum of understanding shall be negotiated between the CPO and the hamlet or village. The memorandum shall outline how the assumption will take place, the scope of responsibility transferred, the ongoing status of the CPO once the transfer occurs, and how the CPO will resume functioning if the hamlet or village is ever dissolved. The memorandum will state that a hamlet or village board shall not be considered an agent of the county when acting in the capacity of a CPO. The memorandum may be signed by a proposed hamlet or village and CPO prior to formation, but must be approved by the BCC at the final formation hearing and signed by the BCC before going into effect.

[Adopted by Ord. 03-2007, 2/22/07]

## **2.10.050 Formation of a Hamlet or Village**

- A. Pre-petition process. One or more citizens desiring to form a hamlet or village will be known as “chief petitioner(s)” and shall comply with all of the following steps in the formation process:
1. Chief petitioner(s) must hold a public meeting to discuss the proposed formation. Notice of the meeting may be given by publication in a newspaper of general circulation or by any other means reasonably calculated to provide notice to citizens of the affected community.
  2. If the proposed hamlet or village has community support, the chief petitioner(s) shall then meet with county staff to discuss the proposal. Terms to be discussed with county staff include, but are not limited to, preliminary purposes, boundaries, activities, name, projected short and long-term needs, and possible methods of financing.
  3. Hamlet or village chief petitioner(s) shall communicate their proposal to special districts and cities within three miles of the proposed hamlet or village boundaries prior to circulating a petition for formation.
  4. Within 150 days of county staff approval of the proposed hamlet or village, chief petitioner(s) shall complete the hamlet or village application and gather the required number of signatures petitioning for formation of the hamlet or village. Application and petition forms may be obtained from the Clerk of the BCC county staff liaison.
- B. Hamlet petition. A petition for formation of a hamlet must be signed by at least 10% of the citizens located within the proposed hamlet boundary (based on the latest U.S. census or most recent county-acknowledged survey) or 100 citizens, whichever is the lesser number, and shall state the proposed name, preliminary purposes, preliminary boundaries, and proposed activities.
- C. Village petition. A petition for a village must be signed by at least 15% of the citizens located within the proposed village boundary (based on the latest U.S. census or most recent county-acknowledged survey) or 150 citizens, whichever is the lesser number, and shall state the proposed name, preliminary purposes, preliminary boundaries, proposed activities, and any proposed methods of financing for the village.

- D. Notice of public hearing. When a completed application and petition is received by the Clerk of the BCC county staff liaison, the county shall set a public hearing within sixty (60) days on the question of formation. The county shall provide the appropriate public notice as determined by the county's department of Public and Government Affairs ~~two successive notices in a newspaper of general circulation in the area of the proposed hamlet or village, and shall post a notice of the hearing for the same period of time in at least three public places in the proposed area and notify cities within three miles of the boundaries of proposed hamlet or village.~~
- E. Public hearing. At the public hearing, any person having an interest in the matter may appear and support or object to the formation of the hamlet or village. The BCC will consider the application and revise it as it deems appropriate.
- F. Resolution authorizing organizational process to complete formation. At the conclusion of the public hearing, the BCC may pass a resolution authorizing the chief petitioner(s) to proceed with the organizational steps necessary to complete the formation process as presented, or it may modify or reject the application.
1. The resolution authorizing further organizational steps shall include the hamlet or village name, preliminary purposes, proposed activities, and preliminary boundaries. The resolution may also include the date for a final public hearing on the proposed formation.
  2. During the organizational process, the BCC retains discretion to adjust the name, purposes, activities, and boundaries. The BCC may also set or adjust the date of the final public hearing on the proposed formation.
- G. CPO status. A vote by the BCC on the formation of a hamlet or village does not affect an existing CPO, unless otherwise provided in an approved memorandum of understanding.
- H. Organizational meeting(s). If the BCC passes a resolution authorizing the organizational steps necessary to complete the formation process, the chief petitioner(s) shall schedule one or more organizational meetings. Notice shall be by publication in a newspaper of general circulation in the affected area, or by other means reasonably calculated to provide notice to potential citizens of the proposed hamlet or village.
1. The chief petitioner(s) shall convene the first organizational meeting no later than sixty (60) days from the date on which the authorizing resolution is signed by the BCC.
  2. The chief petitioner(s) shall form one or more work groups for the purpose of developing bylaws, accepting nominations for board of director positions, and conducting other organizational activities, including but not limited to discussion of boundaries, purposes, and activities. Work groups may be formed at any organizational meeting.
  3. Candidates for positions on the board of directors of the proposed hamlet or village must be citizens of the proposed hamlet or village. Candidates shall complete an application form indicating their eligibility.
- I. Bylaws and board members. Bylaws shall define the qualifications, roles and responsibilities of board members, their terms of office, attendance requirements, the manner of filling vacancies, and the grounds and process for removal. A majority of the total number of board members shall constitute a quorum.
1. Bylaws shall also set forth purposes, activities, methods of action, and the process for amending the bylaws. Examples of hamlet or village activities include

communications, transportation, CPO functions, and working with other hamlets, villages, cities, CPOs, service providers, other organizations, or the county to achieve community goals.

2. In the case of a village, bylaws shall also expressly address the authority of, and process by which, a recommendation may be made to the BCC for establishment of additional taxes or fees to be paid by citizens of the village. A village has no independent authority to levy taxes or fees.

J. BCC preliminary approvals. At least thirty (30) days before a town hall vote, the chief petitioner(s) shall submit proposed bylaws and eligible board candidates to the BCC for preliminary approval at a public work session.

1. Other organizational issues may also be brought to the BCC in public work sessions for discussion and preliminary approvals.
2. Preliminary approvals by the BCC in public work sessions must be ratified at the final public hearing on the question of formation of the proposed hamlet or village.
3. Following preliminary approval by the BCC and prior to final ratification by the BCC, the county shall submit the question of formation of the proposed hamlet or village, the proposed bylaws, and board candidates, to the citizens of the proposed hamlet or village for a vote at one or more town hall meetings.

K. Town hall voting. Citizens of a proposed or existing hamlet or village are eligible to vote at a town hall meeting. If a business entity is owned by more than one person, only one person may claim to be a citizen because of such ownership. A non-resident owner of multiple parcels of real property may claim to be a citizen because of such ownership, but may cast only one vote. Multiple non-resident owners of the same real property may claim citizenship because of such ownership but may cumulatively cast only one vote and hold only one board position based on that property. Business entities and trusts are entitled to one representative vote. If more than one person claims to be the authorized representative of a business or real property, the votes cast by those persons shall be made by provisional ballots.

1. The voting process will be conducted by the county. Since the town hall model is designed to encourage citizen participation, citizens must be present at a town hall meeting to vote during the formation process. At each such meeting, a written agenda shall be available identifying the issues to be voted on to facilitate citizen participation.
2. More than one citizen may be a candidate in an election based on joint ownership of a business or property. Where this occurs, only the candidate receiving the most votes may take office.
3. If a majority of citizens present at the town hall meeting vote to support formation of the proposed hamlet or village, approve the bylaws and choose the board of directors, the chief petitioner(s) shall recommend the formation, bylaws and board, to the BCC for ratification at the final public hearing.
4. If a majority of citizens present at a town hall meeting vote not to support formation of the hamlet or village, the chief petitioner(s) shall so notify the BCC in writing, and the BCC may enter an order rescinding its resolution authorizing formation of the hamlet or village at the final hearing.

5. The outcome of town hall voting is not binding on the BCC. However, the BCC shall consider the voting results as a factor in deciding whether to approve formation of a hamlet or village, or other matters, at the final hearing.
- L. Provisional ballots. A provisional ballot is a vote that is conditionally counted, as set forth in this section. Provisional ballots shall be given to attendees at a town-hall meeting who cannot provide proof of hamlet or village citizen status at the time of the meeting, or in the event there is a dispute as to the authorized representative of a business or property.
1. In the event of a dispute over authorized representative status for a business or property, the burden is on the business or property owners to designate their authorized representative. Until then, the vote will be classified as provisional.
  2. To receive a provisional ballot, individuals must provide their name, address, contact telephone number, and basis for their claim of citizen status. If available, an email address must also be provided.
  3. Provisional ballots will be examined only upon a determination by the county that a sufficient number have been cast to possibly affect the outcome of the vote. In such event, public notice will be posted on the county's website of the intent to verify provisional ballots.
  4. If provisional ballots are to be examined, ballot-casters shall be notified of the need to provide proof of identification or other required information that verifies their status as citizens of the proposed hamlet or village who are eligible to cast votes. Voters casting provisional ballots will be given five (5) business days from the date of notification to provide proof of citizenship.
  5. Votes shall be counted by county staff or a designee.
- M. Final public hearing on formation and organizational issues. At the final public hearing, persons may present testimony on any matter relevant to the proposed formation of the hamlet or village. At the conclusion of the public hearing, the BCC shall enter an order approving, approving with modification, or rejecting formation of the hamlet or village. If the Board approves formation, it shall enter an order that includes the approval of the name, purposes, activities, boundaries, initial board members, and bylaws of the hamlet or village.
- N. Hamlet and village boundaries. There can be only one hamlet or village in any given geographic area. The boundaries of the hamlet or village shall not overlap the boundaries of another hamlet, village or city. To the extent permitted by law, the BCC will not permit encroachment into the hamlet or village boundaries by other entities.
- M. All villages and hamlets must formally acknowledge the strategic plan adopted by the Board of County Commissioners.

[Adopted by Ord. 03-2007, 2/22/07]

#### **2.10.060 Post-Formation Management of Hamlet and Village Affairs**

- A. Board of Directors. The interests of the hamlet or village are represented by a board of directors. The board is the representative voice of its citizens and serves in an advisory capacity to the BCC on issues of concern to the hamlet or village. ~~Prior to election, eligibility of candidates for the board of directors shall be approved by the BCC.~~
- B. Code of Conduct for Board Members:
  1. Serve the best interest of the hamlet or village as a whole regardless of personal interests.

2. Conduct open, fair and well-publicized elections.
3. Provide opportunities for the community to comment on decisions facing the hamlet or village.
4. Perform duties without bias for or against any individual or group.
5. Act within the boundaries of board authority as advisory to the BCC.
6. Comply with all other aspects of Oregon law applicable to public officials, including the public records law, public meeting law, ethics law, and election laws.

C. Removal of a Board member. Any member of the Board of Directors of a hamlet or village may be removed by a vote of 2/3 majority of all Board members. The matter of removal may be acted upon at any meeting of the Board. Notice of intent to consider removal shall be given to each Board member and the county staff liaison at least 14 days prior to the meeting at which removal is to be considered and included on the meeting agenda.

D. Meetings; public participation; action. Each hamlet or village board shall meet with citizensmembers at least quarterly at town hall meetings to identify, discuss, and prioritize community issues. All such town hall meetings shall be open to the public.

1. CitizensMembers and non-citizensmembers may attend and speak at town hall meetings.
2. Voting shall be conducted in accordance with Section 2.10.050(K), unless otherwise specified in approved hamlet or village bylaws. Town hall votes by citizensmembers are advisory to the hamlet or village board, and shall guide the board in setting policy direction in hamlet and village affairs.
3. Official hamlet or village action shall be taken only by a vote of the board. If the hamlet or village board takes action contrary to a town hall vote, that action, and the board's reasoning, shall be presented to the county liaison, and to citizensmembers at the next town hall meeting.

EE. Bylaw amendments. Proposed bylaw amendments shall be presented to the BCC for review and approval at a public work session scheduled at least thirty (30) days prior to a town hall vote on the amendments.

EF. Boundary changes. Using the process contained in its bylaws, a hamlet or village may request that the BCC modify its boundaries.

EG. Agreements. Upon approval of the BCC, a hamlet or village may enter into memoranda of understanding with neighboring jurisdictions or other organizations. The county may, on behalf of a hamlet or village, enter into an intergovernmental agreement with other governments.

FH. Activities; changes. Individual projects to be undertaken within activity areas identified in the hamlet or village bylaws must first be reviewed and approved by the county liaison to ensure consistency with the approved bylaws. Proposed changes to a hamlet or village activity list must first be presented by the board to the BCC for review and approval. If approved by the BCC, the change must also be approved by a majority vote of those citizens of the hamlet or village who are present at the town hall meeting at which approval is sought. If the change is approved, the hamlet or village bylaws must also be amended to reflect the change.

1. Annual report. Each hamlet and village shall provide the BCC with an annual report, which will be coordinated by the county staff liaison.

[Adopted by Ord. 03-2007, 2/22/07]

#### **2.10.070 Financing**

- A. Hamlet. A hamlet shall be financed primarily through contributions, grants, and volunteer fundraising activities. All such funds ~~must~~will be deposited with and administered by the county on behalf of the hamlet. ~~A hamlet may enter into agreements for the sharing of revenue with the county.~~
- B. Village. A village may generate revenue through a range of means, including contributions, grants, and volunteer fund-raising activities. All such funds ~~must~~will be deposited with and administered by the county on behalf of the village. A village may enter into agreements for the sharing of revenue with the county. If approved by a vote of the citizens at a town hall meeting, the board may also request that the BCC take any of the following actions:
1. Fund proposed activities within the boundaries of the village through the establishment of a tax, fee or other charge. The BCC may implement such a recommendation if the tax, fee or charge is permitted by law, the revenue generated is intended to support the delivery of an enhanced level of service, and the level of service would not otherwise be provided from appropriated county funds.
  2. Initiate formation of a county service district with a permanent rate limit for operating taxes. If approved by the BCC, formation will be initiated in accordance with ORS Chapter 451, which includes public hearings and a vote on the question of formation by registered voters within the boundaries of the proposed district.
  3. Authorize the village to circulate a petition for the formation of a local improvement district pursuant to Chapter 4.02 of the Clackamas County Code pertaining to construction of public roads, sidewalks, traffic-calming, street lighting, and related facilities.

[Adopted by Ord. 03-2007, 2/22/07]

#### **2.10.080 Dissolution**

- A. Initiation. Dissolution of a village or hamlet may be initiated by:
1. A resolution of the BCC; or
  2. Filing a petition with the ~~Clerk of the BCC~~county staff liaison. In the case of a village the petition must be signed by at least 30% of the citizens. In the case of a hamlet, the petition must be signed by at least 20% of the citizens. The latest U.S. census or most recent county-acknowledged survey data shall be used to determine if a petition meets the requirements of this section.
- B. Process.
1. The hamlet or village shall hold a town hall vote on the question of dissolution from at least thirty (30) days after, but no more than fifty (50) days after, initiation of the dissolution process.
  2. Following a town hall vote in favor of dissolution, the BCC shall hold a public ~~hearing~~meeting on the issue.

3. The BCC may enter an order dissolving the hamlet or village if the BCC finds:
  - a. It to be in the best interests of the citizens of the hamlet, village, or the county, to dissolve the hamlet or village;
  - b. That the hamlet or village has failed to regularly follow its adopted bylaws; or
  - c. That the hamlet or village has failed to meet the requirements of this Chapter.
- C. CPO status. Dissolution of a hamlet or village does not affect any existing CPO, except to the extent required by a written memorandum of understanding.
- D. Disposition plan. A petition for dissolution of a hamlet or village shall include a plan for disposing of assets and for payment of any indebtedness. In the case of a village, the plan must include a recommendation on whether to dissolve or continue any districts formed to serve the village. A BCC order approving dissolution shall include a plan for dissolution. If the order requires the dissolution of any districts, the dissolution of such districts shall be conducted in accordance with state and local law.

[Adopted by Ord. 03-2007, 2/22/07]

#### **2.10.090 Public meetings, public records**

- A. Public meetings. Meetings of hamlet and village boards, including town hall meetings where a quorum of the board is in attendance, are public meetings under the Oregon public meetings law. The requirements for public meetings include, but are not limited to, providing adequate meeting notice, opening the meetings to the public, recording votes, and keeping minutes.
- B. Public records. Hamlet and village records are public records subject to disclosure unless exempt. Public record requests must be submitted to the Clerk of the BCC county staff liaison for processing. The hamlet or village shall cooperate with the county in responding to each request.
- C. Records retention. All original records shall be retained by each hamlet or village as required by law, with copies provided to the Clerk of the BCC county staff liaison. Copies of all meeting minutes shall be submitted to the Clerk of the BCC county staff liaison within forty-five (45) days from the date of the meeting. Changes to the bylaws and a list of current board members shall be submitted to the Clerk of the BCC county staff liaison within thirty (30) days of any changes in bylaws or board members.

[Adopted by Ord. 03-2007, 2/22/07]

#### **2.10.100 Local budget and audit law, ~~charitable contributions, operating and miscellaneous expenditures, contracts~~**

- A. Local budget and audit law. Hamlets and villages may receive financial support from the county or other public or private fund sources, and shall cooperate with the county in complying with the requirements of the local budget and audit laws of the State of Oregon.
- ~~B. Charitable contributions. Charitable contributions made for the benefit of a hamlet or village may be paid to Clackamas County. As of the adoption date of this Ordinance, federal tax law provides an income tax deduction for charitable contributions to the county made exclusively for public purposes. Contributions received by the county on~~



~~behalf of a hamlet or village will be acknowledged in writing with the statement that the contribution is tax deductible to the full extent allowed by law.~~

~~C. B~~ County trust accounts. Working with the county liaison, a hamlet or village shall open a trust account with the County Treasurer to accumulate contributions, ~~described in section "B" above.~~ The account shall be established according to County Treasurer protocol. Authorized requests for funds held by the county in trust for the hamlet or village shall be made in writing to the county ~~liaison.~~

~~DC.~~ Imprest petty cash or bank account. A hamlet or village may maintain an imprest petty cash fund or an imprest bank account in an amount authorized by the BCC for ~~miscellaneous operating~~ expenditures, if provided in the hamlet or village bylaws. If the hamlet or village chooses to use an imprest bank account, all banking decisions must be coordinated with the County Treasurer or delegate. In addition, the County Treasurer or delegate must be an authorized signatory on the account and copies of all bank statements and reconciliations must be forwarded to the County Treasurer's office. Deposits in financial institutions must comply with all requirements of ORS Chapter 295.

1. As used in this section, "imprest" means a petty cash fund or a bank account into which a fixed amount of money is placed for the purpose of making minor disbursements for small, routine operating expenses. As disbursements are made, a voucher is completed to record the date, amount, nature, and purpose of the disbursement. The total of cash and the substantiating vouchers must always equal the total fixed amount of money set aside in the imprest fund or account.

~~ED.~~ County contract authority. Hamlets and villages shall not enter into contracts unless expressly authorized in writing by the BCC or its delegate. All Clackamas County contracts are subject to the Clackamas County Local Contract Review Board rules.

[Adopted by Ord. 03-2007, 2/22/07]

#### **2.10.110 Liability, risk management**

A. Agency status. Hamlet and village board members acting within the scope of authority granted by the organization bylaws and county policies are advisory to the BCC and shall be treated as agents of the county for claims against them for purposes of the Oregon Tort Claims Act. When acting in the capacity of a CPO, a hamlet or village board shall not be considered an agent of the county.

B. Fund-raising activities. A hamlet or village board must obtain approval from the county Risk Manager prior to staging public fund-raising activities.

C. Ethical standards. Directors and officers are public officials subject to the Oregon Government Ethics laws (Oregon Revised Statutes Chapter 244), and may be removed from office by the BCC if found to be in violation thereof.

[Adopted by Ord. 03-2007, 2/22/07]

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

| 11/28/2015 11:03 AM

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Recording Secretary

| 12/28/2015 11:03 AM



February 5, 2015

Board of County Commissioners  
Clackamas County

Members of the Board:

**A Resolution Regarding the Clackamas County Coordinating Committee (C4)**

<b>Purpose/Outcomes</b>	Resolution No. _____ affirming the continuation of the Clackamas County Coordinating Committee as a forum to promote coordination, cooperation, collaboration and consensus between the jurisdictions and to confirm that the Clackamas County Board of Commissioners will strive to reach consensus with C4 on issues and decisions.
<b>Dollar Amount and Fiscal Impact</b>	N/A
<b>Funding Source</b>	N/A
<b>Safety Impact</b>	N/A
<b>Duration</b>	Perpetual unless amended or repealed
<b>Previous Board Action</b>	At an issues discussion on February 2, 2015 the Board directed staff to present this resolution at a Board Business Meeting for approval.
<b>Contact Person</b>	Gary Schmidt, Public & Government Affairs Director
<b>Contract No.</b>	N/A

**BACKGROUND:**

In 2001 Clackamas County created the Clackamas County Coordinating Committee, or C4, to promote a partnership between the County, its Cities, Special Districts, Hamlets, Villages and Community Planning Organizations (CPOs).

The primary functions of C4 are to:

- Enhance coordination and cooperation between the jurisdictions.
- Establish unified positions on land use and transportation plans.
- Provide a forum for issues of mutual benefit and interest.
- Promote unified positions in discussion at the state and regional levels.

C4 voting membership includes representatives from 15 Cities, the County, Fire Districts, Sanitary Districts, Water Districts, Hamlets, Villages and Community Planning Organizations. Non-voting members include representatives from Metro, the Port of Portland, the Metro Policy Advisory Committee citizen representative, Rural Transit agencies and Urban Transit agencies. C4 is an advisory body to all member jurisdictions.

C4 Resolution  
February 5, 2015  
Page 2

Over the past 14 years, C4 has contributed to important regional discussions about transportation infrastructure and funding, land use, economic development, urban and rural services, emergency management, legislative priorities and other topics. C4 is a forum for local jurisdictions in Clackamas County to share information and collaborate on regional issues.

The purpose of this resolution is to affirm the continuation of C4 as a forum to promote coordination, cooperation, collaboration and consensus between the jurisdictions and to confirm that the Clackamas County Board of Commissioners will strive to reach consensus with C4 on issues and decisions.

**RECOMMENDATION:**

Staff recommends the Board approve this resolution.

Respectfully submitted,

Gary Schmidt  
Director, Public and Government Affairs

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Resolution  
Regarding the Clackamas County  
Coordinating Committee (C4)



Resolution No.:  
Page 1 of 2

**WHEREAS**, during the 1990's, Clackamas County convened an annual local government summit to share information and discuss possibilities for coordination and collaboration; and

**WHEREAS**, these summits were well received and considered beneficial but were limiting in that they only occurred once a year, in 1999 the Clackamas County Board of County Commissioners began discussing the possibility of creating a Clackamas County Coordinating Committee, modeled after the Washington County Coordinating Committee; and

**WHEREAS**, on September 26, 2001 the Clackamas County Coordinating Committee, or C4, was founded by Clackamas County to promote a partnership between the County, its Cities and Special Districts; and

**WHEREAS**, in subsequent years C4 added voting representatives from Hamlets, Villages and Community Planning Organizations (CPOs); and non-voting representatives from Metro, the Port of Portland, rural transit agencies and urban transit agencies; and

**WHEREAS**, the primary functions of C4 are to enhance coordination and cooperation between the jurisdictions, establish unified positions on land use and transportation plans, provide a forum for issues of mutual benefit and interest, promote unified positions in discussion at the state and regional levels, and

**WHEREAS**, C4 has contributed to important regional discussions about transportation infrastructure and funding, land use, economic development, urban and rural services, emergency management, legislative priorities and other topics; and

**WHEREAS**, while C4 membership and interest has ebbed and flowed over the past 14 years, C4 remains the only monthly forum for local jurisdictions in Clackamas County to share information and collaborate on regional issues.

**NOW THEREFORE, the Clackamas County Board of County Commissioners do hereby resolve as follows:**

1. The Clackamas County Coordinating Committee (C4) will continue to exist and serve as a forum to enhance coordination, cooperation, collaboration and consensus between the jurisdictions.
2. The decisions of the Clackamas County Coordinating Committee (C4), while not binding on any jurisdiction, will be thoughtfully considered by the Clackamas County Board of Commissioners.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Resolution  
Regarding the Clackamas County  
Coordinating Committee (C4)



Resolution No.:  
Page 2 of 2

3. The Clackamas County Board of Commissioners will attend C4 meetings as often as practical and possible to share input and contribute to the local discussion on regional issues.
4. The Clackamas County Board of Commissioners will endeavor to achieve agreement with the Clackamas County Coordinating Committee (C4) on key issues upon receipt of a written request from the C4 Executive Committee.

**DATED** this \_\_\_\_ day of February, 2015

**CLACKAMAS COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

3

# Approval of Previous Business Meeting Minutes:

## January 22, 2015

(minutes attached)





# BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

A complete video copy and packet including staff reports of this meeting can be viewed at

<http://www.clackamas.us/bcc/business.html>

**Thursday, January 22, 2015 – 10:00 AM**

**Public Services Building**

**2051 Kaen Rd., Oregon City, OR 97045**

**PRESENT:** Commissioner John Ludlow, Chair  
Commissioner Jim Bernard  
Commissioner Paul Savas  
Commissioner Martha Schrader  
Commissioner Tootie Smith

## **CALL TO ORDER**

- Roll Call
- Pledge of Allegiance

## **I. CITIZEN COMMUNICATION**

<http://www.clackamas.us/bcc/business.html>

1. Les Poole, Gladstone – spoke regarding Metro.
2. Mack Woods, Canby – supporting Veterans.

## **II. PUBLIC HEARINGS**

1. Board Order No. **2015-04** Boundary Change Proposal CL 14-006, Annexation to Clackamas County Rural Fire Protection District No. 1  
Chris Storey, County Counsel, Ken Martin, Boundary Change Consultant presented the staff report.  
Chair Ludlow opened the public hearing and asked if anyone wishes to speak, seeing none he asked for a motion.

### **MOTION:**

Commissioner Bernard: I move we approve the Board Order for Boundary Change proposal CL 14-006, Annexation to Clackamas County Rural Fire Protection District No. 1.

Commissioner Smith: Second.

Clerk calls the poll.

Commissioner Bernard: Aye.

Commissioner Smith: Aye.

Commissioner Schrader: Aye.

Commissioner Savas: Aye.

Chair Ludlow: Aye – the motion passes 5-0.

2. Board Order No. **2015-05** Boundary Change Proposal CL 14-005, Annexation to Clackamas County Service District No. 1  
Chris Storey, County Counsel, Ken Martin, Boundary Change Consultant presented the staff report.

*~Board Discussion~*

Chair Ludlow opened the public hearing and asked if anyone wishes to speak, seeing none he asked for a motion.

### **MOTION:**

Commissioner Bernard: I move we approve the Board Order for Boundary Change proposal CL 14-005, Annexation to Clackamas County Service District No. 1.

Commissioner Schrader: Second.

*~Board Discussion~*

Clerk calls the poll.

Commissioner Smith: Aye.

Commissioner Schrader: Aye.

Commissioner Savas: Aye.

Commissioner Bernard: Aye.

Chair Ludlow: Aye – the motion passes 5-0.

3. Board Order No. **2015-06** Boundary Change Proposal CL 14-008, Annexation to Sunrise Water Authority

Chris Storey, County Counsel, Ken Martin, Boundary Change Consultant presented the staff report.

Chair Ludlow opened the public hearing and asked if anyone wishes to speak.

1. Joao Guerreiro, Happy Valley – questions regarding the process and how it relates to his property.

Chair Ludlow stated we would have staff get back to him to answer his questions.

Chair Ludlow asked if anyone else wished to speak, seeing none he asked for a motion.

**MOTION:**

Commissioner Savas: I move we approve the Board Order for Boundary Change proposal CL 14-008, Annexation to Sunrise Water Authority.

Commissioner Schrader: Second.

Clerk calls the poll.

Commissioner Schrader: Aye.

Commissioner Savas: Aye.

Commissioner Bernard: Aye.

Commissioner Smith: Aye.

Chair Ludlow: Aye – the motion passes 5-0.

**III. DISCUSSION ITEM**

**Department of Transportation & Development**

1. Approval of the Clackamas County Planning & Zoning Division 2015-2016 Work Program

Mike McCallister, Planning Director presented the staff report.

*~Board Discussion~*

Chair Ludlow announced this is a discussion item and stated there are several folks signed up to speak.

1. Jim Martin, Oak Grove – comments on additional items to add to work program – submitted letter.
2. Ed Riddle, Oak Grove – read letter from Nate Burton Map-it member with comments on work program.
3. Chips Janger, Oak Grove – comments on work program.
4. Joan Hamilton, Oak Grove – comments on work program – read comments.
5. Carole Mastronarde, Jennings Lodge – role of CPO's in land use issues.
6. Karen Bjorklund, Milwaukie – Representing Jennings Lodge CPO – comments regarding work program – submitted letter.
7. Tom Weaver, Milwaukie – comments on work program – submitted letter.
8. Elizabeth Bentley, Jennings Lodge – comments regarding R10 zoning – submitted a letter.

9. Carol Powers, Milwaukie – comments regarding work program in regards to Park Ave. Station.
10. Eleanor Hunter, Oak Grove – comments regarding work program – submitted letter.
11. Les Poole, Gladstone – comments regarding work program.
12. Mack Woods, Canby – comments regarding LCDC and high taxes.
13. Thelma Hagenmiller, Oak Grove – concerns with the work program – submitted letter.
14. Peter Ovington, Oak Grove – new to the area and looking forward to light rail.
15. Pat Russell, Milwaukie – comments regarding work program – submitted letter.

Chair Ludlow closed the public hearing.

Commissioner Bernard made the following motion:

**MOTION:**

Commissioner Bernard: I move we adopt the Clackamas County Planning and Zoning 2015-2016 work program and direct staff to come back in the next month to provide a proposal adding stationary planning to the 2015-2016 work plan.

Commissioner Smith: Does that include Park Ave. – ok – Second.

~Board Discussion~

<http://www.clackamas.us/bcc/business.html>

**Amended MOTION:**

Commissioner Bernard: I move we approve the Clackamas County Planning and Zoning 2015-2016 Work Plan and (paragraph 1 and 3 from staff report)  
*Paragraph 1.* Adopt the Planning staff recommendation to include phase 4 of the 5 year audit of the ZDO. Projects I (1-4). Like the on-going phase 3 work of the ZDO audit being completed this year, this is again an ambitious scope of work that is stretching staffing resources, but can be accomplished with existing staff.  
*Paragraph 3.* Adopt the Planning staff recommendation identified in paragraph No. 1 and direct staff to continue conversations with stakeholders interested in a Park Ave. station Area Plan. Report back to the BCC before the end of the current fiscal year on the progress of those conversations and interest of the affected property owners and community to consider changes to the Comprehensive Plan and Zoning and Development Ordinance. At that time the BCC could reconsider and make changes to the work program based on the scope, staffing resources and cost of the project.

~Board Discussion~

Chair Ludlow stated there will be a policy session to discuss the R10 zone.

Clerk calls the poll.

Commissioner Savas: No.

Commissioner Bernard: Aye.

Commissioner Smith: Aye.

Commissioner Schrader: Aye.

Chair Ludlow: Aye – the motion passes 4-1.

**IV. CONSENT AGENDA**

Chair Ludlow asked the Clerk to read the consent agenda by title – the then asked for a motion.

**MOTION:**

Commissioner Smith: I move we pass the consent agenda.  
Commissioner Schrader: Second.  
Clerk calls the poll.  
Commissioner Bernard: Aye.  
Commissioner Schrader: Aye.  
Commissioner Smith: Aye.  
Commissioner Savas: Aye.  
Chair Ludlow: Aye – the motion passes 5-0.

**A. Department of Transportation & Development**

1. Board Order No. **2015-07** to Acknowledge SE Sunnybrook Blvd. as a County Road, County Road No. 3418

**B Elected Officials**

1. Approval of Previous Business Meeting Minutes – *BCC*

**C. Administration**

1. Approval and Adoption of Affirmative Action Hiring Goals – *Diversity, Equity & Inclusion*

**D. Department of Employee Services**

1. Approval of an Amendment to the Clackamas County Health Care Flexible Spending Account Plan Document
2. Approval of Agreements with Providence Health Plan and Unified Life Insurance Company for Administrative Services for Clackamas County's Self-Funded Medical Benefits
3. Approval of the Labor Contract between Clackamas County and the Clackamas County Peace Officers Association (CCPOA)

**V. NORTH CLACKAMAS PARKS & RECREATION DISTRICT**

1. Approval of an Oregon Parks and Recreation Department Recreational Trails Program Agreement, RT14-021, Sunnyside Village Trail

**VI. COUNTY ADMINISTRATOR UPDATE**

Nancy Newton, Deputy County Administrator

<http://www.clackamas.us/bcc/business.html>

**VII. COMMISSIONERS COMMUNICATION**

<http://www.clackamas.us/bcc/business.html>

**MEETING ADJOURNED - 12:30 PM**

**NOTE: Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove by the following Saturday. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel. [www.clackamas.us/bcc/business.html](http://www.clackamas.us/bcc/business.html)**