

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Staff Presentation Worksheet

Presentation Date: July 26, 2011 Time: 11:00 am Length: 30 minutes

Presentation Title: Amendment of Chapter 8.03 of the County Code

Departments: Clackamas County Sheriff's Office and County Counsel

Presenters: Lt. Will Behan, Sgt. Adam Phillips, Det. David Kennel, and Asst.
County Counsel Scott Ciecko

POLICY QUESTIONS

Should the Board of County Commissioners (the "BCC") repeal and replace Chapter 8.03 of the County Code relating to the regulation of secondhand dealers, in order to update the Code and to enact regulatory standards that are consistent with other jurisdictions in the Portland metropolitan area? Furthermore, in updating the Code should the BCC delegate responsibility for issuing and denying secondhand dealer licenses to the Clackamas County Sheriff's Office (the "CCSO")? Finally, if the BCC decides to amend the Code as recommended, will the BCC declare an emergency making the ordinance effective immediately upon adoption by a unanimous vote after a single reading?

ISSUES & BACKGROUND

Secondhand dealers are defined in the County Code as individuals or businesses that generate revenue by purchasing and reselling regulated property. Regulated property is defined in the Code to include used items such as electronics, jewelry, power tools, and sporting goods. These and other similar items have been found by the CCSO to frequently be stolen and pawned or sold to secondhand dealers.

The regulation of secondhand dealers within the County is necessary and is a matter of County concern because it assists the CCSO in their ability to monitor and track stolen property. Secondhand dealer regulation and monitoring can result in stolen property being located and used as evidence in criminal prosecutions, and then returned to their rightful owners. Furthermore, the regulation can deter criminals from attempting to sell stolen items within the County.

In recent years, other jurisdictions in the Portland metropolitan area have updated their ordinances relating to secondhand dealers. These updates have generally resulted in tighter regulation of secondhand dealers, as well as an increase in efficiency with which local law enforcement agencies are able to track stolen property.

The changes proposed to Chapter 8.03 of the County Code, attached hereto as Exhibit A, largely mirror the changes that have been made in neighboring jurisdictions. The

changes are important to ensure that secondhand dealers in Clackamas County do not become more loosely regulated when compared to dealers in other local jurisdictions which may lead to an influx of trafficking in stolen property within the County.

Some of the most significant changes that are proposed in the attached version of the County's secondhand dealer code include the following:

- Delegates responsibility for issuing and denying licenses from BCC to CCSO;
- Adds a number of definitions to clarify application of the chapter;
- Requires that secondhand dealers maintain a fixed business location and must notify the CCSO if/when a business name is changed;
- Allows applicant who is denied issuance or renewal of a license an opportunity to appeal to County hearings officer;
- Adds provision enabling reporting of all regulated transactions to be accomplished electronically through the use of interactive database software known as RAPID;
- Adds requirements for information that must be recorded when a dealer purchases regulated property – specifically:
 - Requires a photograph, video, or a photocopy of a photo identification card, to be taken of all sellers;
 - Requires thumbprint to be obtained from all sellers;
 - Requires sellers to sign a declaration of ownership prior to selling property.
- Prohibits dealers from purchasing and reselling medications or gift cards.

QUESTION PRESENTED FOR CONSIDERATION

1. Will the BCC repeal and replace Chapter 8.03 of the County Code, secondhand dealers, so that Clackamas County regulations are more consistent with other jurisdictions in the Portland metropolitan area in order to promote consistency in the region?
2. If the answer to Question #1 is yes, will the BCC enact the amendments proposed by the CCSO including the specific changes outlined above and shown in Exhibit A attached hereto?
3. If the answer to Question #2 is yes, will the BCC pass the ordinance on an emergency basis making the ordinance effective upon its adoption?

OPTIONS AVAILABLE

1. Make no change to Chapter 8.03 of the Code.
2. Make all changes proposed by the CCSO.
3. Make only some of the changes proposed by the CCSO.

RECOMMENDATIONS

The CCSO and counsel respectfully recommend that the BCC make all of the proposed changes to Chapter 8.03 of the Clackamas County Code that outlined above and shown in Exhibit A, by passing an ordinance on an emergency basis so that the ordinance becomes effective upon its passage. By making these changes, the regulation of secondhand dealers in Clackamas County will mirror the regulation of dealers in other metropolitan jurisdictions. These tightened regulations will ensure that the CCSO is able to efficiently monitor and track the sale of stolen property, and will help prevent an influx of individuals to the County who seek to sell stolen goods.

SUBMITTED BY:

Scott Ciecko, Assistant County Counsel

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Anja Mundy at 503-655-8362.
