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Report on Compulsory Retirement for Judges (State Ballot Measure No. 9); Report on Special City Tax Levy for Civil Defense and Disaster Relief (Municipal Measure No. 51); Report on Special Tax for Zoo Expansion, Operation (Municipal Measure No. 56); Report on Sewer User Service Charge (Municipal Ballot Measure No. 55); Report on Bonds for State Buildings (State Ballot Measure No. 8); Report on Partial Charter Revision (Municipal Measure No. 60)

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**REPORT
ON
COMPULSORY RETIREMENT FOR JUDGES
(State Ballot Measure No. 9)**

Purpose: To amend Constitution to require judges to retire at age 75. Permits Legislature to require retirement of judges when disabled or at age 70.

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

ASSIGNMENT

Your Committee was assigned to study and report on the amendment to the Oregon Constitution which would require judges to retire at age 75 and which would also permit the Legislature to require retirement of judges at any age from 70 or over, or for any disability or other cause rendering them incapable of performing their judicial duties. It further permits the Legislature to provide for recall of retired judges to temporary active service. The amendment in full reads as follows:

ARTICLE VII

“Section 1(a). Notwithstanding the provisions of Section 1, Article VII (Amended) of this Constitution, a judge of any court shall retire from judicial office at the end of the calendar year in which he attains the age of 75 years. The Legislative Assembly or the people may by law:

- (1) Fix a lesser age for mandatory retirement not earlier than the end of the calendar year in which the judge attains the age of 70 years;
- (2) Provide for recalling retired judges to temporary active service on the court from which they are retired; and
- (3) Authorize or require the retirement of judges for physical or mental disability or any other cause rendering judges incapable of performing their judicial duties.

This section shall not affect the term to which any judge shall have been elected or appointed prior to or at the time of approval and ratification of this section.”

LEGISLATIVE HISTORY

This amendment was proposed by the regular session of the 1959 Oregon Legislature and was referred to the people for their approval or rejection in the general election to be held in November of 1960.

SCOPE OF INVESTIGATION

The Committee investigated compulsory judicial retirement provisions of other states; studied the Legislative Committee Report, and the proposals and recommendations of the Oregon Bar; interviewed a number of lawyers and judges; compared the productivity records of some older and some younger justices; and surveyed some of the literature relating to the general problem of the retirement of the elderly.

WHAT THE AMENDMENT WOULD DO

The purpose and effect of the amendment are self-evident. Justices over 75 in any Oregon court would be automatically retired and placed on pension, but the term of office of any judge serving at the time this amendment is adopted would not be affected. The Legislature is empowered to provide for recalling any such judge to temporary active service, however. Thus, the services of an active and competent elderly judge need not be lost. The Legislature is further empowered to lower the retirement age to as low as 70 years, and provide for retirement for any disability. The current system of voluntary retirement at an earlier age is not altered.

DISCUSSION

The problem of the work capacity of the elderly person is by no means restricted to judges. Because the work of judges is peculiarly related to the public interest, however, it is cause for special concern. The Report of the Legislative Interim Committee on Judicial Administration puts it well:

"Even an extremely able man begins to slow down in his working capacity as he reaches an advanced age. Some men deteriorate very rapidly in late years, losing the physical vitality and mental alertness required of a busy judge. Moreover, illnesses become more frequent and more severe. All these factors add up to reduced ability to perform the judicial tasks and at times result in serious injustice to litigants. In one judicial district of the state, the business of the circuit court has come almost to a standstill for this reason. In another, a judge takes cases under advisement for inexcusably long periods of time and has on occasion lost firm control of the conduct of trials in his court. On the Supreme Court, illnesses of older judges have seriously impaired the court's work.

"It is evident to the committee that there must be mandatory retirement of judges. Not all judges who reach an advanced age slacken off in their capacity for work. Most of them do, however. Experience in this state's court system and experience in business and government generally demonstrate beyond doubt that a voluntary retirement system simply will not work. The judge who most certainly ought to retire is the one who is stubborn enough or deluded enough to believe he is still as good as ever. No one is willing to bell the cat. Accordingly, a mandatory system is the only workable solution to the problem."

The Oregon State Bar has declared in favor of compulsory retirement, and for this particular amendment. At least twenty other states have a similar policy in force. None of the lawyers and judges who were interviewed—including elderly persons—objected to adoption of the proposal.

The rare support accorded this particular compulsory retirement program appears to be due to the fact that the Legislature would be empowered to authorize recall of judges for temporary active service. Were it not for this power, which your Committee feels is crucial to the merit of the proposal, many exceedingly able and productive judges would be forced from the bench and the public needlessly deprived of their services because of a heedless, rigid rule. In considering how unsatisfactory this would be, one may reflect upon the record of men like Oliver Wendell Holmes, Jr., whose appointment to the United States Supreme Court was at an age which would have been in the twilight years of most men's lives, yet whose opinions retained every bit of their pith and precision, and flowed plentifully from his pen, for many years thereafter. Many other examples come to mind, including names of great contributors on our own Oregon courts.

Since a procedure for the recall of retired judges to active service is contemplated, however, your Committee feels that the amendment represents sound policy. There is sufficient possible harm to the public interest from the effects of slowness, illness, low productivity, and inflexibility of mind, not to mention occasional cases of outright senility, to outweigh the psychological harm to the aged judge who is compelled to retire. This harm is real, and an absolute age criterion for retirement can work real injustices. But on the balance it seems preferable to your Committee to make the standard of age apply uniformly to all, with the exception made for recall of the clearly competent, than to attempt to single out the man heavily impaired by aging for selective compulsory retirement. Culling out the latter is difficult. Psychological tests, procedures for filing individual complaints, productivity records, and the like, all seem to have serious defects. Further, the singling out is embarrassing both to its object and to those charged with the task, while a uniform compulsory retirement of all of a given age is less so. Indeed, there is a possibility for paying honor to a judge who is young in mind though old in years by recall to active service under the uniform age standard system, while there seems to be no such possibility under any alternative course of action.

The retirement age recommended is in fact higher than that required by most plans in the academic and business communities, so there appears to be nothing arbitrary in the amendment from this viewpoint.

As an addendum to our conclusion that the amendment is worthy of endorsement, we should like to emphasize that its effectiveness seems to us to depend upon sound enabling legislation. A fair and workable procedure for calling judges back to service is a must, and we urge that the Legislature take immediate steps to establish such a procedure. Further, the current pension plan and the salary scale of Oregon judges are markedly inferior to those of many other progressive states, and cannot fail to be factors which tend to deter exceptionally able men from undertaking judicial service. A compulsory retirement program should be only a part of a general program for strengthening the courts.

RECOMMENDATION

Your Committee unanimously recommends that the City Club go on record in favor of the proposed constitutional amendment, and urges a vote of No. 9, "Yes".

Respectfully submitted,

Gordon Beebe,
Charles Bradley, M.D.
Walter H. Evans, Jr.
Albert L. Green
Charles H. Habernigg
Rolf Schickler
Dr. James C. Caughlan, *Chairman*

Approved October 12, 1960, by the Research Board for transmittal to the Board of Governors.

Received by the Board of Governors October 14, 1960, and ordered printed and submitted to the membership for discussion and action.

**REPORT
ON
SPECIAL CITY TAX LEVY FOR CIVIL DEFENSE
AND DISASTER RELIEF
(Municipal Measure No. 51)**

Purpose: An Act amending city charter to provide a special tax levy of \$125,000 for each of five successive years beginning with the fiscal year 1961 - 1962 to be placed in a special fund for Disaster Relief and Civil Defense.

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

ASSIGNMENT

Your Committee was appointed to study and report on a proposed amendment to the charter of the City of Portland which would authorize a special tax levy of \$125,000 for each of the next five years

" . . . for the purposes of obtaining property, emergency supplies, equipment and facilities and/or matching any other funds which may be made available for the purpose of organization or equipment and/or other supplies for disaster relief and/or civil defense including but not limited to communications equipment, warning devices, field equipment, medical, first aid equipment, fire equipment and rescue and warning equipment, for the construction of other facilities and acquisition of other equipment and supplies for disaster relief and/or civil defense purposes, for preservation of essential city records, for installation and maintenance of equipment, for employment of personnel and payment of salaries, and for other preparation for possible disaster relief, and/or civil defense needs or for purchase, installation, construction or other expenditure for such purposes."

SOURCES OF INFORMATION

Your Committee spent one afternoon at the Portland Emergency Operations Center, where the operation and equipment were explained by Jack Lowe, Director of Disaster Relief and Civil Defense for the City of Portland. Mr. Lowe furnished a memorandum answering questions posed by the Committee, and giving the recommended utilization of the funds to be raised by the Special Levy. The City Auditor's office furnished figures showing receipts and expenditures of the Disaster Relief and Civil Defense Fund and the contributions to the program from the General Fund of the City. Mayor Schrunk discussed the necessity of the proposed special tax levy. Col. L. C. Berry, representing the office of the State Director of Civil Defense, met with the Committee, and your Committee corresponded with Philip Batson, Director of Civil Defense and Defense Mobilization, Region 8. Members interviewed county officials and officers at the Portland Air Base, and studied the medical and nuclear physics aspects of the program. Your Committee has been furnished material on the local, state, and national civil defense programs.

THE MEASURE

If approved at the general election on November 8, the measure will authorize the city to collect from taxes outside the 6% limitation, \$125,000 per year for five years, to be disbursed from a special fund for the purposes outlined in the foregoing

excerpt from the proposed charter amendment. The recommended yearly utilization of these funds is given by Mr. Lowe as follows:

Disaster Relief and Civil Defense Office.....	\$ 52,268
Training and Education	10,926
Operations Center	21,076
Communications	27,390
Attack Warning	13,900
Records Preservation	9,718
Engineering Service	47,392
Fire Service	7,696
Medical Service	28,696
Warden Service	7,696
Reserve and Contingency	4,989
TOTAL	\$231,747
Anticipated Federal and State matching and participating funds....	105,747
To be provided by the special levy	125,000

HISTORY

At the general election on November 4, 1952, a charter amendment was approved authorizing a one-mill tax levy in the amount of \$600,000 for the fiscal year 1953-1954 for disaster relief and civil defense. The general purposes of this special tax levy were the same as now proposed. In the seven years from July 1, 1953, through June 30, 1960, receipts from the special levy were \$603,427.73—from interest, \$8,450; from Federal and State matching funds, \$155,651.77, and from other sources, \$28,346.88. Of this total, \$448,335.33 was expended for buildings (principally the present Emergency Operations Center on S.E. 103rd Ave.), \$752.11 for land, \$126,686.94 for equipment, and \$192,140.69 for operation and maintenance.

The Disaster Relief and Defense Fund has now on hand from the 1953-1954 \$600,000 tax levy a balance of \$27,710.26. During this period the city has furnished from its general fund in support of the program, including the program for microfilming and preserving city records, \$465,508.71. The budget for the coming year totals \$75,053, of which \$25,000 is from the balance of the special tax levy of 1952, \$40,557 from the General Fund of the City, \$6,799 from the Federal government and \$2,587 from the State of Oregon.

In explanation of the difference between the present projected budget and the requested yearly levy, Mr. Lowe writes:

"You will note our present budget contemplates expenditures by the City of a total of \$65,667.00 and that we are asking in the special tax levy for annual funds of \$125,000.00. Please note our present budget is a minimum maintenance budget. It does not include necessary staff personnel to do a proper job, nor does it include any items of equipment and only those supplies required for minimum maintenance of existing facilities. Our budget last year totaled \$98,496.00 which in turn was a decrease from the previous year. During the past several years, because of the increasing pinch on the General Fund, it has been necessary for us to continually drop staff personnel and consequently decrease our activities in all segments of the program."

DISCUSSION

The proposed charter amendment was placed upon the general election ballot by the City Council because (1) the balance remaining from the special tax levy of 1952 will be exhausted in the present fiscal year, and (2) the City Council has determined that the City cannot continue to support this program from the general fund of the City as it has since 1953-54, due to lack of sufficient funds for other essential services which the City must furnish.

The proposed special tax levy, if approved, would assure continuance of the present local civil defense and disaster relief program on a somewhat augmented level for at least five years. The Mayor stated that the proceeds of the five year tax levy would not necessarily be limited to support for that period but would be stretched to cover such further time as conditions may permit.

In any discussion of civil defense we are faced at the outset with two arguments: First, we may never be involved in a war which would result in a bomb or bombs being exploded in this area; second, if a nuclear bomb is exploded here, everything in the area would be obliterated, and no civil defense activity could function.

On the first point we quote from Severud and Merrill, *The Bomb, Survival and You*:

"It is impossible for anyone to predict at this stage of the world's confusion or alarm whether or not the hydrogen bomb will ever be used in warfare. . . . Until a reliable means of security is established we must all realistically accept the fact of the hydrogen bomb and its magnitude of destruction. This being the case, the need for urban protection and enlarged civil defense measures becomes more urgent than ever before."

On the second point, whether the bomb is dropped from a plane at stratosphere height or is launched by missile, the exact area on which it will explode is uncertain. It may be launched or dropped to destroy our dams or air installations, and thus the burst may be at some distance from the city, or anywhere in the city area. The maps of the Civil Defense organization show that the indicated area of total destruction would leave much of the remaining territory covered by this program subject to damage from blast and radiation which would require all the help which could be provided by civil defense agencies.

The whole so-called "Early Warning System" of outpost radar and observation stations is prepared to give advance warning of an attack. The Civil Defense program is planned to make possible a speedy and orderly evacuation of the target area. It is submitted that no such program is possible without some agency set up to prepare and carry it out.

The 1952 tax levy, and Federal, State, and City General Fund contributions have been used for:

1. construction of a self-contained emergency operations center,
2. procurement of radio base stations for the operations center as well as other mobile and utility radio units,
3. establishment of a microfilming program to preserve all essential city records,
4. construction of a training center for teaching civil defense skills and techniques,
5. installation of special controls (Greenlight System) for the movement of evacuation traffic, and
6. installation of public attack warning system.

The substantial Federal, State, and other outside financial help to the program, which between 1953 and 1960 amounted to approximately \$184,000, would not have been available if this program had not been supported by the 1952 tax levy and general fund contributions. All these outside funds have been and will continue to be granted only on a matching basis. The Director advises that the Federal government is currently providing 50 per cent of the funds needed for operational equipment, maintenance of equipment, construction and maintenance of Operations and Training Centers, and training and educational equipment and supplies. As of January 1, 1961, the Federal government will pay 50 per cent of administrative expenses, including salaries of full time civil defense personnel. It is expected that such administrative matching funds will continue to be available, but such payment will be dependent upon the City's compliance with federal requirements.

Your Committee understands that relief from disasters other than war is a residual feature of the program. If a natural disaster or fire destroys the City Hall, or some major portion of the City, the facilities provided by the Operations Center for offices, communications and microfilmed city records will make possible carrying on the city government from that location. Valuable as such a facility is, the Civil Defense Director admits that the natural disaster relief aspect of the program alone would not justify the support and expenditures requested.

The comparative impact of the requested special levy may be understood by realizing that each \$100 of taxes levied for each of the next five years would be increased approximately 22 cents. In answer to our question on the effect of a defeat of the special

tax levy at the coming election, the Mayor stated that the Council would attempt to maintain the Emergency Operations Center on a standby basis out of the general fund until the matter could be submitted to the voters at a later election.

Civil defense must be considered as an integral part of the national defense program. We quote President Dwight D. Eisenhower:

"There persists in many minds the image of civil defense as something apart from regular government, something which would spring into being to bear the vast responsibility of home defense and recovery in case of attack. This is a false image. The responsibilities for civil defense in this Nation rest squarely on regularly constituted government at local, State, and Federal levels, and upon people. Our total defense is incomplete and meaningless without reliable and responsible home defense. Survival cannot be guaranteed merely with a capacity for reprisal. Equally important is our ability to recover. Along with our military defense, retaliatory forces, civil defense and defense mobilization are vital parts of the Nation's total defense—together they stand as a strong deterrent to war."

General L. L. Lemnitzer, Chairman of the U. S. Joint Chiefs of Staff, declared:

"A strong civil defense program which could not only minimize losses to our population in the event of an attack on the United States but also facilitate support of the military effort in the subsequent phases of general nuclear war is, to my mind, an important element of our over-all deterrent."

CONCLUSIONS

1. In the present state of the world we must assume the possibility of an atomic bomb attack on this area.
2. If such an attack is made, the training programs and plans for evacuation of the civil population and for providing emergency governmental facilities would be instrumental in saving lives and would make possible the survival of civil government.
3. The 1952 tax levy provided facilities and a wisely administered program which have received national commendation. The proposed tax levy would provide continuation of the present program on a somewhat augmented level for at least five more years.
4. The contribution of matching funds by Federal and State Agencies, which will apparently continue at an increased level, is dependent on support of the program out of local tax funds.
5. The continuance of this program through funds provided by the city's taxpayers is required in order to protect the people of Portland from hazards of war or natural disaster, and their own profound apathy.
6. A strong local civil defense program would contribute to the total national defense and act as a deterrent to attack.
7. An improved public information program is essential to a strong local civil defense effort.

RECOMMENDATION

Your Committee recommends that the City Club go on record in favor of an affirmative vote on the Special City Tax Levy for Civil Defense and Disaster Relief, and that it urge a vote of No. 51 "Yes."

Respectfully submitted,

Dr. O. M. Cox
Dr. Kenneth E. Davis
Neil Farnham
William L. Josslin
Col. Paul F. Mielly
Stanton W. Allison, *Chairman*

Approved October 12, 1960, by the Research Board for transmittal to the Board of Governors.

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**REPORT
ON
SPECIAL TAX FOR ZOO EXPANSION,
OPERATION
(Municipal Measure No. 56)**

Charter amendment providing special continuing five-year tax levy outside constitutional limitations of 550 thousand dollars per year for enlargement, improvement, relocation, operation and maintenance of exhibit and patron facilities, utility facilities, parking areas, roadways, concessions, additional equipment, exhibit and personnel at Zoo, limiting maintenance and operation to one-fourth of revenue.

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

The undersigned Committee has examined City Council Resolution No. 28378 to submit to the voters at the general election of November 8, 1960, an act to amend the Charter of the City of Portland by providing for a special five year tax levy. This levy would commence with the fiscal year 1960-61 and would provide \$550,000 per annum for the expansion and improvement of the Zoo facilities of the City of Portland. The levy would have the effect of increasing property taxes approximately one per cent.

SCOPE OF COMMITTEE'S WORK

Your Committee has considered the proposed use of the funds to be provided by the special levy in connection with existing facilities for the sheltering, feeding and care of the animals and their visitors. Consideration has been given to the value of the zoo as an educational and recreational function and to the attraction it provides for visitors to the metropolitan Portland area. In addition, study has been given to the fiscal problems with respect to the operation, maintenance and expansion of the Zoo.

INVESTIGATION

The Committee toured the existing Zoo facilities and went over proposed plans for expansion with Harry Buckley, Superintendent of the Park Bureau, Jack Marks, Director of the Zoo, Dr. Matthew Mayberry, Zoo veterinarian, and officials of the Budget Bureau and the City Attorney's office. In addition, interviews were held with officers of the Portland Zoological Society and Commission, including Edward Miller and Clifford B. Alterman, President of the Society.

It is perhaps appropriate to mention that the expressed sentiments of the Committee members' children may have influenced our decisions to a minor degree.

BRIEF HISTORY OF PRESENT ZOO FACILITIES

When the new Zoo was planned in 1951, cost estimates were based on prevailing rates. A measure to provide money for construction was defeated at the polls in 1952 and not passed until 1954 when a five year levy providing \$3,859,000 was approved. Contracts were let between 1956 and 1959 and the rise in costs from the time of original estimate, together with other factors, resulted in an inability to complete the construction program envisaged at the time of original conception. Thus, the Zoo which opened on July 3, 1959, is only a partial fulfillment.

When it became apparent that it would not be possible to complete the plans, the choice as to what to put in and what to leave out was governed by the following considerations:

1. It was necessary to provide for those animals already in possession and provision was made for a family group.
2. Facilities which could be temporarily utilized pending completion were given preference.
3. It was necessary to provide for comfort and convenience of visitors.

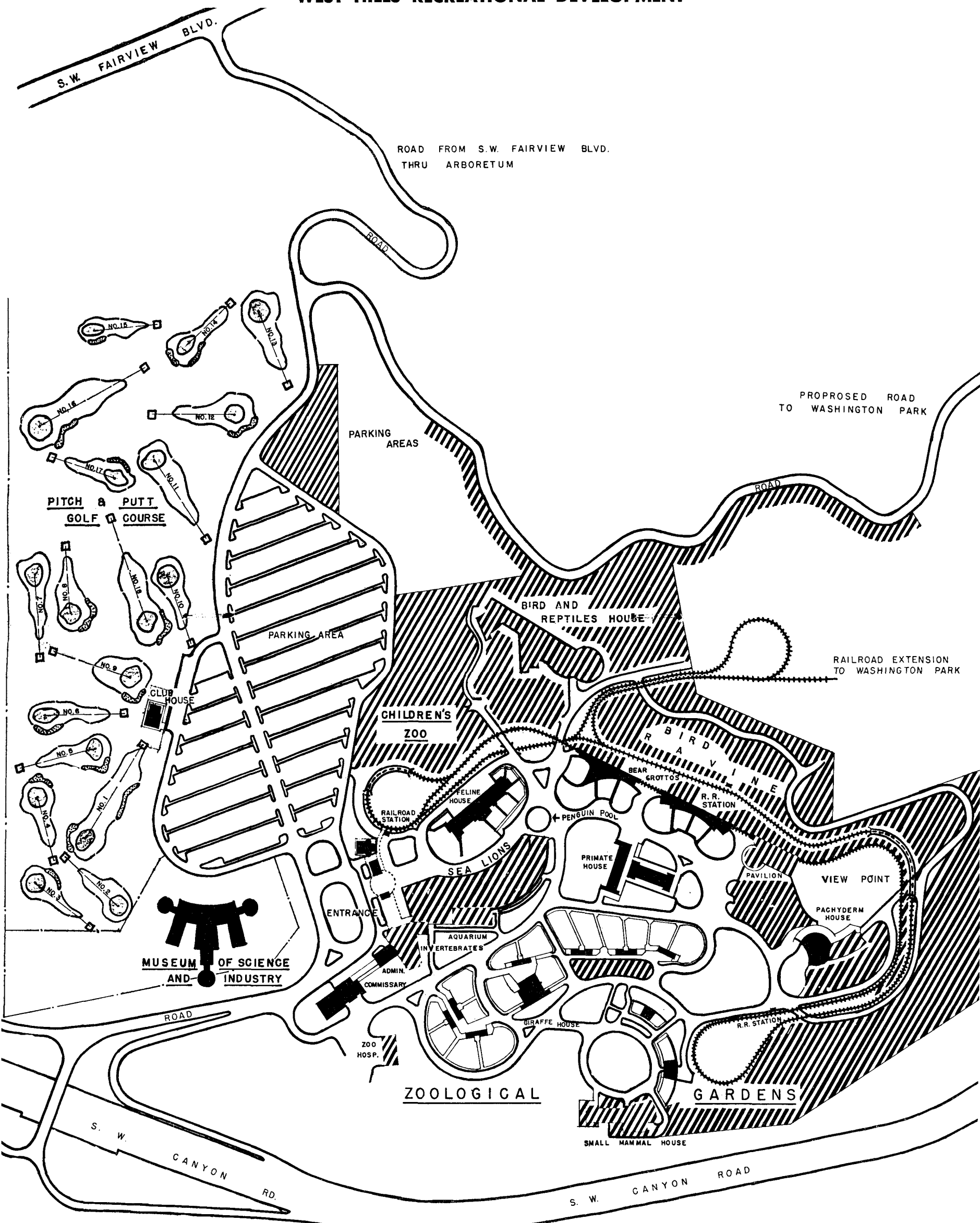
4. Construction of concessions and attractions which would provide some income, e.g. railroad, refreshment stands.

An understanding of the problems presented to the Committee can be obtained by reference to the attached diagram which represents the original plans for the complete facility as projected in 1951. The shaded areas of the diagram are presently unimproved and are unlikely to be unless substantial additional funds are provided from some source other than the income from admissions and concessions.

The projected breakdown for the use of funds to be provided by this levy is as follows:

I. GENERAL SITE WORK			
Paving interior roads and paths	\$ 34,000		
Paving existing rocked areas	30,000	\$	64,000
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Landscaping areas not finished	12,000		
Fence realignment to allow for new work	35,000		47,000
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II. PARKING AREA TO BE INCREASED			
Grading and fill work	55,000		
Paving and curb work	42,000		97,000
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III. UTILITIES			
Additional work from expansions to new work	10,000		
Completion of night lights in zoo	15,000		25,000
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IV. EXHIBIT CONSTRUCTION			
Invertebrates, exhibit only	44,000		
Seal pools and amphitheater	200,000 ✓		
Paddocks and Shelters	100,000		
Birds, reptile and ravine bird lakes	950,000		
Canines (3 grotto, 4 cages)	45,000		
Reinstate Gorilla, orangutan in primate house	45,000		
Children's zoo	240,000 ✓		
Pachyderm house (expansion)	100,000		1,724,000
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V. SERVICE BUILDINGS			
Animal hospital	82,400 ✓		
Auditorium and basement	155,000		
Enclose space under administration building			
for meeting space	8,000		
New North entrance	80,000		265,400
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Drinking fountains and benches	2,000		
Public address system	8,000		
Vehicle storage addition	10,000		20,000
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VI. CONCESSIONS			
Pavilion, terrace and pond	150,000		
Equipment	25,000		175,000
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VII. RAILROAD			
Road viaduct to bird house area	12,000		
Pedestrian underpass	6,000		
Retaining walls and grading	20,000		
Grading and drainage	15,000		
Cribbing	20,000		
Remainder of blueline track	9,600		82,600
<hr/>			
VIII. ADMINISTRATION, DESIGN AND			
SUPERVISION CONTINGENCY			250,000
TOTAL ESTIMATED COST.....			\$2,750,000

WEST HILLS RECREATIONAL DEVELOPMENT



Even with these additional funds, it can be seen that no provision is made for an aquarium at present.

The problems presented to the present administrators in operating the incomplete facility are tremendous. The lack of an animal hospital makes it necessary to treat the animals in something less than an optimum environment with increased risk to the veterinarian as well as to the animals. In addition, the housing of animals continues on a more or less makeshift basis in some instances with seals being exhibited in the monkey pool at present and use of accommodations by other animals on a temporary basis. Other improvements, such as the children's zoo, development of the natural advantages of the ravine along the railroad with lakes for natural display of birds, and a restaurant and pavilion facility as well as additional construction proposed are desirable and necessary for the maximum enjoyment of the already impressive project.

ORGANIZATION AND FISCAL METHODS

The Zoo property is owned by the City of Portland and managed by the Bureau of Parks. There is a Zoo Commission created by ordinance which is a twenty-one member body appointed by the Mayor to advise the City Council of pertinent matters. This resulted from a recommendation made by the City Club report of 1951.

In addition, the Portland Zoological Society, a non-profit corporation open to all persons interested in the Zoo, plays an important role in its operation.

In 1959, shortly before the Zoo opened, the Society entered into a contract with the city providing for the operation of concessions by the Society with 15 per cent of the gross going to the city. Profits, if any, go to the Society and must be used for Zoo purposes. The city has some authority over the use of these funds in that it can reject proposed expenditures of the Society. The city may also audit the books, require financial reports and control concession standards and installations.

In the last fiscal year, the city's share of the concession income amounted to \$18,500, and \$25,000 is expected to be paid this year.

The Society in addition has expended approximately \$100,000, which has been procured from gifts from private donors, loans from institutions and income from concessions. This money has been used for the purchase of rolling stock for the railroad, equipment for concessions, and animal procurement. The Society has successfully solicited approximately \$250,000 worth of labor and materials from private sources, primarily for construction of railroad tracks, facilities and stations, which of course have become the property of the city. The Zoo Society has outstanding obligations to lenders in the amount of approximately \$70,000.

From July 3, 1959, through June 30, 1960, the income for the Zoo was as follows:

Concessions	\$ 19,275.00
Paid Admissions	133,885.00
General Funds	117,001.00
TOTAL	\$270,161.00

The budget for the fiscal year starting July 1, 1960, is as follows:

Concessions	\$ 25,000.00
Paid Admissions	200,000.00
General Fund	100,797.00
TOTAL	\$325,797.00

The above funds do not provide for any capital improvements and are the minimum necessary for maintenance and operation of existing facilities.

POLICY OF CHARGING FOR ADMISSIONS

Perhaps a word should be said about the policy of admission charges of 35 cents for adults and 20 cents for children between the ages of 6 and 15 years, in view of some complaints which have been made. The officials justify the present policy for the following reasons:

1. Since it has been estimated that as many as 65 per cent of the Zoo visitors are from outside the City of Portland, it helps to ease the burden on city residents.

2. It puts a portion of the cost on those obtaining immediate benefits.
3. It helps keep vandalism down to a minimum. Zoo records indicate that the only significant acts of vandalism have been committed during free periods.

Educational and institutional groups are admitted without charge and there is a free period on Saturday morning, which seems to be adequate provision for hardship cases.

Examination of the record of paid admissions for the period between July 5 and September 6 for the years 1959 and 1960 shows an increase of about 40 per cent, with 213,980 paid admissions for this period in 1960. In October, 1960, the one millionth visitors was clocked through the gates. The officials were justifiably enthusiastic about the increase, and are planning additional attractions such as elephant shows and chimpanzee acts to spur attendance. They claim that attendance figures would jump even more with the addition of the projected facilities.

ARGUMENTS FOR

1. The obvious cultural, recreational and educational advantages already achieved will be greatly enhanced by the completion of the project.
2. Portland needs an attraction of this type to lure and keep tourists and visitors in the metropolitan area which is deficient in this type of resource. Even now it is the major civic attraction in the City of Portland.
3. The additional taxes imposed by the levy are small in relation to the permanent benefits available to all from the completion of the project because the basic expenditures have been made.

ARGUMENTS AGAINST

1. In view of the requirements of the city for money for other pressing projects, this one should be deferred since the zoo can operate at its present capacity for the immediate future.

CONCLUSIONS

Your Committee is impressed with the co-ordinated development plans for the combined West Hills-Washington Park-Hoyt Arboretum area, and believes that when the plans are completed, Portland will have facilities of this type which for convenience and attractiveness are unsurpassed by any city in this country.

This development is consistent with the best traditions of the city and while the benefits are largely intangible when compared with other needs of the community, they are nonetheless real and worthy. We may not be able to compete with San Francisco's cosmopolitan air or the glamour of Los Angeles—probably wouldn't want to—but we should continue to press our advantage in providing a variety of opportunities for enjoyment of the outdoors.

Your Committee feels that the method of financing the new construction on a pay-as-you-go basis is appropriate, and that the project should be completed as soon as possible.

RECOMMENDATION

Your Committee unanimously recommends that the City Club go on record in favor of the special tax for expansion of the Zoo, and urges a vote of No. 56 "Yes."

Respectfully submitted,

Lawrence Black
Ferris Boothe
Allan Foster
Joseph W. Nadal, M.D.
Sidney I. Lezak, *Chairman*

Approved October 12, 1960, by the Research Board for transmittal to the Board of Governors.

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**REPORT
ON
SEWER USER SERVICE CHARGE INCREASE
(Municipal Ballot Measure No. 55)**

Charter amendment permitting increase of sewer user service charges above present one-third by additional one-third of water bills, for location, construction, equipment and maintenance of sewage treatment and sewer facilities to lessen stream pollution; authorizing regulation and limitation of kinds of industrial wastes discharged into public sewers.

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

ASSIGNMENT

Your Committee was recalled in this instance to report on the proposed sewer user charge increase to be submitted as an amendment to the charter of the City of Portland.

BACKGROUND

The proposed amendment to be submitted to Portland voters in November is identical to that rejected in the May, 1960, elections by a vote of 71,560 to 59,002. Your present Committee considered the proposed amendment last spring, and on April 29, 1960, reported its study recommending the proposed amendment be approved by the City Club, and it was.

DISCUSSION

The proposed amendment would permit the city to add a sewer user charge of up to two-thirds of the water bill. This is double the present rate of one-third.

Your Committee, having considered the matter at length before rendering its prior report, felt there was no need to make an entirely new study. Consequently, we interviewed only City Commissioner William Bowes, who advised your Committee the situation remains as reported previously except that the Oregon State Sanitary Authority has taken further steps to press its suit against the City of Portland to abate the pollution caused by the city. The Columbia and the Willamette Rivers still remain polluted, and the city has insufficient funds to construct the necessary facilities required to correct the situation.

CONCLUSION

The detrimental effect of stream pollution on the health and safety of the citizenry and on the economic development of the community is so important as to justify extra emphasis on this project.

For the reasons set forth in its previous report, your Committee believes that the City of Portland must complete its sewage disposal system and still is of the opinion that the proposed sewer user charge is a fair and equitable way of financing the job.

RECOMMENDATION

It is the recommendation of your Committee that the proposed amendment to the charter of the City of Portland be approved by voting No. 55, "Yes."

Respectfully submitted,

Ferris F. Boothe
S. Edward Bye
Dr. Earl Dryden
Robert R. Knipe
Kenneth Klarquist, *Chairman*

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**REPORT
ON
BONDS FOR STATE BUILDINGS
(State Ballot Measure No. 8)**

Purpose: To amend the Constitution of the State of Oregon to allow the credit of the state to be loaned and indebtedness incurred in an amount not to exceed at any one time \$40,000,000, to provide funds for state buildings.

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

INTRODUCTION

The Committee was asked to study and make a report on Measure No. 8 appearing on the ballot at the general election November 8, 1960. This was introduced in the Legislature by the Joint Committee on Ways and Means April 22, 1959. The measure provides for an amendment to the Constitution by adding thereto Article XI-H, which provides that the credit of the state may be loaned and indebtedness incurred in an amount not to exceed at any one time \$40,000,000, to provide funds with which to construct, improve, repair, equip and furnish those state buildings designated by the legislative assembly. For the purposes of this article, "state buildings" means buildings located at any state institution which is a public institution, buildings for state institutions of higher education and state office buildings. The article also provides that not more than \$15,000,000 of indebtedness may be incurred during any one biennium and that after July 1, 1971, no additional indebtedness may be incurred pursuant to this article.

Bonds issued pursuant to this article shall be the direct general obligations of the state and shall be in such form, run for such periods of time, and bear such rates of interest as the legislative assembly provides. Such bonds may be refunded with bonds of like obligation. Ad valorem taxes shall be levied annually upon the taxable property within the State of Oregon in sufficient amount to provide for the prompt payment of bonds and interest issued pursuant to this article. The legislative assembly may provide other revenue to supplant or replace in whole or in part such tax levies.

SOURCES OF INFORMATION

The Committee interviewed the following authorities: Senator Alfred Corbett, Chairman of the Ways and Means Committee of the Oregon State Senate; William Bade, Director of Oregon Tax Research; Freeman Holmer, Director, Department of Finance and Administration of the State of Oregon; Walter W. R. May, Editor and Publisher of *The Oregon Voter*.

In addition the Committee wrote and received answers from the Oregon State Tax Commission, Oregon State Treasurer Howard C. Belton and the above-mentioned Mr. Holmer.

DISCUSSION

The Constitution as adopted in 1859 provided that the credit of the State should not be loaned in excess of the sum of \$50,000 for buildings, and the State has never issued bonds to finance the construction of buildings other than for self-liquidating facilities. Ad valorem taxes have not been collected by the State of Oregon since 1939.

Howard C. Belton, State Treasurer of Oregon, states that the outstanding bonded indebtedness of the State of Oregon and of the assets applying against such bonds as of August 1, 1960, are as follows:

	<i>Assets</i>	<i>Liabilities</i>
Oregon State Highway Bonds Outstanding		\$ 65,100,000
Oregon State Highway Fund on hand	\$ 3,750,000	
(These bonds are paid from gasoline taxes, motor vehicle and driver's license fees.)		
Oregon Veterans' Welfare Bonds Outstanding.....		150,000,000
Oregon War Veterans' Funds on hand	160,387,869	
(Bond Sinking Fund	\$ 2,701,358)	
(Cash	3,953,655)	
(Foreclosed Property	679,078)	
(Loans Receivable	153,053,777)	
(These bonds are paid from collection of money loaned to the veterans.)		
Higher Education Refunding & Building Bonds		23,858,000
Higher Education Bond Sinking Fund	2,395,642	
(These bonds are paid from student and dormitory fees.)		
World War II Veterans' Compensation Bonds		
Outstanding		35,500,000
Sinking Fund on hand	23,512	
(These bonds are paid from the general fund and, therefore, are a direct tax.)		
Oregon Forest Rehabilitation and Reforestation Bonds		6,650,000
Sinking Fund on hand	2,964,895	
(These bonds are paid from the general fund and, therefore, are a direct tax.)		
TOTAL.....		\$281,108,000

The Oregon State Tax Commission determined the true cash value of the taxable property of the state as of January 1, 1960, to be \$9,526,782,027. As indicated above, the total bonded debt of the State of Oregon is approximately 3% of the true cash value of the taxable property within the state. The amount of indebtedness to be paid out of the general fund, which is derived from taxes, is \$42,150,000, which is less than ½ of 1% of the true cash value of the taxable assets of the state. It is also true that the \$40,000,000 that this measure is intended to provide would also be less than ½ of 1% of the true cash value of the taxable property.

The Department of Finance and Administration of the State of Oregon has made a 10-year survey of the building needs of the various departments of the State. That survey shows the following building needs for the next 10-year period:

<i>Item</i>	<i>1959-69 Total need</i>	<i>To be provided out of Dedicated Funds*</i>	<i>General Fund</i>
Board of Control**	\$ 54,558,950	\$	\$ 54,558,950
Forestry	370,170	295,170	75,000
Higher Education	136,310,915	45,675,915	90,635,000
Finance & Administration	1,095,400	1,095,400	
Fair Commission	1,416,000		1,416,000
Fish	4,701,483	2,220,000	2,481,483
Highway	1,336,000	1,336,000	
Military	4,508,321	3,483,146	1,025,175
Oregon Tech. Institute	15,774,900	1,754,000	14,020,900
State Unemployment	1,923,010	1,923,010	
Aeronautics	168,681	168,681	
TOTAL	\$222,163,830	\$ 57,951,322	\$164,212,508

*These are funds received from Federal and private grants for such purposes as research, together with other fees and incomes that do not affect the budget.

**The Board of Control has responsibility for state institutions and office buildings.

As compared with the needs for the next ten-year period, the State Department of Finance shows that the following amounts, not including dedicated funds available, have been included in the biennium budgets during the past ten years for construction of State buildings:

1951-53.....	\$ 7,430,000
1953-55.....	9,078,179
1955-57.....	15,144,581
1957-59.....	13,798,452
1959-61.....	13,648,850
TOTAL.....	\$59,100,062

The budget of the State of Oregon for the biennium 1959-61 is \$312,167,268. Preliminary estimates from the various departments of the state indicate that their current operating needs for the 1961-63 biennium will be approximately 4% to 5% more than those in the current budget. Therefore, unless the income of the state shows a substantial increase for the next biennium, there will not be available funds to meet the estimated construction needs for State buildings on a pay-as-you-go basis.*

Based on a 1955 report of the Tax Foundation, Inc. (a private, non-profit organization), New York City, there were only eighteen states in the United States having constitutional amendments authorizing special-purpose bond issues at that time. Of these eighteen, only four states had a special provision for any type of public building bond issues. This report also shows that the national average per capita state debt was \$49.67. In twenty states which refer special bond issues to a popular vote, the average per capita state debt was \$49.46. In eight states which constitutionally provide for their legislature to bond for special purposes, the average per capita state debt is \$77.18. The average Oregon net debt per capita is \$70.00. These figures include all general obligation bonds, including those of a self-liquidating nature. (The per capita debt in Oregon, excluding the bonds to be paid from assets and pledged revenue, is \$22.45 per capita).

This measure is enabling legislation which would have to be implemented by the State Legislature before bonds are issued. This represents a total change in the philosophy of financing State buildings, since the State of Oregon has never issued bonds to finance the construction of other than self-liquidating buildings. This legislation provides the opportunity for the Legislature to finance buildings in two ways: Through the current State budget, if possible, but in case of an emergency, if income is down the Legislature could issue bonds to finance these buildings. If the measure does not pass and we have need for new buildings at a time when our State income is inadequate for all governmental requirements, we would have to resort to a special election to be able to provide the funds needed. If the measure does pass, it might create the demand to use this means of financing, whereas the buildings might be deferred if bonding were not available. However, deferring a real need might be false economy, inasmuch as building costs keep going up.

ARGUMENTS IN FAVOR OF THE MEASURE

1. The Department of Finance compilation of estimated building needs for the 10-year period 1959-1969 indicates that considerably more buildings will be needed during that period than can be reasonably financed within the general budget.
2. The Legislature should have the ability to finance through bond issues any needed buildings that cannot be financed within the current budget.
3. If the State is not able to provide funds to match Federal or private grants to build research facilities, etc., we may lose the matching funds that could be secured, although generally, adequate time is given the State to raise the funds through normal procedures.
4. The measure provides a safeguard in that the Legislature must approve any buildings and bond issues, and the Governor would have the right to veto any issues. Also

* On October 15, 1960, the State Tax Commission said it would probably have a \$35,000,000 surplus in the general fund as of June 30, 1961. Assuming the same rate of revenue as in the past biennium, this may be an available source of funds for state buildings.

the measure limits the amount that can be issued during any biennium to 15 million dollars and puts a final maturity on the right to issue of July 1, 1971.

5. Needed buildings can always be deferred but doing so may be false economy for the State, as the cost of construction may continue to grow upward as it has in the past.

ARGUMENT AGAINST THE MEASURE

1. The State of Oregon has been able to provide the buildings needed for over 100 years without issuing bonds, and no adequate reason has been given for abandoning this policy.

2. The Department of Finance compilation of estimated building needs for the 10-year period 1959-1969 like all estimates of ten-year needs, is subject to differences of opinion.

3. Although we may not be able to build all of the buildings that are estimated to be needed within the next ten years through the current budget, if a real need arises to issue bonds to provide funds for specific buildings we should vote on the issue at that time.

4. If this measure is passed and bonds are available to build buildings, there will be a tendency and probable demand upon the Legislature to use them so as to make general fund money available for other purposes, even though we might be able to get along without the bonds if they are not available.

CONCLUSIONS AND RECOMMENDATIONS

Your Committee believes that the State should continue to finance its building needs on a pay-as-you-go basis out of the general budget as long as possible. It does not appear to this Committee that the need for buildings is urgent enough at this time to justify changing this long-time policy. We believe that any departure from this policy to meet a specific need should be only by vote of the people.

Therefore your Committee unanimously recommends that the City Club go on record against this measure and urges a vote of "no" on Ballot Measure No. 8.

Respectfully submitted,

Ned Ball
Dan W. Hoffman
Robert Kerr
Carey Martin
Jack Meussdorffer
Don Plympton
Clarence Richen
John L. Searcy, *Chairman*.

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**REPORT
ON
PARTIAL CHARTER REVISION
(Municipal Measure No. 60)**

Charter amendment adding, deleting, revising, repealing, amending certain sections and articles of Charter relating to general powers, annexations, election procedures, fire-police benefit and pension administration, and Docks Commission authority and duties, so as to modernize, clarify, simplify and facilitate certain powers, duties and procedures of City Government.

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

The Council of the City of Portland proposes and has passed by Resolution an amendment to the City Charter, which comes before electors at the General Election in November, 1960, as Partial Charter Revision No. 60.

INTRODUCTION

The Constitution of the State of Oregon provides for "Home Rule" in all cities of Oregon.

Under this Section of the State Constitution, each city can provide its own Charter by vote of the electors and its method for the exercise of authority over matters of city concern. The City of Portland was incorporated by the State Legislature long prior to the enactment of the "Home Rule" amendment, and the City Charter has been amended many times prior to the date of this report.

SOURCES OF INFORMATION

Data in connection with the proposed amendment were largely furnished by Miss Marion Rushing, Chief Deputy City Attorney, who had charge of the drafting of the partial amendment.

Your Committee members also contacted Mayor Schrunk's office, City Attorney Alexander Brown's office, and other City officials. It interviewed the following members of the Commission of Public Docks: Raymond Kell, chairman; Thomas Guerin, secretary and general manager, and Keith Hansen, director of public relations. Representatives of your Committee interviewed Captain Harry Williams, President of the Firefighters Association, a member of the Portland Fire Department for approximately 25 years; Captain John R. Pittinger, head of the Traffic Division, Portland Police Department, a member of the force for more than 25 years, as well as various individual firemen and policemen in regard to their reactions to the portions of the Charter amendment affecting their pension plans.

The Committee also consulted city annexations and election material sections of the Code of the State of Oregon.

INVESTIGATION

In view of the provisions of the State Constitution that each and every city shall have "Home Rule," the investigation of your Committee must be confined to the wording of the Charter amendment and the effect on the remainder of the Charter which it amends. This Charter amendment might be regarded as a re-coding of a portion of the present Charter. No substantive changes in the Charter of the City of Portland are proposed except those few specifically discussed hereafter. This is an effort to reword only a portion of the Charter which has often been amended, and these several amendments have left some conflicts by reason of the many amendments heretofore made.

This Charter amendment was drawn in the City Attorney's Office of the City of Portland and the Committee believes the writing of the amendment was a major undertaking on the part of the office of the City Attorney. The work of drawing this Resolution and the rewording of the present amendment to the Charter was handled by Miss Marion Rushing, who appeared before the Committee to explain the wording and effect of the proposal.

Changes which might or could cause controversy are not covered by this amendment to the Charter.

ANALYSIS

The proposed Charter amendments can be divided into five portions:

- 1) The Corporate power of the City
- 2) Boundaries of the City and annexation thereto
- 3) Term of office and election of City officials
- 4) The Fire and Policemen's Pension Fund
- 5) The Commission of Public Docks.

The proposed amendments are not a restatement of each and all sections of the Charter of the City of Portland covering all of the above items. In some places, portions of the old Charter are left intact and will remain if this amendment is adopted by the voters. The words used in the Resolution, that the proposal is an amendment to the present Charter "as recodified, revised, arranged and annotated," are applicable to all of the matters to be voted upon by the electors.

The Resolution of the Council provides for the adoption and/or amendments by restatement of:

1) The Corporate Powers of the City

Sections 1-101 to and including 107 covering the general grant of the Corporate Powers to the City of Portland. These Sections do not materially change the wording of the present grant of Corporate Powers.

2) Boundaries of the City and Annexation thereto

In Section 1-201 to and including 203, the method of determining the boundaries of the City of Portland, annexations, and the declaration of the boundaries of the City of Portland after annexation are restated and might be summed up that annexations can be made in any manner provided by the Code of the State of Oregon. This procedure should, in many instances, save the City of Portland money as the Code of the State of Oregon provides a much shorter, cheaper and easier method of annexation than does the present City Charter.

Under the present City Charter, even annexation of a parcel of land as small as one lot requires a city-wide election, and the cost is excessive.

Under the new method, if the owner and/or owners of the small parcel of land were all willing to have this property annexed to the City, it can be effected by the Council without requiring each and every voter of the City of Portland to pass upon the annexation; if there are objections to the annexing, the Council may refer the matter to the electors of the City.

The cost of annexation of any tract of land by the City of Portland under the present system can only be estimated. The City in complying with the present Charter must meet expensive special requirements — prepare ballots, count and tabulate votes on a city-wide basis, and otherwise comply with the technical details of the Charter. Special elections for annexations under the present Charter are excessive in costs; this method is never used by the City of Portland as the estimated cost is approximately \$150,000.

3) Terms of Office

Sections 3-101 to and including 121 are restatements of the terms of office of the present officers of the City, the manner of holding elections, the declarations of candidacy, the forms to be used, and in some instances provide for following the State Law of Oregon for General Elections.

4) The Fire and Police Pensions

Sections 5-102 followed by Sections 5-105 to and including Section 5-110, Section 5-113 and 114, plus Section 5-117 and 118, plus Section 5-120 and including 124, plus Section 5-128 and Section 5-130 are restatements or recodifications of the Fire and Police men's Pension Fund, covering only the portion of the present Charter affected by these several separate Sections.

No members of the Bureau of Fire, referred to in Section 5-102 and thereafter of the proposed amendment, advised the Committee they were working against the adop-

tion of this amendment to the Charter, nor did they inform the Committee that they knew of any organized effort on the part of any other members of the Fire Bureau who were going to oppose the adoption of the amendment. There are statements from the members of the Fire Bureau that as the present Charter has been involved in many cases in the Circuit Court and in many opinions from the City Attorney's office, all relating to the benefits and pensions to be paid under the present Charter, these precedents which had been established in the past might be lost with the adoption of any Charter amendment, but the City Attorney's office states that the variation in wording was based upon the same precedents.

Your Committee was advised by members of the Police Force that there was no opposition to that portion of the Charter amendments which are referred to as the Pensions received by members of that Force, who were in favor of the adoption of the amendment as written.

The total number of persons who are affected under the Pension Plan provided in the Charter of the City of Portland, including present members of the Force not drawing pension, members who might or could come under the act, and persons now receiving benefits, is approximately 2,300.

5) Commission of Public Docks

Section 6-102 to and including 105 relate to the Commission of Public Docks.

No opposition was reported from anyone connected with the Commission of Public Dock, who endorsed the amendments, especially the increase in the amount they could purchase of materials, equipment and supplies, from the present sum of \$100 to \$2,500 without bids. Parts needed to repair machinery used by the Commission always appear to cost in excess of \$100.

Exempting employees of the Commission of Public Docks from Civil Service represents no major change from present practice.

CONCLUSION

The proposed Resolution is a recodification of the present Charter, avoiding matters of controversy, avoiding matters of taxation, and avoiding bond issues. The modifications proposed by this amendment appear to be confined to the wording and arrangement of the matter of the present Charter except those substantive changes discussed in this report. The proposed change can only be judged by the wording used which is an improvement over the wording and arrangement of the present Charter.

Approval of this ballot measure does not in any way imply the absence of a present need for further Charter revision, nor does it constitute an endorsement or repudiation of the commission form of government found in the present Charter. Approval of this ballot measure means no more nor less than a limited and partial amendment and clarification of certain Sections of the present Charter which revision appears to the Committee to be in the public interest.

RECOMMENDATION

Your Committee unanimously recommends that the City Club go on record as approving the proposed amendment to the City Charter of Portland and urges a vote of this measure, shown on the ballot of the City of Portland as No. 60, as "Yes."

Respectfully submitted,

Ernest Bonyhadi

Sidney Cooper

Chester Ehle

Philip Hammond, *Chairman*.

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