5-4-1948

City Club of Portland Bulletin vol. 29, no. 02 (1948-5-14)

City Club of Portland (Portland, Or.)
CITY CLUB REPORTS...

ELECTION MEASURES

SCHOOL BUILDING TAX LEVY

The committee: IRVING ENNA, ARTHUR A. GOLDSMITH, JAY R. WILSON, C. E. ZOLLINGER and ALFRED H. CORBETT, Chairman.
Prepared under the direction of JOHN W. MCHALE, Section Chairman, Education and Recreation.

MULTNOMAH COUNTY TAX LEVY

The committee: PAUL L. BOLEY, RICHARD C. CROW, J. R. DEVERS, V. W. PIERSON, and JOHN J. COUGHLIN, Chairman.

PACIFIC POWER AND LIGHT FRANCHISE

The committee: WILLIAM L. FINLEY, JR., E. J. KOB, GERALD R. SCHOLZ, ERSKINE B. WOOD, and RANDALL KESTER, Chairman.

MEASURE TO PROVIDE FOR SUPERVISION AND DISPOSITION OF DOGS

The committee: ROBERT C. CAHILL, WILLIAM O. KNOX, WALDO B. TAYLOR, CLARENCE YOUNG, and PAUL WILLIAMS, Chairman. This report was signed by a majority of the committee, Mr. TAYLOR dissenting and submitting a minority statement.

The last three reports listed above were prepared under the supervision of J. C. PLANKINTON, Section Chairman, Legislation and Elections.

ALSO TODAY... Installation of Officers for Year 1948-49

May 21, 1948...

The Speaker will be FRAZIER A. BAILEY, President, National Federation of American Shipping, Inc., Washington, D. C.

“To inform its members and the community in public matters and to arouse in them a realization of the obligations of citizenship.”
FRANCHISE—PACIFIC POWER & LIGHT COMPANY

An ordinance granting a franchise to Pacific Power & Light Company to continue to use the streets, alleys and public highways within the City of Portland for conducting and conveying electricity and steam for light, heat and power, for constructing, operating and maintaining poles, wires, conduits, steam pipes and other facilities in connection with its business of furnishing electricity and steam, for a period of twenty years, subject to payment of compensation to the City, to certain other conditions, to applicable provisions of City Charter, and to City's right to purchase, at any time as provided in said ordinance, the properties and equipment used and useful in connection with said business.

Shall the ordinance be approved?
500 YES—I vote for the ordinance.
501 NO—I vote against the ordinance.

To the Board of Governors of the City Club of Portland:

Your committee appointed to consider the proposed ordinance granting a twenty-year franchise to the Pacific Power & Light Company submits the following report:

HISTORY

Originally, Ordinance No. 25930, passed by the Council on September 25, 1912, and approved by the Mayor on October 1, 1912, granted to Northwestern Electric Company a franchise to conduct an electric power business in the City of Portland. Ordinance No. 27160, passed May 28, 1913, and approved June 6, 1913, granted to the same Company a franchise to conduct a steam-heating business in the City. Both franchises were for a period of twenty-five years. At the expiration of the first franchise, Ordinance No. 69998, passed September 9, 1937, authorized an agreement which was entered into between the City and the Company extending the rights of both the City and the Company under both franchises for a period of ten years from November 13, 1937.

During 1947 the Northwestern Electric Company, which was operating within the City, merged with the Pacific Power & Light Company, which had theretofore operated outside the City. The merger was approved by the City, and the Pacific Power & Light Company then succeeded to all the rights and privileges which the Northwestern Electric Company had enjoyed in the City under the original franchises and the extension agreement.

The ten-year extension agreement expired November 13, 1947, and by Ordinance No. 85974, passed September 29, 1947, a revocable permit was granted to the Company to continue operating after the expiration of the extension agreement. Such permit may be terminated by the City upon eighteen months' notice to the Company, and if a franchise is granted to the Company the permit automatically terminates upon the taking effect of the franchise. The Company is now operating under that permit, and the terms and provisions of the permit are substantially the same as the franchise now proposed, with the exception of the provisions for duration and termination.

The franchise could be granted by the City Council, without referring it to the voters, but it would then be subject to a referendum upon petition (Portland City Charter, 1942 Ed., § 10-208), and as a matter of policy the Council chose to refer it to the voters initially.

FRANCHISE PROVISIONS

The ordinance itself is rather lengthy, and space forbids a detailed discussion of all of its provisions. We will attempt to summarize the gist of the franchise, commenting only on those matters which seem particularly significant. The general grant of authority to the Company appears in Section 1, as follows:

"Section 1. Nature and Term of Grant. Pacific Power & Light Company, a corporation, duly organized and existing under and by virtue of the laws of the State of Maine, its successors and assigns, hereinafter called the grantee, is hereby granted, subject to the terms and conditions of this ordinance, the franchise, authority, right and privilege to continue and extend its electric light, heat and power system and its steam heating system in the City of Portland, Oregon, together with the right and privilege to erect poles and stretch wires thereon and thereover, with necessary transformers and other appurtenances; to construct underground conduits and pipes with the necessary appurtenances, manholes and appliances for conducting and conveying electricity for light, heat and power, and for transmitting steam and heat, and for such purposes to continue the use of the streets, alleys and public highways in the city for a period of twenty years."
Compensation to the City for the franchise is 3% of the Company's gross revenues, after adjustment for uncollectible accounts, paid quarterly (Sec. 2). This charge does not exempt the Company's property from taxation, nor does it exempt the Company from any other license, tax or charge that may be imposed by the City. Consequently, if, during the term of the franchise, the 3% proved inadequate, the City, although precluded from increasing the 3% could probably increase its revenue by means of license fees.

The Company is given authority to make necessary construction and excavations (Sec. 3). The City can require the Company to change the location of structures and facilities when public convenience requires the change, at the Company's expense. This provision may be very important as the City grows during the next twenty years, in view of the trend toward requiring wires and conduits to be placed underground.

The Company is required to restore all streets to prior condition (Sec. 4), and all construction is subject to the paramount rights of the City in its streets and public grounds (Sec. 5). The Company agrees to indemnify the City from any loss occasioned by the Company operations (Sec. 6). The Company is authorized to trim trees on city-owned property which may interfere with its apparatus, but not lower than 30 feet above the sidewalk without consent of the abutting owner (Sec. 7). Of course, the franchise cannot authorize the Company to cut trees or do anything else on private property, against the landowner's wishes.

The City is given the right to use the Company's poles and conduits for the City's own communication systems (Sec. 8). The franchise is not exclusive, but the City may grant other franchises or permits either similar to or different from the present one (Sec. 9). If any street is vacated by the City or its use discontinued by the Company, the City must foreclose on the City's premises therein and in such condition as the City may require. (Sec. 10). The Company is required to provide such equipment as will carry all electric currents and steam in their proper channels, so as to prevent injury to the property of others (Sec. 11).

The City's consent is required before the Company can make any assignment, transfer, merger, lease or mortgage, and after such consent a copy of the instrument must be filed with the City (Sec. 12). Specific consent is given to the outstanding mortgage and trust deed to Guaranty Trust Company of New York and Oliver R. Brooks, Trustees, dated as of July 1, 1947. The Company may not consolidate or merge with, or make any agreement restricting competition with, or acquire any of the plant or systems of any other electric or steam company supplying Portland, without the consent of the City.

The Company is required to render its services by the best practicable commercial methods, and such as will insure the least danger to life and property compatible with the best obtainable service (Sec. 13). The City reserves the right to regulate the exercise of the franchise, and to fix rates, as authorized by the City Charter and State law. As a practical matter, the rate regulatory power is exercised by the Public Utilities Commissioner of Oregon, and the City does not attempt to fix rates independently. The City may require the Company to share its poles and conduits with another utility if the City deems it impracticable to permit construction of a separate system (Sec. 14).

By Section 15 the City is given an option to purchase “the property and plant of the grantee (company) which may be situated on, in, above or under the streets, alleys and public highways aforesaid, and the equipment and properties of the grantee used and useful in connection therewith.” Six months' notice is required of the City's intention to initiate action looking toward exercise of the option, and the City's authority is conditioned upon approval by a referendum. If a petition is filed, signed by 15% of the number who voted at the last general city election, then the question must be submitted, regardless of notice to the Company, Valuation would be determined by arbitration, and the franchise itself would not be assigned a value or considered for the purpose of fixing value. The decision of the arbitrators would not bind the City, but the City could resort to condemnation if it chose. The City would not be obligated to purchase, nor the Company to sell, until the necessary funds are provided, but the City's right to purchase would continue as long as it is taking active steps to finance it, either by bond issue or otherwise. Upon acquisition of the Company's property and plant, the franchise automatically terminates. The option provisions will be referred to subsequently in this report.

In the event the Company violates any provision of the franchise, the City may declare a forfeiture and revoke it (Sec. 14). This would not be an automatic forfeiture, but would require affirmative action by the City. Upon expiration of the franchise, if the City has not acquired the system, the Company has a preferential right to a renewal (Sec. 17). If the Company does not promptly apply for a renewal, and the Company then grants a permit or franchise to another applicant, the new grantee would be required to compensate the Company for the fair valuation of its system, computed in the same manner as if the City had taken over.

The franchise is expressly made subject to the Charter and general ordinance provisions, now or hereafter effective (Sec. 18). Within 30 days after the ordinance becomes
effective the Company must file a written acceptance or be deemed to have forfeited the franchise (Sec. 19).

ARGUMENTS PRO AND CON

In the course of the investigation various members of the committee have consulted with Dorothy McCullough Lee, Commissioner of Public Utilities, with Miss Marian Rushing, Deputy City Attorney, who drafted the franchise, with representatives of the Pacific Power & Light Company, with executives of Portland General Electric Co., a competing electric utility, with representatives of the Bonneville Power Administration, and with spokesmen for public power interests.

Under the City Charter (§10-207, Ed., 1942) a proposed franchise must be published in full in the official city newspaper, and a notice must also be published requesting any person having any objections to file them in writing with the City Auditor within twenty days from the first publication. The City Auditor has advised us that the ordinance was published in full in the Daily Journal of Commerce on October 6, 1947, and notice of the application for franchise was published on October 6, October 13 and October 24. A public hearing was held before the City Council on December 3, 1947. No written objections were filed with the auditor, and at the public hearing no one appeared in opposition to the granting of the franchise.

The Committee has compared the proposed franchise with the original dual franchises, and we find that on the whole, the proposed new franchise, which is substantially the same as the more favorable of the two, is more favorable to the City than the original ones. Most of the changes are merely for the purpose of clarification and simplification. The most substantial change is in the provision for exercise of the option by the City.

The original franchises granted the City an option to purchase only at the end of the twenty-five year term, and they incorporated the procedure of § 95 of the old charter (1910 Ed.). Under that procedure the referendum for the purchase had to be commenced within one year prior to expiration of the franchise and within sufficient time so that if a special election were held it could be held within six months prior to the expiration. This was a rather rigid limitation, and the time element might actually be unworkable. Consequently, the proposed new franchise permits the City to exercise the option at any time upon at least six months' notice to the Company. A referendum is still required upon the question of whether the City shall exercise the option, but there is no time limit on the referendum.

With respect to the compensation to be paid to the City, the original franchises required 3% of the gross receipts, and this is continued in the new franchise, with an adjustment for uncollectible accounts that will probably not be of much importance. By way of comparison, the Company advises us that Portland General Electric pay 3%, The Pacific Telephone & Telegraph Co. pays 3% and Portland Gas & Coke Co. pays 2%, all to the City of Portland. Franchise fees for similar services in other cities were mentioned by the Company as follows: Salt Lake City, Utah, ¾%; Spokane, Washington, 1%; City and County of San Francisco ½%; Vancouver, Washington, no franchise fee but a flat license fee of $75.00 per month. The Committee has not attempted to make any real evaluation of franchise fees in different cities, and these are mentioned merely for information. We feel that it is not unreasonable to continue the same fee schedule that the Company has been paying to the City. It must be kept in mind, of course, that the franchise fees to the City are entirely different from the rates to the consumer.

Comment is occasionally made about the fact that there are two electric utilities serving Portland, and that there is some duplication of facilities. In some parts of town in which there exists high voltage transmission lines the Portland General Electric poles run on one side of the street and the Pacific Power & Light poles on the other side of the street. This condition is not extensive. Joint use of poles by the two Companies is required, where practicable, by city ordinance. However, both companies are now operating at 100% of capacity, and if there were only one company, it would have to provide all the service now furnished by both. In addition to alternating current, Pacific Power & Light supplies all of the centrally generated direct current in the city except that supplied by Portland General Electric to the Portland Traction Co., and Pacific Power & Light also supplies over 90% of the steam heating load on the west side of Portland (there is no central steam heating on the east side). All of the major electric utilities in the region are affiliated with the Northwest Power Pool, through which their facilities are interconnected, and upon which they can draw in case of emergency.

The only real arguments which the Committee has discovered against the proposed franchise may be summarized as follows:

(1) That the twenty-year term is too long in the absence of a commitment from the Company for some definite capital expansion that would require long-term financing;
(2) That in view of the possibility that a P.U.D. might some day be formed which would take over the system, the option provision should be in favor of any duly constituted public agency, rather than merely in favor of the City; and that there should be a provision that if any duly constituted public agency should take over the system, either by option or by condemnation, the franchise itself should not be considered in determining the valuation of the system.

With respect to the first of these arguments, the City authorities expressed the belief that a long-term franchise is a protection to the consumers in that it ensures some permanency of service, and that it is essential to the Company in enabling it to make long range plans. Although the Company has not made any commitment to the City for a definite program of capital investment, the City has the right under the proposed franchise to require the Company to change the location of any structure or facility within the street area. The increasing tendency to require wiring to be placed underground in business districts will entail considerable investment, and if the Company were on a temporary or short-term basis, it would be rather harsh for the City to require that type of capital outlay. The Company advises us that in 1947 it re-financed with an issue of $29 million of thirty-year bonds which will not mature until 1977. During the next several years they expect to spend approximately $5 or $6 million per year in capital investment, about $1 million of which will be within the City of Portland, and most of which will have to come from new financing. It seems to the Committee that a fairly long term is essential to permit the Company to operate on a sound fiscal basis.

The City Charter provides that a franchise may be granted for a period up to 25 years (1942 Ed. §10-206), but this is modified by a state statute limiting the length of any franchise to a maximum of 20 years (O.C.I.A., §112-302).

Under the proposed franchise, and indeed, regardless of franchise provisions, the City always retains its inherent power to regulate rates to the consumers and to require adequate service. In addition, the provision for additional taxes and license fees will enable the City to obtain adequate compensation if the 3% of gross revenues proves insufficient. Consequently, the twenty-year period does not bind the City to maintain exactly the present status throughout the term of the franchise. We therefore feel that the twenty-year term is not unreasonable.

With respect to the second argument, above stated, the Committee expresses no opinion as to the likelihood or the desirability of a P.U.D. However, since the law permits a P.U.D. to be formed, that possibility must be recognized and considered. The Pacific Power & Light system is not necessarily co-extensive with the boundaries of the City, and if public ownership were to be desired, it might come by way of a separate P.U.D., instead of by the City itself taking over.

If a P.U.D. is formed, it, of course, would have the right to acquire properties by purchase or condemnation (O.C.I.A., § 114-245), and the principal effect of extending the option provision to it would be to invoke the method of arbitrating value set up in the franchise. In case the City acquires the system, it is provided that the franchise itself shall not be assigned a value nor be considered for the purpose of fixing value. This is important because without such a provision the taxpayers would have to pay for taking the unexpired term of the franchise which they themselves had granted.

There is some doubt whether the franchise provisions could validly be made to run in favor of a body which is not a party to the franchise, and is not yet in existence. This is a purely legal question, and the City Attorney's office is not prepared, nor is the City Attorney's office to express a definite opinion in answer to that question. The same result might be achieved if the City were authorized to assign the option, but this too would raise serious questions of the City's power to abrogate a governmental function. If the ordinance could be re-drafted, possibly some provisions could be devised which would prevent the taxpayers from paying for the unexpired portion of the franchise in the event of any type of public ownership.

However, we do not conceive it to be the Committee's duty to attempt to re-draft the ordinance, but rather to recommend approval or rejection in the form in which it is submitted. The language of the ordinance could not now be changed in time to be placed upon the May ballot, although if the ordinance is rejected, it could be submitted in a different form at the November election. Of course, if the franchise were rejected at the polls in May, there would be no way of knowing whether the rejection was a matter of form or substance, and the prior rejection would be a serious handicap to a subsequent presentation. The Committee does not feel that either of the objections mentioned above is sufficient to require rejection of the franchise.

The question naturally arises, in the event the franchise were rejected, what then? The Company is now operating a permit, and no revocable permit, and is allowed to continue to do so for a time, although this was unsatisfactory from the standpoint of both the City and the Company. So far as the Committee can ascertain, no other company or agency has expressed any desire or willingness to take over the operation of the system. Consequently, if the growing demand for power in this area is to be met, it would seem that
the operation of the company should be continued, and the only question is on what basis it should continue.

CONCLUSIONS AND RECOMMENDATIONS

Having considered the information which has been assembled and such arguments as have been advanced, the Committee is of the opinion that the proposed franchise should be approved. We feel it significant that although there has been notice of the application and a public hearing before the Council, no objection or protest has been made to the City. If there were serious opposition, we believe it would have been manifested. We therefore recommend that the City Club approve the passage of the ordinance granting a twenty-year franchise to Pacific Power & Light Company.

Respectfully submitted,

GERALD SCHOLZ
WM. FINLEY
ERSKINE B. WOOD
ED KOLAR
RANDALL B. KESTER, Chairman

Approved for transmittal to the Board of Governors by J. C. Plankinton, Section Chairman, Legislation and Elections, May 6, 1948.

Received by the Board of Governors May 10, 1948, and ordered printed and submitted to the membership for its discussion and action.
SCHOOL BUILDING TAX LEVY

SCHOOL DISTRICT No. 1 SPECIAL TAX LEVY FOR PROPERTY AND EQUIPMENT FUNDS—PROPOSAL:

Shall School District No. 1, Multnomah County, Oregon, in order to provide funds for the purpose of financing the cost of property and equipment which said district has lawful power to construct or to acquire, and of repairs and improvements thereto, and of maintenance and replacement thereof so as to accommodate the increased and increasing school population of said district, make special levies, which levies shall be outside the limits imposed by Article XI, Section 11 of the Oregon Constitution in each of the following years in the amount set opposite each of said years:

<table>
<thead>
<tr>
<th>Fiscal year beginning July 1</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948</td>
<td>$2,500,000.00</td>
</tr>
<tr>
<td>1949</td>
<td>$2,500,000.00</td>
</tr>
<tr>
<td>1950</td>
<td>$2,500,000.00</td>
</tr>
<tr>
<td>1951</td>
<td>$2,500,000.00</td>
</tr>
<tr>
<td>1952</td>
<td>$2,500,000.00</td>
</tr>
<tr>
<td>1953</td>
<td>$2,500,000.00</td>
</tr>
<tr>
<td>1954</td>
<td>$2,500,000.00</td>
</tr>
<tr>
<td>1955</td>
<td>$2,500,000.00</td>
</tr>
<tr>
<td>1956</td>
<td>$2,500,000.00</td>
</tr>
<tr>
<td>1957</td>
<td>$2,500,000.00</td>
</tr>
</tbody>
</table>

602 YES—I vote in favor of the proposed levy.

603 NO—I vote against the proposed levy.

To the Board of Governors, City Club of Portland:

This committee has been requested to submit a report on the above measure proposing a special serial levy of $2,500,000 a year for ten years for the construction, improvement and replacement of schools, and the acquisition of property and equipment.

EXISTING SCHOOL PLANT

The war-borne surge of population into the Portland area with its resultant increase in school enrollment, exceeded the capacity of the existing school plant and focused public attention upon its inadequacies. There has been little construction of facilities since 1932 when the most recent elementary school, Irvington, was built.

Over one-third of the elementary schools were constructed before the first world war, when approved educational practices did not call for such great attention to the individual. In a modern educational system these buildings are not adequate to care for the number of children for which they were designed. Structurally, and from the standpoint of efficiency of instruction, many of these schools must be replaced.

The appraisal of elementary schools conducted in 1945 under the direction of Dr. Spalding summarizes the condition of the building facilities as follows:

<table>
<thead>
<tr>
<th>Facility</th>
<th>Needed</th>
<th>Remodel</th>
<th>Construction</th>
<th>Adequate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Arts</td>
<td>23</td>
<td>13</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Home Economics</td>
<td>40</td>
<td>10</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>8</td>
<td>12</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Art</td>
<td>26</td>
<td>4</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Science</td>
<td>24</td>
<td>5</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Music</td>
<td>46</td>
<td>4</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Auditorium</td>
<td>3</td>
<td>12</td>
<td>39</td>
<td></td>
</tr>
<tr>
<td>Stage</td>
<td>35</td>
<td>15</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Gymnasium</td>
<td>5</td>
<td>13</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Cafeteria</td>
<td>6</td>
<td>47</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Rest Rooms</td>
<td>13</td>
<td>6</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>20</td>
<td>5</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>Nurse's Room</td>
<td>20</td>
<td>19</td>
<td>15</td>
<td></td>
</tr>
</tbody>
</table>
## NEW FAMILY UNITS MEANS NEW CLASSROOM UNITS

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NEW FAMILY UNITS</th>
<th>NEW CLASSROOM UNITS NEEDED</th>
<th>CLASSROOM UNITS ACTUALLY BUILT</th>
<th>YEAR</th>
<th>CLASSROOMS NEEDED</th>
<th>CLASSROOMS BUILT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1940</td>
<td>1328</td>
<td>40</td>
<td>0</td>
<td>1940</td>
<td>none</td>
<td>0</td>
</tr>
<tr>
<td>1941</td>
<td>1660</td>
<td>50</td>
<td>0</td>
<td>1941</td>
<td>none</td>
<td>0</td>
</tr>
<tr>
<td>1942</td>
<td>2445</td>
<td>73</td>
<td>0</td>
<td>1942</td>
<td>none</td>
<td>0</td>
</tr>
<tr>
<td>1943</td>
<td>6226</td>
<td>187</td>
<td>70</td>
<td>1943</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>1944</td>
<td>447</td>
<td>13</td>
<td>0</td>
<td>1944</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1945</td>
<td>698</td>
<td>21</td>
<td>0</td>
<td>1945</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1946</td>
<td>2434</td>
<td>73</td>
<td>0</td>
<td>1946</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1947</td>
<td>2275</td>
<td>68</td>
<td>25</td>
<td>1947</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*each family unit equals 9 children*

*each classroom unit cares for 30 children*

We are building more and more FAMILY UNITS but hardly any CLASS UNITS
In addition to the deficiencies indicated in the foregoing summary, the survey points to the need for acoustical treatment and improved lighting facilities for most of the older classrooms. In many instances entire wiring systems must be replaced before an increased electrical load can safely be allowed. Many schools are deficient in toilet facilities, heating plants and equipment.

High schools as well as elementary schools are seriously in need of rehabilitation, additions, or outright replacement. Some of the most pressing needs are: the completion of Roosevelt; the construction of a permanent addition to Benson to provide modern shops and classrooms in place of the "temporary units" built after World War I; the replacement of Jefferson and Lincoln, as well as the construction of gymnasiums at Franklin and Roosevelt.

POPLATION FIGURES AND FORECAST

It was believed early in the war years that most of the influx of population would leave after the war. It is now evident that a large percentage has remained and that new inhabitants are moving into the city from outside areas.

Spot check figures released by the United States Census Bureau indicate a growth of Oregon's population in 1947 of 39.2 percent over 1940. No figures are available for School District No. 1, but the Census Bureau release shows a 31.2% gain for the Portland metropolitan area during the 7 years period ending in December 1947; the permanence of the increase is suggested by a similar 32% rise in the number of dwelling units during the same period.

School construction has failed to keep pace with the increase in dwellings, as is vividly illustrated by the chart.

NEW FAMILY UNITS MEANS NEW CLASSROOM UNITS

(See Chart on opposite page)

Along with the increased population there has come a shift in living areas. By way of illustration, in the ten years ending January 1, 1947, 9,501 new homes were built within the city limits while 9,409 were erected outside the city limits but within School District No. 1.

Over thirteen thousand Government housing units were constructed to fill wartime emergency needs. These units created almost overnight new areas of concentrated population, many containing a high percentage of children. For example there are more than 1,500 children in The University Homes project. Because of the impermanence of these units (most of them still occupied) a difficult problem is posed to the district in arranging for present needs and forecasting future school demands.

Population figures do not show the whole picture. Births in the Portland area have increased by a far greater rate. The figures give warning of additional new burdens on our schools. The following tabulation of births in Portland since 1930 shows a 136% increase in 1947 over 1940:

BIRTHS IN PORTLAND 1930-1947*

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1930</td>
<td>4,259</td>
<td>1939</td>
<td>5,360</td>
</tr>
<tr>
<td>1931</td>
<td>4,070</td>
<td>1940</td>
<td>5,434</td>
</tr>
<tr>
<td>1932</td>
<td>3,945</td>
<td>1941</td>
<td>6,056</td>
</tr>
<tr>
<td>1933</td>
<td>3,841</td>
<td>1942</td>
<td>8,528</td>
</tr>
<tr>
<td>1934</td>
<td>4,108</td>
<td>1943</td>
<td>10,233</td>
</tr>
<tr>
<td>1935</td>
<td>4,184</td>
<td>1944</td>
<td>9,283</td>
</tr>
<tr>
<td>1936</td>
<td>4,388</td>
<td>1945</td>
<td>9,359</td>
</tr>
<tr>
<td>1937</td>
<td>4,814</td>
<td>1946</td>
<td>11,414</td>
</tr>
<tr>
<td>1938</td>
<td>5,088</td>
<td>1947</td>
<td>12,815</td>
</tr>
</tbody>
</table>

*The foregoing figures are hospital birthrate figures containing both resident and non-resident patients. For the year ending December 31, 1947 resident (Portland) births numbered 7,828 while non-resident came to 4,987 or 38.9 per cent. The figure for the school district will exceed the resident births because the boundaries of the district include heavily populated areas beyond the city boundaries.
THE NEXT EIGHT YEARS

4248 entering First Grade  
3360 Graduating from 8th Grade

1948

3848 entering First Grade  
3360 Grad. 8th Grade

5248 entering First Grade  
3520 Grad. 8th Grade

1950

5248 entering First Grade  
3914 Grad. 8th Grade

1951

6297 entering First Grade  
4084 Grad. 8th Grade

1952

7241 entering First Grade  
4258 Grad. 8th Grade

1953

7241 entering First Grade  
4258 Grad. 8th Grade

1954

6517 entering First Grade  
4258 Grad. 8th Grade

1955

6077 entering First Grade  
4258 Grad. 8th Grade

1956

500

In the next 8 years 13,575 more will enter the FIRST GRADE than will leave in the EIGHTH GRADE. HOW SHALL WE FIND SEATS FOR THEM?
When translated into expected entering classes and total elementary school population for the next eight years, these figures present an alarming picture of the increase in the elementary school population:

**THE NEXT EIGHT YEARS**

(See Chart on opposite page)

The chart was prepared from figures contained in the 1948 School Survey prepared by H. W. Agar for the Superintendent's office. Because of the importance of these figures and their relation to the proposed $25,000,000 building levy, a more complete chart is set out below in tabular form. It translates this increased elementary school enrollment into terms of required additional classroom units.

**PORTLAND'S FUTURE ELEMENTARY SCHOOL NEEDS**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of 8th Grade Students Leaving in June</th>
<th>Number of First Grade Students Entering in September</th>
<th>Number of Kindergarten Students Entering in September*</th>
<th>Total Additional Students Expected for Year</th>
<th>Additional Rooms and Teachers Necessary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948</td>
<td>3,369</td>
<td>4,248</td>
<td>5,348</td>
<td>1,979</td>
<td>45.9</td>
</tr>
<tr>
<td>1949</td>
<td>3,345</td>
<td>5,248</td>
<td>5,248</td>
<td>1,979</td>
<td>68.7</td>
</tr>
<tr>
<td>1950</td>
<td>3,528</td>
<td>5,248</td>
<td>6,297</td>
<td>2,244</td>
<td>74.8</td>
</tr>
<tr>
<td>1951</td>
<td>3,914</td>
<td>6,297</td>
<td>7,241</td>
<td>2,855</td>
<td>95.1</td>
</tr>
<tr>
<td>1952</td>
<td>4,054</td>
<td>7,241</td>
<td>7,241</td>
<td>3,187</td>
<td>106.2</td>
</tr>
<tr>
<td>1953</td>
<td>3,979</td>
<td>7,241</td>
<td>6,517</td>
<td>2,900</td>
<td>96.6</td>
</tr>
<tr>
<td>1954</td>
<td>4,258</td>
<td>6,517</td>
<td>6,517</td>
<td>2,259</td>
<td>75.3</td>
</tr>
<tr>
<td>1955</td>
<td>4,248</td>
<td>6,517</td>
<td>6,517</td>
<td>1,135</td>
<td>37.8</td>
</tr>
<tr>
<td>Totals</td>
<td>34,239</td>
<td>53,805</td>
<td>53,805</td>
<td>19,575</td>
<td>652.1</td>
</tr>
</tbody>
</table>

*Kindergartens are operated on a half-time basis and for this reason the kindergarten increase is divided by two in figuring the total student increase.

*Computed by applying percentage factor to births in Portland five years before kindergarten and assuming that the same number will advance from grade to grade each year. The percentage factor varies from 51.28 to 56.57. Actual in 1947 is 49.81 in kindergarten, 70.31 in first grade.

In the opinion of this committee the Agar estimate of future needs of the elementary system is conservative. With the possible exception of the estimate of births in 1948 through 1951, all variable factors have been resolved in the direction of minimizing the increase. Specifically:

1. The figures make no provision for a net increase of families with school age children in this area. All available information indicates that Portland will continue to grow.

2. The figures assume that from 51% to 56% of children born in Portland will enter kindergartens in the district. This figure appears to be supported by past experience. However it is believed a higher percentage would be in attendance if more teachers and classrooms were available.

3. The figures assume that the same number of children will advance from kindergarten to the First Grade and thence from grade to grade. This assumption is not supported by experience. The current ratio of children born six years ago in Portland to children in the First Grade is 70.3%, showing that not all children enter school at kindergarten age.

These comments are not offered as a criticism of the Agar study, but merely as an indication that the needs for additional elementary classrooms may readily exceed 650, and could easily exceed 850.

**AVAILABLE FUNDS**

To meet the existing needs for improving and replacing the school plant, and to care for anticipated future needs of the district, two sources of income are presently available: The annual operating budget, and the $5,000,000 postwar construction fund. The current report by this committee on the proposed special levy of $1,700,000 has shown that the operating budget, including the special levy, does not provide funds other than those required for the known operating and maintenance needs of the schools.

The postwar construction fund is plainly inadequate to meet the current situation. In addition to the authorized construction of the new 16-room Creston School and 33 portables it is expected that the $5,000,000 fund can do little more than build the following:
Since some of the proposed building represents replacement of outmoded plants, the total expenditure of the postwar construction fund represents a net gain in classrooms over those existing in 1947 of approximately 95.

**ANTICIPATED COSTS**

Estimates of the costs of a program to care for existing deficiencies and meet future requirements are difficult to make, since the effect of the variables of time, population, technological change, construction costs and types of facilities cannot be accurately foreseen. Using present costs, however, we believe that the expense of constructing permanent modern schools to meet the anticipated increase in classroom demand in elementary schools alone would exceed the sum of $25,000,000. It is presently estimated that a 20-room school completely equipped costs more than $850,000.00. At this rate the cost of 650 classrooms would exceed $27,625,000.00.

Other building needs, such as the replacement of obsolete elementary and high schools, the construction of wings and additions to existing high schools, the improvement of lighting and heating systems, toilet facilities and acoustical treatment, are not included in the above figure. At present costs these additional needs would increase the amount required to a total of $40,000,000.00 to $45,000,000.00.

**EXAMINATION OF THE PROPOSED LEVY**

The building levy if passed will provide $2,500,000 annually for a ten-year period commencing July 1, 1948. The previous discussion and charts show that the requested funds will not be sufficient to meet, year by year, the increasing demands for elementary school classrooms, to replace outmoded elementary and high schools, remodel and re-equip classrooms and build high school additions to meet existing requirements.

Taking the Agar estimate at face value, adding the available funds from the Postwar Construction Levy, and applying all available funds to elementary classrooms, the cumulative demand for additional elementary classrooms will exceed available funds at least by 1952. This conclusion is illustrated in the following chart:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cumulative Classroom Demand</th>
<th>Cumulative Available Funds Expressed in Classrooms</th>
<th>Yearly Available Funds Expressed in Classrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948</td>
<td>65.9</td>
<td>95</td>
<td>60</td>
</tr>
<tr>
<td>1949</td>
<td>129.6</td>
<td>155</td>
<td>60</td>
</tr>
<tr>
<td>1950</td>
<td>186.3</td>
<td>215</td>
<td>60</td>
</tr>
<tr>
<td>1951</td>
<td>261.1</td>
<td>275</td>
<td>60</td>
</tr>
<tr>
<td>1952</td>
<td>336.2</td>
<td>335</td>
<td>60</td>
</tr>
<tr>
<td>1953</td>
<td>402.4</td>
<td>395</td>
<td>60</td>
</tr>
<tr>
<td>1954</td>
<td>469.0</td>
<td>455</td>
<td>60</td>
</tr>
<tr>
<td>1955</td>
<td>634.3</td>
<td>515</td>
<td>60</td>
</tr>
<tr>
<td>1956</td>
<td>672.1</td>
<td>575</td>
<td>60</td>
</tr>
<tr>
<td>1957</td>
<td>775</td>
<td>635</td>
<td>60</td>
</tr>
</tbody>
</table>

Note 1. The 65.9 room item represents 45.9 additional classrooms needed to meet increased elementary enrollment (See Chart 5) plus 20 additional rooms needed in 1948 to take children from classes in hallways, cafeterias and gymnasiums.

2. This does not indicate the number of classrooms which will actually be available because there is a substantial lag between the time funds are raised and the time when they are translated into completed rooms.

3. On the basis of present costs 69 average classrooms can be constructed for $2,500,000.

Based upon expected 1948 rates, this levy would require an approximate 5.4 mill increase annually. If both school levies are passed, total school millage would amount to 22.5. During 1947-1948 the millage of 44 out of 48 first class districts in Oregon exceeded that figure.

Many of the other first class school districts in Oregon have the same problem in more or less aggravated form. Of the fifty-one first class districts listed for the year 1948-49, partial returns show nineteen have called for bond issue elections, and eleven have scheduled elections for serial building levy measures.
CRITICISMS OF THE PROPOSED LEVY

We have learned of little organized resistance to this measure. The criticisms of the proposed ten-year serial levy which have come to the attention of this committee are set out below and discussed:

Criticisms:

1. The levy extends over too long a period, embracing a decade in which financial conditions may change markedly for the worse.
2. The levy attempts to forecast school needs over too long a period.
3. A smaller amount should have been requested now and additional sums should be asked if present trends continue.
4. The levy is inadequate in amount and does not provide funds soon enough to meet known and foreseeable future demands.

Discussion:

1. While financial conditions cannot be foreseen over a ten-year period, it is possible to determine with considerable accuracy the impact of increased population and births upon the school system. The period of this levy is shorter than is commonly required for the redemption of a bond issue which would be the obvious alternative to the measure, and a similar tax load would be needed to meet debt requirements.
2. The need for the funds does not depend upon the accuracy of the forecast for a remote future period. Requirements now existing, and future needs based on known figures, not projections, require application of the entire amount to be levied.
3. It is recognized by members of the School Board and members of the administrative staff that a greater amount of money will be needed. Our study supports this conclusion. A smaller amount of money would force the Board to adopt a program of spending based upon emergency needs, rather than long range permanent planning.
4. The members of this committee feel, after study of all available information that the criticism of inadequacy is justified. It does not argue against the passage of this levy, but indicates that the seriousness of the position of the Portland school plant has not been met head on, and that the voters have not been asked to take full remedial measures to correct the situation.

A consideration of the willingness of the voters to impose an additional tax burden upon themselves entered into the drafting of this measure. Other factors affected the selection of a ten-year serial levy. A majority of the members of the School Board favored, as part of its adopted pay-as-you-go program, this form of raising money over a bond issue which would burden the taxpayers with interest. From the standpoint of spending the funds they believed too great an administrative chore would be imposed upon the staff if construction wereaccelerated. Finally, because of the current building boom and the impermanence of government housing projects, they feared that large population shifts might occur over the ten-year period, and that gradual spending would eliminate large and costly mistakes.

SUMMARY AND CONCLUSIONS

1. The existing school plant is inadequate and outmoded. Substantial expenditures are required to replace and modernize existing elementary and high school facilities. The newest elementary school now in use was constructed in 1932.
2. Portland births in 1947 were 236% of 1940 figures. There has been a substantial increase in population during the same period which appears to be continuing. These figures presage the need for at least 650 elementary classrooms by 1956.
3. Available funds exclusive of the proposed $25,000,000 levy can only provide a net increase of approximately 95 rooms.
4. At present costs foreseeable needs over the next ten years will require a minimum of $40,000,000.00, for capital expenditures for elementary and high schools.
5. The tax burden for schools, including this measure and the special operating levy is moderate by comparison with other first class school districts in Oregon.

RECOMMENDATION

Your committee recommends the passage of the serial levy of $25,000,000.00.

Respectfully submitted,

IRVING ENNA
ARTHUR A. GOLDSMITH
JAY R. WILSON
CLIFFORD E. ZOLLINGER
ALFRED H. CORBETT, Chairman

Approved by John W. McHale, Section Chairman, Education and Recreation, May 3, 1945.
Received by Board of Governors May 8, 1945, ordered printed and submitted to the membership for its discussion and action.
ORDINANCE TO PROVIDE FOR SUPERVISION AND DISPOSITION OF DOGS

MAJORITY REPORT

An ordinance amending the Police Code of the City of Portland so as to declare dogs running loose or at large to be public nuisances; making it unlawful to permit a dog or dogs to run loose or to be at large in any street or public place or on any premises except that of the owner or keeper; authorizing the impounding and disposal of dogs found running loose or at large and not on leash or under immediate control; making it unlawful to interfere with enforcement of the regulations; providing for investigation upon the complaint of one householder residing in a neighborhood concerning a dog or dogs disturbing residents, which may be followed by notice to abate the nuisance and subsequent prosecution, and providing other regulations.

502 YES—I vote for the ordinance.
503 NO—I vote against the ordinance.

To the Board of Governors of the City Club of Portland:

The undersigned committee was appointed by the Board of Governors to study an ordinance providing for better supervision over, and disposition of, dogs within the City of Portland. The ordinance was passed by the City Council and referred to the voters by a resolution of the Council adopted January 8, 1948.

From the earliest days of man's existence on earth down to the present time, the dog has been his companion, protector and servant. He has been bred and trained for many purposes desired by man, and on the whole, has fulfilled those purposes admirably. In the days when small communities and isolated dwellings were the rule, each farmer and each householder owned one or more dogs for protection of the home and livestock, for hunting and for sporting purposes. Many times the dog was made a part of the family for no other reason than his friendliness, loyalty and good nature. Until people became grouped together in large communities, the dog was accepted as a natural part of community and was respected and protected, and the rogues punished according to their desert, in much the same manner as their human companions.

In the last century, however, men have gathered together in groups and, in the larger cities their dwellings are no longer scattered over the countryside, miles apart, but are close together and are often separated by no more than the width of a 50-foot lot; and many families live even closer together in apartment buildings. The love of the dog has not lessened with the passage of years, however, and wisely or not, many people in the large cities continue to have dogs, even in apartments. Since it is not possible to keep dogs indoors all of the time, and since it is dog nature to roam, those in the cities, unless restricted, wander over the neighborhoods and investigate places of interest in the manner natural to their kind. Such investigations and attentions by the dog population are unwelcome to many people, and the inevitable indications of the dog's visits are a nuisance. There are instances of common knowledge to everyone, where the outraged householder has executed summary justice and where, as a result, human enmities have been incurred. More often, however, the aggrieved householder has petitioned the governing body for relief and redress by means of letters, telephone calls, personal calls and petitions. As the number of such complaints increases, the pressure on the governing body likewise increases and the time comes when control regulations are enacted or existing regulations are strengthened. Such is the situation in Portland at the present time.

Portland adopted dog licensing and rather mild control regulations many years ago. The regulations as of January 8, 1948, when the Council by resolution submitted an amended ordinance to the voters, was expressed in Sections 16-1607 to 16-1611, inclusive, and Section 16-1633 of Ordinance No. 76339 (the Police Code). The present laws apparently are not adequate in several important respects since, according to Mayor Riley, the City Council, the Mayor, and the Commissioners, are continuously bombarded with letters, petitions and calls advocating a more stringent control over the perambulations of the canine population. By 1947 the demands of those in favor of a more stringent control—and of those against such action—had become of such significance that the Council called public hearings and listened to the arguments pro and con of all who wished to speak.

From all that can be learned by interviews at the City Hall and from the minutes of the Council meetings, it appears that the number of those speaking for the control
measures was about equal to those speaking against. It was surprising to note that very few organized groups were on record either as favoring or opposing the measures. Most of the furor was engendered by individuals who felt deeply on the subject—in fact, so deeply that many of the talks were more emotional than logical. The only organized groups officially taking a stand on the matter, so far as this committee has been able to discover, are the Portland Veterinary Medical Association and the Begmore Pet Food Company. Both of these organizations opposed the control measures in the newspapers and printed petition slips to be signed by anyone who desired. It was also reported that the Anti-Vivisection group was opposed, apparently on the grounds that any control of dogs would be cruel. In the case of the veterinarians and the Pet Food Company, onesuspects a mercenary incentive. It is argued that a more strict control will reduce the dog population of Portland, on which would thereby reduce the demand for the services of veterinarians and for prepared dog foods.

Previous to the public hearings the Council sent J. A. Munk, Chief Inspector of the Nuisance Division, to visit many of the cities of the Pacific Coast states to learn at first hand the methods of dog control in effect in those cities. Upon his return, Mr. Munk and the City Attorney prepared an ordinance, which after some modification, is now before the voters for approval. It is interesting to note that of all the cities having similar ordinances, Portland is the only one in which the matter was referred to the voters. In all other cities, the Council itself placed the ordinance in effect.

In some particulars the referred ordinance would make no change in existing law; in other particulars the change varies from slight to substantial. The major features of the present law and the referred ordinance are summarized below:

The referred ordinance makes no change in this provision.

The referred ordinance authorizes the City Council, whenever it is deemed necessary, to prohibit dogs from running at large for a period to be specified by the Council. The provision was intended for the protection of the public during emergencies such as an epidemic of rabies. The referred ordinance repeats this authority, but instead, prohibits all dogs, whether licensed or not, from running loose upon public places in Portland. Such dogs are deemed to be public nuisances and are subject to impounding and disposal in accordance with the provisions of the ordinance. Exempted are (1) dogs kept in the premises of the owner or custodian; (2) dogs upon private property by consent of the owner or person in possession of the property; (3) dogs under control by means of a leash; and (4) dogs in any vehicle and under the immediate, efficient control of the custodian.

The referred ordinance authorizes officers of the Humane Society to impound, sell or otherwise dispose of any dog in violation of any provision of the ordinance. The owner of the dog, if known, is to be notified, and given an opportunity to reclaim the dog upon payment of the impounding fees and license fee, if the dog is unlicensed. The Society in disposing of an unclaimed dog, may not sell it for surgical or medical demonstration or vivisection.

Your committee endeavored to obtain all of the pertinent statistical data which was available. Such data follows:

There were 18,642 dogs licensed in Portland as of April 15, 1948, which is estimated to be about one-third of total number of dogs in the City. This is approximately one dog for each 8 persons, based upon the estimated present population of Portland of about 450,000 people.

There were 4,024 dogs killed or injured which were picked up on the streets of Portland by the Humane Society during the year July 1, 1946, to June 30, 1947. There is no way of knowing the number of injured dogs which were taken by the owners to a veterinarian for treatment, but it must have been at least equal to the number reported by the Society. One of the leading veterinarians in Portland reported an average of two to three injured dogs per day received at his hospital for treatment. He also reported that during a period of fair weather immediately following a rainy spell, the number increased to an average of four to five dogs per day. It should be noted that this is the report of only one hospital. There are 13 veterinarian hospitals listed in the Portland directory, and if on the average, each hospital cared for one injured dog per day, the annual total would be 4,745.

The Nuisance Division of the Department of Public Safety, Bureau of Police, reported that for the year July 1, 1946, to June 30, 1947. 483 complaints regarding dogs were received, 169 of which were received by the Police Department during the hours the
Nuisance Division was closed, and 314 of which were received directly by the Nuisance Division. The Division also reported that from the records of the Health Bureau, 429 persons were bitten by dogs during the same period. This number, of course, does not represent the total number of dog bites during the period, as many are treated at home or by private physicians and are not reported to the Health Bureau. In connection with dog bites, the probability of receiving a rabies infection in Portland appears to be rather slight. The only serious epidemic occurred before the war; since then there was only one case known to the Health Bureau in 1945 when a rabid dog was found in Portland, but was picked up before any harm was done. This dog was traced into Portland from Vancouver.

Some of the arguments advanced in favor of the referred ordinance are as follows:

(1) Dogs running at large befoul the lawns, shrubs and paths of neighbors, tip over garbage cans and spread garbage on the premises, and disfigure and destroy shrubs and other plantings. One or more of such nuisances have undoubtedly been experienced by every household in Portland and are of such common occurrence and knowledge that no further comment is needed.

(2) Dogs running loose tend to congregate on school grounds during recess and noon hours, being attracted by the groups of children. Such dogs befoul the school grounds, jump upon and sometimes knock down the smaller children, often frighten the children and enter the school buildings to the distraction of the students.

(3) The Nuisance Division reports a number of instances of dogs at large biting pedestrians, while dogs on leash or confined to their own yards do not have such an opportunity. Uncontrolled dogs have a tendency to get into fights and anyone, even the owners, attempting to separate them, stand an excellent chance of being bitten in the process. Also, small children, who have not learned to stay away from strange dogs, may be bitten by a dog which does not welcome the effusive and sometimes rather rough attentions of such youngsters. It is recognized that such instances are rare, but the possibility is a constant worry to mothers of small children.

(4) Dogs running loose are a hazard to safe driving. They dart into the street from the lawns and in playing with children, and in swerving to avoid striking the dogs, there is considerable danger of moving cars crashing into others parked along the street, or into oncoming cars.

Some of the arguments advanced against the referred ordinance are as follows:

(1) The ordinance will not be enforceable and will, therefore, tend to discredit all laws.

Whether or not the ordinance is enforced would depend to a large extent on the attitude of the enforcing agency and upon the number of enforcing officers. The Nuisance Division which investigates all complaints against dogs appears conscientious in the prosecution of its duties, but has only two field men on regular time and three people in the office at the City Hall. The Humane Society which picks up and disposes of stray dogs, has, we understand, two trucks available for patrol. The money obtained from the dog licenses ($3.00 per license) would amount to about $55,000 annually for the 18,642 licenses sold. If another 18,000 dogs were licensed, the additional income would be $54,000. The contract between the City and the Humane Society would be divided $10,800 (20%) to the City and $43,200 (80%) to the Society. With this additional income, it would appear that the City could afford to employ at least two more full-time field men, and the Society would have sufficient annual income to provide at least two more patrol trucks with the necessary crews.

The sale of the additional licenses could be accomplished in a manner similar to the methods used by the City of Los Angeles, which claims that about 99% of its dogs are licensed. Representatives of the Los Angeles License Division make a house-to-house canvass of the City and collect the license fees and issue tags on the premises. The canvassers meet collectors at predetermined times and places, where the money is picked up and taken to the City Hall. We were informed that this procedure was tried in Portland last year on a small scale with good results.

Under the referred ordinance, the Humane Society is authorized to impound any dog found running at large. Two or three trucks cruising the city daily, section by section, would soon collect most of the habitual roammers, and people would soon come to understand that it is the better part of wisdom to keep their dogs on their own premises. It does not appear that there would be any undue difficulty in enforcing the ordinance if the authorities intended to do so.

(2) The amount of damage done to property by dogs at large is relatively minor; neighborhood children do much more damage and it is not proposed to fence them in.

It is usually true that the monetary damage resulting from a dog’s visit is small, and if the amount is not appreciable (but under $20, recourse can be had to the small claims court). However, it is usually not the actual money damage involved that causes the neighbor-
hood feuds and results in the steady stream of letters to the city officials. It is scratched-
out flower beds after long hours of work; it is the gradual browning of shrubs and ever-
greens after they have been laboriously planted and cared for through the critical first
seasons; it is the inconvenience of cleanup jobs before lawns can be cut and walked on; it
is the paths worn in carefully tended lawns; it is garbage strewn across the lots which
must be cleaned up; it is these nuisances, minor from a money standpoint, but very real
and irritating, which appear to be back of the demand for dog control.

Children can and do inflict more material damage than dogs, at times, but the control
is usually better. In most cases a few remarks to the children, or if necessary, a word
with the parents, will correct the situation, but dogs are not so amenable to reason, and
restrictive measures must be taken if control is to be effective.

(3) It would ruin the dog's health to keep it confined in close quarters all of the time.

According to a veterinarian with whom this subject was discussed, there is serious
question as to whether a dog is not more liable to contract an illness while roaming at
large than while confined to its own premises. It is true that a dog confined in an apart-
ment with little or no exercise, will usually develop indigestion and be in poor health.
The veterinarian's opinion of people who subject any dog to apartment house life is not
high. However, a dog having daily brisk walks and a play period with a ball or rubber
bone, will not suffer ill effects from a confined life. It is much better, of course, if a fenced
run or a fenced back yard is available for the dog, where he can be outside at least part
of the day. In one instance, a family owning a cocker has fenced their back yard— to
keep stray dogs and small children out, as well as to keep their own dog in — and have
constructed a small swinging door in the back door from the basement. The cocker goes
in and out according to his own whim, and seems to lead a perfectly happy existence.

Dogs which roam at large are subjected to many dangers which are avoided by dogs
kept on their own premises. There is always the danger of being killed or maimed by
cars, as witness the more than 4,000 reported cases and probably as many more unre-
ported; there is the danger of over-eating due to the extra meals furnished by well-
meaning neighbors; there are the meat bones which are tossed out for any dog to pick
up, or meat scraps which are filched from garbage cans, and which, if not eaten very
soon, become contaminated and frequently result in ptomaine or other food poisoning;
and there is always the danger of infection from bites from other dogs and from poison.
As the veterinarian pointed out, the owners of fine dogs who have a true regard for their
pets, would no more let them run wild than they would let their young children run at
will over the neighborhood.

(4) The question is frequently asked, "Why should I pen my dog up? If people don't
like him they can fence him out. He has as much right to use the streets and sidewalks,
which my taxes pay for, as anyone."

This appears to be the argument of a thoroughly selfish person. As a matter of common
justice, anyone who maintains anything which is a nuisance in the neighborhood, should
be required to abate the nuisance; the neighbors should not be required to protect them-
selves against it. From a money standpoint, it is much less expensive for the owner of the
dog to fence him in than for everyone else in the neighborhood to build a fence to keep
the offending dog out. One of the members of the committee obtained estimates on the
cost of fencing a 50-foot by 100-foot lot, assuming that it was reasonably level and that
the whole lot would be fenced, which would rarely be the case. The least expensive type
of 4-foot fence built of split cedar posts and chicken netting, would cost about $80. With
metal posts set in concrete and with ornamental wire fencing, the cost would be about
$140. The best grade of ornamental wire fence of the cyclone type would cost about $675,
while a picket fence with two coats of paint would cost about $350. Obviously the neighbors
should not be required to spend any such sums so that one person's dog can run at large.

Other cities of the Pacific Coast region have found it necessary to regulate the actions
of dogs within their boundaries. The following tabulation summarizes briefly the appli-
cable regulations in those cities for which data was available. The information relative
to those cities marked by an asterisk (*) was taken from City ordinances; the information
relative to the other cities in the list is from a statement appearing in The Oregonian of
December 8, 1946.

<table>
<thead>
<tr>
<th>City</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany, Oregon</td>
<td>Prohibits dogs from running at large except upon premises of owner or custodian.</td>
</tr>
<tr>
<td>Eugene, Oregon</td>
<td>Prohibits dogs from running in City except on leash or on property of owner.</td>
</tr>
<tr>
<td>Medford, Oregon</td>
<td>Leash ordinance during April, May and June of each year.</td>
</tr>
<tr>
<td>Oregon City, Oregon.</td>
<td>Prohibits dogs from running at large except on leash or on property of owner or vehicle.</td>
</tr>
<tr>
<td>Roseburg, Oregon</td>
<td>Leash ordinance and provision regarding nuisance.</td>
</tr>
<tr>
<td>Salem, Oregon</td>
<td>Prohibits dogs from running loose upon any public place.</td>
</tr>
<tr>
<td>Olympia, Washington.</td>
<td>Prohibits dogs from running at large except on leash.</td>
</tr>
<tr>
<td>Seattle, Washington.</td>
<td>Dogs must be leash at night; ordinance contains provisions re parking, violence and trespass.</td>
</tr>
</tbody>
</table>
City  Regulation
Spokane, Washington . . . . Dogs must be licensed; ordinance contains provision regarding nuisance.
Tacoma, Washington . . . . Ordinance re viciousness and nuisance.
Berkeley, California . . . . Ordinance re license and nuisance.
Fresno, California . . . . Ordinance re license and nuisance.
Long Beach, California . . . Ordinance requiring leash and regarding nuisance.
*Los Angeles, California . . . Dogs must be kept on premises of custodian unless on leash which may not exceed 6 feet in length.
Oakland, California . . . . Ordinance re license and nuisance.
*Pasadena, California . . . Ordinance requiring dog to be on leash when on public property unless dog is in automobile.
*Sacramento, California . . . Dogs must be confined in yard or enclosure; may be in public places if on leash.
San Diego, California . . . . Ordinance re license and rabies; dog not to be at large in public places.
San Francisco, California . . . Ordinance re nuisance.
*San Jose, California . . . . Ordinance prohibits dogs on streets except on leash; further prohibits dogs licensed or not, on leash or not, to be in parks, school yard, public building, or places controlled by Board of Education.

Recommendations
The majority of your committee recommends that the City Club go on record as favoring:

(1) The adoption of the referred ordinance relative to the supervision and disposition of dogs.

(2) A more energetic program for the licensing of dogs to the end that every dog owner shall comply with the law and purchase a license for his dog.

Respectfully submitted,

W. O. KNOX
ROBERT C. CAHILL
CLARENCE J. YOUNG
PAUL H. WILLIAMS, Chairman

Approved for transmittal to the Board of Governors by J. C. Plankinton, Section Chairman, Legislation and Elections, May 6, 1948.
Received by the Board of Governors May 10, 1948, and ordered printed and submitted to the membership for its discussion and action.

MINORITY REPORT
To the Board of Governors of the City Club of Portland:

As a dissenter to the majority committee report on the proposed city ordinance to curtail dogs running at large within the City of Portland and declaring all such dogs a public nuisance, I would like to present reasons why, in my opinion, this ordinance should not have the approval of the City Club.

I would first like to state my belief that the members who have signed the majority report approached this controversial subject with open minds and attempted to study it thoughtfully and unemotionally. The fault I find in general with their conclusions is in the weight which they have given to the complaints, often exaggerated, against dogs only a few of which are wicked or savage, and the lack of consideration for the virtues of this friendliest of all animals which has been a companion through the ages to boys and girls and even saved many of them from drowning, fire and other peril. This case for the dog is eloquently presented in The Oregonian’s editorial “We stand by Towski,” which states: “A community which prohibits dogs, and names them as public nuisances, is headed straight for the bowwows! Such a step would be backward, rather than ahead.” The Journal also editorially recommended defeat of the proposal, styling it a “grouch measure which should be dealt with as such.”

On three specific points of my disagreement with the committee report I present the following conclusions:

1. Those dogs which become actual public nuisances can be controlled under existing restrictions with proper enforcement and some strengthening short of confinement. An amendment to Section 16-1611 making it necessary for only two instead of three separate householders to sign a complaint would merit consideration by the City Council along with a provision to keep dogs off school grounds.

2. Less money would likely be collected from licenses should the ordinance be approved as there would be a decrease in the dog population and there would be less inclination on the part of owners to pay a license fee when they must keep their pets on their own premises except when on leash. In fact, they would be justified in demanding the repeal of the tax and other funds would then have to be used for enforcement.
3. While it is true that highly prized dogs are not ordinarily allowed to run at large, these are the smallest part of the dog population. The dogs which are owned by or for children are the ones which would be affected by this legislation, and it is in this respect that the proposed ordinance borders on class legislation. Only in those homes which could provide fenced yards and runways would the children be able to keep dogs and even then they would be denied the companionship of their pets when at play elsewhere.

For the above reasons I believe the majority committee report should not be accepted and that the City Club should go on record as opposing the ordinance which provides supervision over and disposition of dogs running loose or at large.

Respectfully submitted,

WALDO B. TAYLOR.

Approved for transmittal to the Board of Governors by J. C. Plankinton, Section Chairman, Legislation and Elections, May 7, 1948.

Received by Board of Governors May 10, 1948, and ordered printed and submitted to the membership for its discussion and action.

MULTNOMAH COUNTY SPECIAL TAX LEVY

Shall the Board of County Commissioners for Multnomah County, Oregon, be authorized to levy a tax for the year 1948-49 sufficient to produce $1,707,353.71 over the 6% tax limitation of Oregon, said sum being the amount necessary to defray the general expense of county government by reason of the increased levies required by legislative enactments and the increased expense of operating the county government by reason of higher costs or material and labor.

400 YES— I vote for the proposed levy.

401 NO— I vote against the proposed levy.

To the Board of Governors of the City Club:

Your committee has been requested to report upon the Multnomah County special tax levy which is to be submitted to the voters of the county on May 21, 1948, under the above ballot title.

In consideration of the measure your committee has interviewed Mr. Tom H. West, chairman, and Mr. F. L. Shull, commissioner, of the Board of County Commissioners, and Mr. R. C. Flanders, executive secretary of the Multnomah County Tax Supervising and Conservation Commission. Your committee has also studied the county budget for the fiscal year 1948-1949, has compared the budget with those of previous years, and has inquired into the reasons for the special tax levy.

AMOUNT OF SPECIAL LEVY

The proposed special levy of $1,707,353.71 is in the exact amount, as determined by the Board of County Commissioners, by which estimated necessary county expenditures for the fiscal year 1948-1949 will exceed the taxes which can be levied by the county within the 6% constitutional limit, plus miscellaneous revenues and surplus from the fiscal year 1947-1948. A summary of the 1948-1949 budget follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1947-1948 Tax Base</td>
<td>$ 4,921,222.97</td>
</tr>
<tr>
<td>Add 6%</td>
<td>$ 295,273.36</td>
</tr>
<tr>
<td>1948-1949 Tax Base</td>
<td>$ 5,216,496.35</td>
</tr>
<tr>
<td>Miscellaneous Revenues</td>
<td>$1,338,700.00</td>
</tr>
<tr>
<td>Surplus</td>
<td>$550,000.00</td>
</tr>
<tr>
<td>Revenue in sight</td>
<td>$7,105,196.35</td>
</tr>
<tr>
<td>Levies provided from county tax base:</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>$469,879.98</td>
</tr>
<tr>
<td>County School Fund</td>
<td>$952,400.00</td>
</tr>
<tr>
<td>Fair</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Revenue in sight for General Fund</td>
<td>$5,667,916.37</td>
</tr>
<tr>
<td>Budget for 1948-1949</td>
<td>$7,375,270.08</td>
</tr>
<tr>
<td>Deficit, to be covered by special tax levy</td>
<td>$1,707,353.71</td>
</tr>
</tbody>
</table>
Based upon a total estimated assessed valuation of $483,000,000, the special levy represents an additional tax of approximately 3½ mills.

THE 1948-1949 BUDGET

The committee did not have the time to audit the budget, and relied necessarily upon the explanations given by the county commissioners and the executive secretary of the Tax Supervising and Conservation Commission, not only of budget items, but of the taxing powers and restrictions applicable by law to the county.

Decreases have been made in some 19 items in the aggregate amount of $304,819.85, and that twenty-four items have been increased in the aggregate sum of $885,676.82. Many of the increases are attributable directly and perhaps solely to the general rise in prices. Others have resulted from the known abnormal increase in the county's population. It has been estimated that in the past five years the population has increased one-third.

An explanation of some of the budgeted items will illustrate the apparent need for the proposed special levy.

1. Mandatory Levies:

(a) Public Welfare. The welfare expense budgeted for 1948-1949 is $329,457 above the budget for last year. Pursuant to a 1947 statute, the State Public Welfare Commission can direct the county to levy a tax not to exceed 4½ mills to defray the county's proportion of the contributions during the fiscal year for general assistance, old age assistance, blind assistance, and aid to dependent children. Of the necessary public welfare funds not supplied by the federal government under social security, the state by statute contributes 70% and the county 30%. The above mentioned mandatory levy of 4½ mills furnishes the county's 30%. Pursuant to the statute, the State Public Welfare Commission has directed Multnomah County to contribute for the 1948-1949 fiscal year $2,087,242. This amount must be furnished to the state by the county whether or not the special levy is approved, and hence is, in a manner of speaking, a lien upon all county funds. To illustrate the consistent increase in the county's public welfare burden, in 1943-1944 the amount budgeted for this expense was $632,573.10.

(b) County School Fund. Pursuant to state law, the Tax Commission has directed the county to levy taxes in the amount of $952,400 ($10 per student in the county schools) for support of the county school system. This is an increase of $20,320 above the budget for last year. Although the Board of County Commissioners anticipated that the entire sum for the 1948-1949 school year will be contributed by the state from available general funds as an offset to property taxes, nevertheless, this item must be budgeted. If the contribution is in fact made by the state, this expense will not be extended by the assessor, and the actual amount of the special levy will be reduced by $952,400.

(c) In addition to the foregoing, the county is obligated by law to budget $15,000 for the Gresham County Fair and $27,500 for the investigation of elections.

As indicated above, these items are mandatory; the county commissioners cannot exclude them from the budget or diminish them.

2. Living Cost Adjustment:

This item involves an increase of $200,000 for 1948-1949 over the 1947-1948 budget. In July, 1942, the Board of County Commissioners adopted a plan of granting wage and salary increases and decreases based upon the fluctuation in living costs as evidenced by the Index of the Federal Department of Labor. The Index for January 15, 1948, was 63.4 points above the base for September 15, 1941. Under the plan present salaries should be approximately $80 above the September 15, 1941, level. To comply with the plan requires an across-the-board increase of $35 for the fiscal year 1948-1949, and to meet this the commissioners have budgeted $300,000. Your committee has reviewed the salary scales to be paid by the county under the proposed schedule and has found them to be fair and to compare, generally speaking, with rates paid by local commercial concerns.

It is proposed to increase wages and salaries of library employees to compare with current rates paid in comparable cities. This has resulted in an increase of $62,438.98 in the Library Budget for 1948-1949.

3. Other Items:

It would unduly extend this report to review all the items of the budget. Most of the costs were discussed by the committee with Commissioners West and Shull. Mr. Flanders, executive secretary of the Tax Supervising and Conservation Commission, has informed the committee that in the opinion of the commission the budget is sound and fair, and this is the opinion of your committee.
SUMMARY

The county receives some miscellaneous income from sources such as recording fees, court costs, and a few license fees specifically provided for by statute. Generally speaking, however, the county, as distinguished from the city and other municipal corporations, has no power to increase its revenues by licenses or special assessments. If it cannot meet its budget by taxes levied within the 6% limitation, it must submit a special levy to the voters. If the special levy is not approved and if the budget is sound, the county commissioners will be required to curtail those departments not absolutely essential to county government—for example, the county hospital, the county library (popularly known as the city library), the county home and farm, the juvenile home, etc. The proposed wage and salary increases might be eliminated or cut down. The mandatory levies cannot be ignored unless the state law is to be disregarded.

Your committee is convinced that the Board of County Commissioners has carefully prepared the 1948-1949 budget and that the proposed special levy is essential.

Your committee recommends that the City Club of Portland go on record as approving the measure for the special levy.

Respectfully submitted,

PAUL L. BOLEY
RICHARD C. CROW
J. R. DEVERS
V. W. PIERSON
JOHN J. Coughlin, Chairman

Approved for transmittal to the Board of Governors by J. C. Plankinton, Section Chairman, Legislation and Elections, May 7, 1948.
Received by Board of Governors May 10, 1948, and ordered printed and submitted to the membership for its discussion and action.

ELECTED TO MEMBERSHIP

ERLING HUSTVEDT
Design Engineer, Hyster Co.
Proposed by Robert C. Shoemaker

WILLIAM H. KINSEY
Attorney
Associate with Wilbur, Beckett, Oppenheimer, Mautz and Souther
Proposed by Arno H. Denecke

WALTER J. KNUTSON
Minister, St. Mark’s Lutheran Church
Proposed by Jack Lynch

BENJAMIN M. SUSSMAN
Certified Public Accountant
Proposed by Ralph Thom

A. BANCROFT WELLS
District Director
American Overseas Aid
Proposed by Richard M. Steiner

WILLIAM H. ZAVIN
Physician
Proposed by Richard M. Steiner

PROPOSED FOR MEMBERSHIP

If no objections are received by the Executive Secretary prior to May 28, 1948, the following applicants will be elected:

GLENN A. BECHTOLD
Department Manager
National Hospital Association
Proposed by Dr. Will C. Davis

DR. WILLIAM C. SCOTT
Physician
Proposed by Denver C. Jameson

DR. GLENN TEN EYCK
Physician and Surgeon
Proposed by Dr. H. R. Lucas
PORTLAND CITY CLUB BULLETIN
Published each Friday by the
CITY CLUB OF PORTLAND
MARGARET CLARKE, Executive Secretary
Office, 925 CASCADE BUILDING  BR 3054
PORTLAND 4, OREGON

Entered as second class matter at the Portland, Oregon, post office October 29, 1920, under act of March 3, 1879. Subscription rate one dollar per year included in annual dues.

CITY CLUB DUES: Senior, age 28 and over, $15.00 per year; Junior, age 27 and under, $6.00 per year; Non-Residents, $5.00 per year; Sustaining members, $25.00 per year.

The regular FRIDAY LUNCHEON MEETINGS are held in the Crystal Room of the Benson Hotel.