

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING A ) RESOLUTION NO. 85-547  
COUNCIL POSITION ON PROPOSED )  
LEGISLATION TO PROTECT EXOTIC ) Introduced by  
ANIMALS ) Councilor Ernie Bonner and  
 ) Executive Officer Rick Gustafson

WHEREAS, The Council of the Metropolitan Service District recognizes and demonstrates a responsibility for compassionate care of exotic animals in its operation of the Washington Park Zoo; and

WHEREAS, The Washington Park Zoo complies with standards of, and is licensed by, the U. S. Department of Agriculture; and

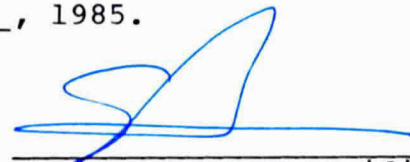
WHEREAS, Other organizations and people in the state of Oregon are authorized to keep exotic animals in a captive environment; and

WHEREAS, Evidence of neglect in the care of exotic animals in unlicensed, non-zoo environments was recently revealed to be of current concern in the state of Oregon; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District supports legislation which requires such organizations and people to obtain a license from the U. S. Department of Agriculture before they are permitted to keep exotic animals for any purpose.

ADOPTED by the Council of the Metropolitan Service District this 28th day of February, 1985.



Ernie Bonner, Presiding Officer



# Memo

Agenda Item No. 7.4

Meeting Date Feb. 28, 1985

*METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646  
Providing Zoo, Transportation, Solid Waste and other Regional Services*

**Date:** February 20, 1985

**To:** Metro Councilors

**From:** Phillip Fell, Acting Public Affairs Director

**Regarding:** Resolutions on proposed legislation

**RESOLUTION NO. 85-543 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION  
ON PROPOSED LEGISLATION EXTENDING ENERGY TAX  
CREDITS**

The Metro Council has adopted positions favoring energy recovery facilities and recycling as methods of waste management. Oregon's Energy Tax Credit program is an important component of financing these energy recovery facilities by virtue of making them cost-effective to construct. Staff contacts with several area recycling firms indicate that these firms would not have invested in necessary equipment if they had not been able to count on the tax credit offered under the existing program. This program is scheduled to sunset this year unless H.B. 2053, which would extend the program until 1991, is passed.

**RESOLUTION NO. 85-544 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION  
ON PROPOSED LEGISLATION ESTABLISHING A STATE  
ADVISORY COMMISSION ON INTERGOVERNMENTAL  
AFFAIRS**

Overlapping responsibilities and duplication of services have long been problems which all levels of government have tried to reduce. They contribute to an inefficient allocation of both functions and finances among governments and a public perception of government which is out of control and wasteful.

The Federal government acted to reduce these problems in 1958 by creating a Federal Advisory Commission on Intergovernmental Relations. Since that time, the ACIR has encouraged a reevaluation of relations between the federal and state governments which has reduced the duplication of services among levels of government. H.B. 2038, if passed, would create the same type of commission focusing primarily on state and local relations. The commission would be charged to recommend changes in the structural, functional and financial relationships existing among Oregon's cities, counties, special districts and the State. Although the Commission's authority would be limited to making recommendations, an analysis of the

existing relationships by an independent third party is clearly the first step toward reducing existing inefficiencies in governmental service provision.

RESOLUTION NO. 85-545 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION  
ON PROPOSED LEGISLATION MODIFYING STATE  
LANDFILL SITING AUTHORITY

Although the Metro Council has not introduced any legislative proposals seeking to streamline the landfill siting process, we are aware of the existence of at least one such bill. At its special Council meeting on the Legislature, the Council decided that it would be easiest to evaluate those principles which such a bill should contain, rather than attempt to analyze any specific bill when we aren't sure that we have all related bills in our possession. Accordingly, Resolution No. 85-545 contains the five principles which the Council had discussed prior to this date. Of these five principles, the greatest controversy has surrounded the proposal that statewide land use goals are a more appropriate criteria than an acknowledged comprehensive plan.

RESOLUTION NO. 85-546 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION  
ON PROPOSED LEGISLATION ALLOWING METRO TO  
CREATE CITIZEN COMMISSIONS

Citizen commissions are a time-honored Oregon mechanism for involving the public in administering the provision of various services. Local governments and the public at large are looking to Metro today as a vehicle to provide additional services, such as parks, on a regional basis. Should Metro actually assume a greater service delivery role, the Council should have the option of using citizen commissions to provide those services. Legislation which was originally introduced as an amendment to a Metro bill, would provide us the necessary authority, which we currently lack, to appoint citizen commissions. These amendments have since been introduced by the House Intergovernmental Affairs Committee as H.B. 2558. The language in the bill is exactly the same as the language in the attached amendments.

RESOLUTION NO. 85-547 FOR THE PURPOSE OF ADOPTING A COUNCIL POSITION  
ON PROPOSED LEGISLATION TO PROTECT EXOTIC  
ANIMALS

Under current law, a person can keep exotic animals without regard to any safety or hygienic standards as long as that person does not exhibit or sell the animals. In September of last year, a raid on the Siletz Game Ranch resulted in the owner's arrest on charges of animal cruelty. Because the owner did not exhibit nor attempt to sell the animals, State Police were forced into an after-the-fact enforcement situation. Legislation recently introduced in the Senate would require all keepers of exotic animals, for whatever reason, to comply with the regulations of, and receive a license from, the U.S. Department of Agriculture. The U.S.D.A. regularly inspects its licensees, such as the Washington Park Zoo, to assure that the animals are receiving

a certain standard of care. Passage of this legislation would provide authorities with a necessary tool to prevent animal cruelty, rather than limiting them to arresting an irresponsible keeper after-the-fact.

RESOLUTION NO. 85-552 FOR THE PURPOSE OF EXEMPTING METRO'S ZOO AND  
SOLID WASTE SERVICES FROM A SALES TAX

Although the House version of a state-wide sales tax has emerged from the Revenue Committee, the final form of the sales tax will be determined by the Senate Revenue Committee. One of the more controversial elements of the tax plan has been the question of local government's responsibility to pay a sales tax on their purchases. Local governments have consistently pointed to the irony of being forced to increase either property tax revenues or fee schedules to raise the money they would be forced to pay the State in the form of a sales tax levied on their purchases. Resolution No. 85-552 would give Metro's legislative representative the authority to seek exemption from the sales tax for solid waste disposal fees; zoo admissions and food purchased for resale at the Zoo in the event that the Legislature determines that local jurisdictions should be included in the sales tax payments.

PF/cam

# Owner held in raid on Siletz exotic-game ranch

Compiled from correspondent reports

SILETZ — Oregon State Police raided an exotic-game ranch Thursday and arrested its owner after finding some animals kept in what a Humane Society official called "very deplorable" conditions.

Robert Thomas Fieber, 46, was charged with cruelty to animals, failure to maintain adequate cages and shelter and not having a holding permit for an exotic animal.

Fieber said he had about 150 animals, including 14 lions, three Bengal tigers, a cougar, a bobcat and six buffalo, at his Siletz Game Ranch. State police said Fieber was keeping 20 lions, four Bengal tigers, 10 wolves, a jaguar, two cougars and other animals.

Humane Society officials called the raid the largest such one in Oregon history.

Fieber said about 20 vehicles showed up at his farm early Thursday, and that most of the police were armed. "They were there with guns, freaking out my lions," Fieber said.

He said the ranch, which he has owned since 1970, was open to the public until about three years ago.

Fieber was released from custody after posting \$19,000 bail. Arraignment was scheduled for Monday in Lincoln County Circuit Court.

State Police refused to allow anyone, including Fieber's family, past the locked gate to his 80-acre property, located about 15 miles east of Newport.

Officials from the Oregon Department of Fish and Wildlife delivered water for the animals. Veterinarians were brought in to exam-

ine the game.

Fieber said he was concerned about two young white lions, which he said were extremely rare and valuable, because they needed feeding every 1½ hours. Five lion cubs were among the animals taken from the ranch to an undisclosed location; it was not known whether the white lions were among them.

Fieber said he raised most of the animals himself.

His father, Ray Fieber, 80, of Toledo, said, "Bob wouldn't hurt an animal under any condition. He'd starve himself first. He treats his animals better than most people treat their kids."

Eric Sakach of the Humane Society of the United States, based in Sacramento, Calif., said conditions were "among the more deplorable

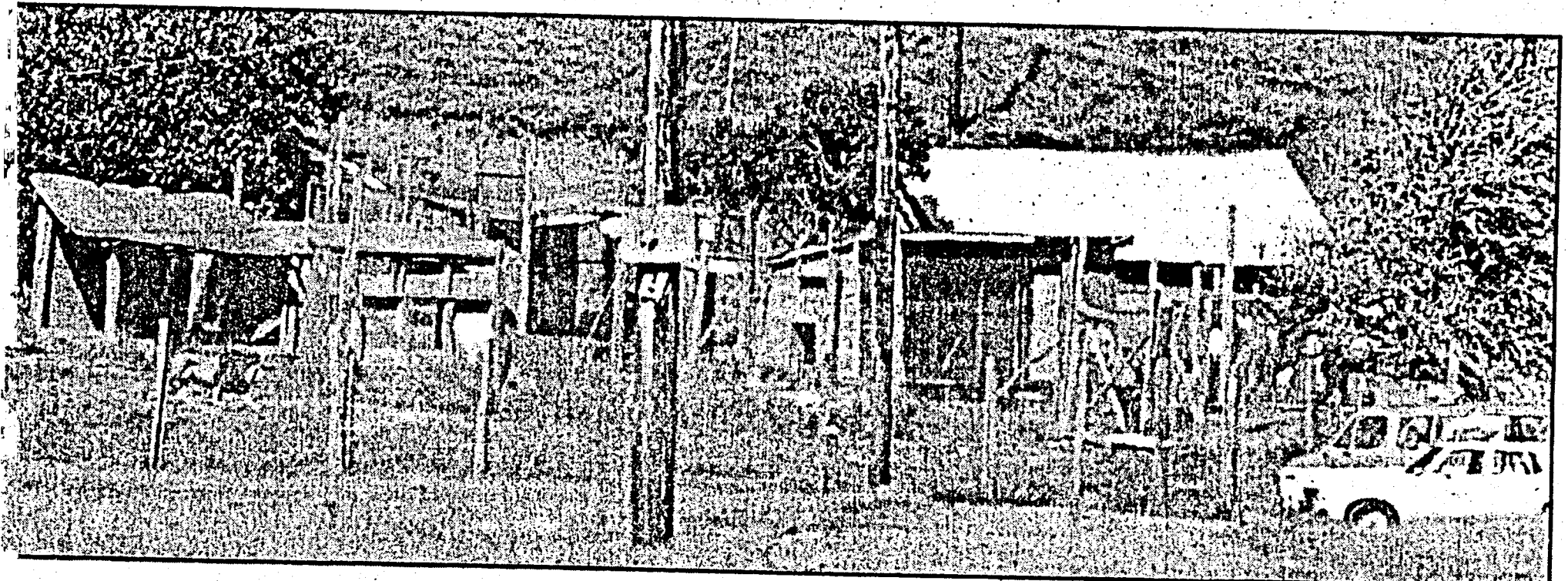
I've ever seen animals in."

Drinking water, he said, was filthy, contaminated with fecal matter and mosquito larvae, "and some of it was as black as oil."

"A number of animals were in very poor to moderate condition," and security was haphazard, he said, urging stronger state regulations of such enterprises.

The raid was prompted by complaints by private individuals to authorities. Tim Grayhavens, executive director of the Humane Society of the Willamette Valley, indicated that state police had used an undercover agent to gain evidence for arrest warrants.

In addition to the five lion cubs, a bobcat, raccoon and tiger cub were taken away. Sakach said he didn't know where they were being taken.



IMAL RANCH RAIDED — A lion walks in an enclosure at Siletz Game Ranch, where authorities arrested owner Robert Thomas Fieber on Thursday on charges of animal cruelty.

The Oregonian/RANDY WOOD

# Game ranch owner charged with abuse

By CARMEL FINLEY  
Correspondent, The Oregonian

NEWPORT — The owner of an exotic game ranch raided by police last week was charged Monday in Lincoln County District Court with 15 counts involving cruelty to animals.

Robert Thomas Fieber, 46, of Siletz was also charged with manufacturing a controlled substance. District Attorney Ulys Stapleton said further charges were pending.

Judge Robert J. Huckleberry continued the case until Sept. 24. Fieber, who was not accompanied by an attorney, said he would plead innocent to all the charges.

Police and Humane Society officials raided Fieber's 80-acre ranch near Siletz Thursday. Authorities took away five lion cubs, a bobcat, a raccoon, and a tiger cub. Three other animals — two bison and an elk — were seized on the ranch by authorities and

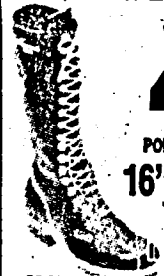
were being fed daily by representatives of the Central Coast Humane Society.

Fieber says he has about 150 animals in all, about half of them various kinds of deer, as well as 14 lions, three Bengal tigers, a cougar, a bobcat and six bison. The ranch has not been open to the public since 1981, when Fieber's license to exhibit was taken by the U.S. Department of Agriculture because the ranch did not meet its stand-

ards for showing exotic animals.

Stapleton asked the court to amend Fieber's conditional release agreement to say that he must not harass officials entering his property to feed the bison and elk.

Three of the 15 animal abuse charges involve a bobcat, which authorities removed from the ranch. Fieber said the animal was brought to him "seven-eighths dead after it had been caught in a trap."



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9.2 Consideration of Resolutions for the Purpose of Adopting Council Positions on Proposed Legislation

Phillip Fell explained that as a result of the informal Council meeting of February 7, 1985, regarding Metro's legislative program, staff had prepared five resolutions for Council consideration on February 28, 1985. He encouraged the Council to review the proposed language of each resolution, ask questions and come back on February 28 ready to consider the following resolutions:

1. Resolution No. 85-543, Adopting a Council Position on Proposed Legislation Extending Energy Tax Credits (H.B. 2033)
2. Resolution No. 85-544, Adopting a Council Position on Proposed Legislation Establishing a State Advisory Commission on Inter-governmental Affairs (H.B. 2038)
3. Resolution No. 85-545, Adopting a Council Position on Proposed Legislation Modifying State Landfill Siting Authority
4. Resolution No. 85-546, Adopting a Council Position on Proposed Legislation Allowing Metro to Create Citizen Commissions (H.B. 2558)
5. Resolution No. 85-547, Adopting a Council Position on Proposed Legislation to Protect Exotic Animals

Executive Officer Gustafson asked the Council to review Resolution No. 85-545, regarding modification of state landfill siting authority, and recommend any language changes staff should consider before February 28.

Presiding Officer Bonner asked why paragraph 4 of the resolution wasn't stated more directly such as, "Allows a landfill to be sited outside the Metropolitan Service District as long as it is within the Solid Waste Management Plan area." Executive Officer Gustafson suggested it be worded, "Allows a landfill to be sited anywhere in the tri-county area." He said this would satisfy legal requirements of siting landfills only within the boundaries of the requesting jurisdiction. The Presiding Officer then suggested the following language: "Allows the site to be outside the boundaries of the requesting jurisdiction as long as it is within the boundaries of the Solid Waste Management Plan." The Executive Officer pointed out that language would allow any local jurisdiction to site a landfill in another local jurisdiction. He said the real question to be answered was which boundary would the state honor the solid waste planning agency designation or solid waste disposal agency designation in determining the boundary for the siting request.

In response to Councilor Gardner's question, Executive Officer Gustafson replied he would like Metro to have the authority to request initiation of the state landfill siting process (as outlined in paragraph 3 of the resolution) and that Metro would be making this request as a solid waste planning authority for the tri-county area (per paragraph 4).

Councilor Kelley said she had copies of ORS 459.047 which she would distribute to the Council and explained if the legislation addressed in Resolution No. 85-545 were viewed as emergency legislation, it would be desirable to have a safety net if Metro failed to site a landfill on the local level. She said the prob'em with this plan was if the state assumed responsibility for the siting process, the state would not be required to secure local land use permits and Metro could end up "shooting itself in the foot." Metro's primary responsibility is to provide solid waste services and a plan for the region, including a landfill site, and it would be important for Metro to respect local rules and regulations in meeting these responsibilities, she explained. Councilor Kelley said the process Metro used for siting a landfill must have integrity and must be unrepachable.

Councilor Waker said he did not agree with Councilor Kelley's statement, especially since he had not heard any critical comments about the selection of Wildwood as a landfill site from any of his constituents. He said he was willing to take the chance to follow through with the Wildwood site because the selection process was defensible. To not follow through would doom Metro to repeating the same lengthy process, he said.

Councilor Hansen said he agreed with Councilor Kelley because the basic flaw with the Executive Officer's plan was the local jurisdiction that would have the new landfill sited within its boundaries would have to trigger the emergency siting process. He said he would be happier with the language suggested by Presiding Officer Bonner.

Regarding paragraph 5, Executive Officer Gustafson said he had added a qualifier that the State Land Use Goals would only be applied if local governments failed to select a site after given an opportunity to do so. This, he explained, was consistent with State Representative Mike Burton's proposed landfill siting legislation and would give local governments the opportunity to responsively exercise their authority.

Councilor Hansen requested copies of Representative Burton's proposed legislation be included in the agenda packet for the February 28 Council meeting.



Mr. Fell explained two additional resolutions would be presented to the Council on February 28. One would address whether food for resale at the Zoo, Zoo admissions revenue and solid waste revenue would be subject to a sales tax. Metro's position would be forwarded to the State Legislature for further consideration, Executive Officer Gustafson said.

Mr. Fell said the second resolution would address restricting Tri-Met's bond covenants. The Executive Officer said he would recommend the Council support a set of state bills which would enable Tri-Met to save money when issuing bonds. Metro should also support an amendment which would limit Tri-Met's ability to place covenants on the bonds as they relate to Metro's ability to assume responsibility for operating Tri-Met, he said. He explained this amendment would be necessary because conditions of one of the applicable bond covenants required that if the appointment authority of the Tri-Met Board changed, the bonds would not be due and payable.

Regarding Resolution No. 85-546, adopting a Council position on proposed legislation to allow Metro to appoint citizen commissions, Executive Officer Gustafson said Metro could not delegate to any commission the power to budget, tax and adopt ordinances. Councilor Waker suggested the second "whereas" of the resolution would be inconsistent with that policy. Executive Officer Bonner requested staff provide new language to reflect Metro's intent.

#### 10. COMMITTEE REPORTS

Councilor Kirkpatrick reported the Intergovernmental Resource Committee (IRC) had held its first meeting, attendance and enthusiasm were high and participants asked good questions. She said the Committee would be meeting the next two Fridays to discuss the IRC budget and the Council was invited to attend these meetings.

Councilor Kirkpatrick said she and Councilor Waker had attended the National Association of Regional Councils (NARC) federal briefing in Washington, D.C., with Executive Officer Gustafson. During the visit, the President's budget was released. She reported the budget recommended eliminating such programs as revenue-sharing (which could effect the level of dues Metro collects from cities and counties), the Small Business Administration, Economic Development Administration, transit operating funds and Section 3 relating to transit. Councilor Kirkpatrick reported there was a strong effort to initiate a freeze on this proposed budget and much more discussion would result before any budget were finally adopted.

Councilor Kirkpatrick also reported a metro caucus is being formed and Executive Officer Gustafson had been instrumental in pushing for

Vote: A vote on the motion resulted in:  
Ayes: Councilors Cooper, DeJardin, Gardner, Hansen,  
Kirkpatrick, Kelley, Myers, Oleson and Waker  
Nay: Councilor Van Bergen  
Absent: Councilors Kafoury and Bonner

The motion carried and the Resolution was adopted.

Consideration of Resolution No. 85-547, for the Purpose of Adopting a Council Position on Proposed Legislation to Protect Exotic Animals. Mr. Fell explained the Zoo had requested the Council take a supportive position on this legislation. Senate Bill 509 would be introduced as a direct response to animal abuse at the Siletz Game Ranch last fall. The current law allowed persons to keep exotic animals without regard to safety or hygenic standards as long as the animals are not exhibited or sold, he said. This proposed legislation would provide for law enforcement officials to prevent cruelty to exotic animals. He reported it appeared the U.S. Department of Agriculture would bear all administrative costs associated with licensing these animals.

In response to Deputy Presiding Officer Waker's question, Mr. Fell explained the penalties imposed under the proposed legislation would be a Class B felony.

Councilor Cooper asked which animals would be protected under the legislation. Mr. Fell recited a list of exotic cats, canines, primates and bears that would be protected.

Motion: Councilor Kirkpatrick moved the Resolution be adopted and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:  
Ayes: Councilors Cooper, DeJardin, Gardner, Hansen,  
Kirkpatrick, Kelley, Oleson, Van Bergen and Waker  
Absent: Councilors Kafoury, Myers and Bonner

The motion carried and the Resolution was adopted.