

RESOLUTION No. 37495 As Amended

Refer amendments to the City Charter regarding Public Use of City Lands for Incidental Purposes (Resolution)

WHEREAS, the Portland City Charter authorizes the City to take certain actions and make necessary expenditures regarding the provision of water services to the City including, but not limited to, authority to acquire, own, and possess real property within and without the limits of the City; and

WHEREAS, City-owned lands outside the Bull Run Watershed Closure Area that are necessary for the provision of water services are often located in areas where the public could benefit from use of the land for purposes that are compatible and do not interfere with the City's use of the land for the provision of water services; and

WHEREAS, the City Charter amendment clarifies the City Council's authority to permit or prohibit incidental uses for such City-owned lands; and

WHEREAS, the public's incidental use of certain City-owned lands may result in associated costs to the Water Fund related to the public's use of the land; and

WHEREAS, Portland voters should be allowed to engage in decisions related to the public's incidental use of City-owned lands; and

WHEREAS, the public should determine, in partnership with the Water Bureau and the City Council, whether incidental public uses of public property owned by the Water Bureau, is appropriate; and

WHEREAS, Water Bureau lands with incidental uses by the general public must be brought into compliance with accessibility requirements of the Americans with Disabilities Act to ensure equitable public access; and

WHEREAS, a referral to the ballot on this issue on November 3, 2020, would allow for all Portland voters to provide input in a timely manner;

NOW, THEREFORE, BE IT RESOLVED, that the Council submits a Measure for an Act, amending the City of Portland Charter, Chapter 11, attached hereto as Exhibit A, to the legal voters of the City of Portland, Oregon, for their adoption or rejection at the election in the City of Portland, Multnomah County, Clackamas County and Washington County to be held on November 3, 2020; and

BE IT FURTHER RESOLVED, that the City Council submits the ballot title for the November 3, 2020 ballot, attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED, that should the proposed Charter amendment be approved by the voters, the Water Bureau shall conduct a public process in partnership with the Portland Utility Board to recommend Code language for adoption by the City Council prior to June 30, 2021 specifying approved incidental uses, and that this is Binding City Policy; and

BE IT FURTHER RESOLVED, that, should the proposed Charter amendment be approved by the voters and after adoption of implementing Code specifications, the Portland Water Bureau shall report annually to the Portland Utility Board and City Council all Water Fund expenditures associated with the public's incidental use of City-owned lands, and that this is Binding City Policy; and

BE IT FURTHER RESOLVED, that the City Council directs the City Auditor to publish the ballot title as shown in Exhibit B in accordance with City Code; and

BE IT FURTHER RESOLVED, that the sponsoring elected official may submit an explanatory statement to the City Auditor for publication in the Voters' Pamphlet; and

BE IT FURTHER RESOLVED, that the City Auditor is directed to forward to the Multnomah, Washington, and Clackamas County Elections Office all material necessary to place this measure on the November 3, 2020 election ballot.

Adopted by the Council: **July 22, 2020**

Commissioner Amanda Fritz
Prepared by: Astrid Dragoy
Date Prepared: July 21, 2020

Mary Hull Caballero
Auditor of the City of Portland

Keelan McClymont
Deputy

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Agenda No.
RESOLUTION NO. 37495 As Amended
 Title

Refer amendment to the City Charter regarding Public use of City Lands for Permissive Secondary Purposes (Resolution)

INTRODUCED BY Commissioner/Auditor: Commissioner Fritz	CLERK USE: DATE FILED <u>July 14, 2020</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration – Wheeler Position 1/Utilities - Fritz <i>Amended Fritz</i> Position 2/Works - Vacant Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u><i>Keelan McClymont</i></u> Deputy
BUREAU APPROVAL Bureau: Commissioner Fritz Bureau Head:	ACTION TAKEN:
Prepared by: Astrid Dragoy Date Prepared: July, 14, 2020	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan /s/ MKH 7/14/2020	
Council Meeting Date July 22, 2020	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: <u>15</u> (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input type="checkbox"/>			
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>15</u> (for presentation, testimony and discussion)	1. Fritz 2. Vacant 3. Hardesty 4. Eudaly Wheeler	1. Fritz 2. Vacant 3. Hardesty 4. Eudaly Wheeler	✓ ✓ ✓ ✓ ✓