

November 2014 General Election Initiative Petition Log

INITIATIVES INTENDED FOR NOVEMBER 4th, 2014 GENERAL ELECTION

- Deadline to submit signature sheets - 5:00 p.m. July 7, 2014
 - Required signatures of active voters - 29,786
-

Petition ID PDX 8

Prospective Petition Filed: 12/20/13

Chief Petitioners (contact information):

Robert Jonah Majure

(623)-262-3063

jonah@cascadianpublictrustinitiative.org

Sponsoring Organization:

Cascadian Public Trust Initiative

Title of Prospective Initiative Petition:

People's Water Trust

Status:

12/20/13 - Prospective petition filed; Auditor determining if meets requirements of Section 1(2) (D) and (5), Article IV of the Oregon Constitution.

12/30/13 - Prospective petition determined to meet the requirements of Section 1(2) (D) and (5), Article IV of the Oregon Constitution.

12/31/13 - Two copies of petition forwarded to City Attorney's Office for preparation of the ballot title.

01/08/14 - City Attorney delivers [ballot title](#) to Auditor. Ballot title challenge period: an elector may file a petition for review of this ballot title in the

Multnomah County Circuit Court no later than 5:00PM on January 17th, 2014.

01/21/14 - Auditor's Office receives no ballot title challenges.

02/15/14 - Auditor's Office approves cover and signature sheets for circulation.

7/7/14 - Auditor's Office does not receive signature sheet submission for PDX 08; petition is void.

Related Documents:

[Text of Proposed Charter Change](#) - Prepared by Petitioners

[Ballot Title](#) - Prepared by City Attorney

Petition ID PDX 6

Prospective Petition Filed: 10/28/13

Chief Petitioners (contact information):

Robert Jonah Majure

(623)-262-3063

jonah@cascadianpublictrustinitiative.org

Sponsoring Organization:

N/A

Title of Prospective Initiative Petition:

People's Water Trust

Status:

10/28/13 - Prospective petition filed; Auditor determining if meets requirements of Section 1(2) (D) and (5), Article IV of the Oregon Constitution.

11/04/13 - Prospective petition determined to meet the requirements of Section 1(2)(D) and (5), Article IV of the Oregon Constitution.

11/05/13 - Two copies of petition forwarded to City Attorney's Office for preparation of the ballot title.

11/13/13 - City Attorney delivers [ballot title](#) to Auditor. Ballot title challenge period: an elector may file a petition for review of this ballot title in the Multnomah County Circuit Court no later than 5:00 P.M. on Friday, November 22nd, 2013.

11/22/13 - [Ballot title challenge](#) filed in Multnomah County Circuit Court.

12/20/13 - Auditor's Office receives withdrawal form for PDX 06 from Chief Petitioner.

Related Documents:

[Text of Proposed Charter Change](#) - Prepared by petitioners

[Ballot Title \(REVISED\)](#)- Prepared by City Attorney's Office

[Ballot Title Challenge](#)

[Withdrawal Form - SEL 375 - Petition withdrawl](#)

Petition ID PDX 8

Prospective Initiative Petition ID PDX 8
Ballot Title

JAN 8 '14 10:01 AM

AUDITOR

CAPTION:

Amends Charter: Imposes trust over water resources, additional City responsibilities.
(10)

QUESTION:

Shall trust be established requiring Portland to protect and manage water, sewer, stormwater resources for human residents and local ecology? (20)

SUMMARY:

Amends Charter. Establishes trust over all water resources within City's full or partial jurisdiction and control including rivers, watersheds, wetlands, floodplains, ponds, and current water, sewer, stormwater projects and infrastructure. Identifies "City of Portland" (defined) as trustee. Trust beneficiaries are present and future residents of the City, representing interests of "natural communities" and "ecosystems" (defined). "Residents" defined as human beings, not other legal entities.

Residents have right to clean, affordable water. Establishes right of "local ecology" (defined) to "exist and flourish." (undefined)

Charter currently provides City with powers, duties to make laws and expenditures to provide water, sewer services. Measure imposes significant new duties, restrictions on City, including annual accounting, audit of water resources, restricting issuance of permits, additional conflict restrictions, other affirmative actions regarding water resource management. Residents may file lawsuits to enforce trust, rights of "local ecology", recover attorney fees, costs. Persons, other entities subject to criminal prosecution for intentionally manipulating scientific results, reports. Requires rules for whistleblower protection; other enforcement provisions.

Ordinances inconsistent with measure repealed; inconsistent permit terms invalidated. Other provisions. (175)

People's Water Trust

A Charter Amendment to Protect the Health, Safety, and Welfare of Residents, the Natural Communities, and Ecosystems of Portland, Oregon By Establishing a Bill of Water Rights; and by Establishing a City-Wide Public Trust Over Water to Ensure the Proper Management and Protection of this Essential Resource For Present Generations and Posterity

WHEREAS, We, the residents of the City of Portland, recognize clean water as a source of all life on Earth and declare its equitable and affordable availability to be a human right; and

WHEREAS, rising water rates are putting unnecessary financial burdens on many fixed-income and low-income residents of the City of Portland; and

WHEREAS, the City of Portland has a duty to provide for the equitable and affordable availability of water to all local residents; and

WHEREAS, the reservoir system currently in use in Portland has continuously, flawlessly, and sustainably supplied highly pure, minimally treated, healthy, and safe water throughout its existence; and

WHEREAS, globally, clean water is becoming scarce and the threat of private takeover of regional public water supplies is a growing concern; and

WHEREAS, the public trust doctrine is an ancient and enduring legal principle dating back to Roman law, which rests on a civil and judicial understanding that some natural resources remain so vital to public welfare and human survival that they should not fall exclusively to private property ownership and control; and

WHEREAS, water has long been recognized as an essential public trust resource because of its importance to all life; and

WHEREAS, We the residents of the City of Portland, declare that we have the duty to safeguard water both on and beneath the Earth's surface, and in the process the rights of people living within the jurisdiction of the City of Portland, as well as the rights of natural communities and ecosystems, of which the City of Portland is a part; and

WHEREAS, our bioregion, popularly referred to as Cascadia, is a network of interdependent ecosystems that rely on clean and healthy watersheds to function; and

WHEREAS, an active citizenry comprised of present beneficiaries of the water trust must possess the ability to oversee the actions of public officials empowered and charged as trustees of our natural ecosystems to protect and enforce our rights held in trust; and

WHEREAS, trust beneficiaries have the right to receive a full accounting of the value and health of their assets; and

WHEREAS, this Title prohibits any unnecessary action that violates the people's right and our posterity's right to a sustainable future; and

WHEREAS, this Title protects, and prevents degradation of, water resources in our community. All specific mandates and procedures shall be interpreted toward fulfilling that purpose; and

NOW, THEREFORE, BE IT RECOGNIZED and RESOLVED, that the City of Portland holds all water within its jurisdiction, in public trust, as a common resource to be sustainably used and protected for the benefit of the residents of the City of Portland, natural communities, and the ecosystems to which they belong.

A new Title shall be added to the Portland City Charter,

Section 1 - Name and Purpose

This Title establishes the People's Water Trust.

The chief purpose of this Title is to recognize the public trust doctrine as a governing principle in the City of Portland's water policymaking activities by establishing public water rights, benefiting residents and local ecology, to be protected by a legal trust over all water resources within the City of Portland with strong City duties of transparency and accountability.

The major effect of this Title is to establish two public water rights: the human right to water and the right of local ecology to exist and flourish. In order to protect these rights, the City of Portland shall hold all water within its jurisdiction or control in public trust as a common resource to be used for the benefit of present and future residents and local ecology. The City of Portland will serve as trustee while present and future human residents of the City will be the trust beneficiaries.

This Title establishes significant new duties of transparency and accountability for the City of Portland, including, but not limited to:

- independent accounting of water resources;
- the duty to use the best available science and the precautionary principle in policymaking;
- strict regulation of conflicts of interest;
- the prohibition of the privatization of water;
- open and transparent process at all times;
- public access to all documents and communications surrounding water policy;
- competitive bidding for City contracts;
- the duty to protect Bull Run Watershed from harmful actions;
- the duty to take action against parties that harm or have harmed water resources;

The City of Portland and its residents are jointly responsible for enforcing the provisions of the People's Water Trust. The City of Portland shall update administrative rules and enact whistleblower protections. In addition, residents may bring public interest actions to enforce the trust when necessary.

The codification of specific relationships, rights, and duties under this Title does not otherwise restrict or invalidate any other relationships, rights, and duties that would be recognized or

established by the public trust doctrine. Though it informs and inspires this Title, it is understood that the public trust doctrine stands separate from, and pre-dates, this ordinance.

Section 2 - Authority

This Title is enacted by the residents of the City of Portland under their authority granted in Article XI § 2 of the Oregon Constitution.

Section 3 - Definitions

As used in this title:

- (1) "best available independent science" means the best available, publicly accessible, and falsifiable scientific data, analysis, and/or information that adheres to the precautionary principle and accounts for any actual or potential conflicts of interest regarding the source of such data, analysis, and information.
- (2) "Bull Run Watershed" means the definition set forth in Portland City Code 21.36.010 in effect on August 1, 2013.
- (3) "City of Portland" means the jurisdictional reach and control of the City of Portland municipal corporation, as well as its officials, bureaus, commissions, districts, policymakers, employees, contractors, subcontractors and any other agents acting on its behalf or otherwise exercising public authority or executing public functions.
- (4) "ecosystems" includes, but is not limited to, wetlands, streams, rivers, ponds, lakes, aquifers, shorelines, and other water systems, as well as all naturally occurring habitats that sustain wildlife, people, flora, fauna, microorganisms, and soil-dwelling or aquatic organisms.
- (5) "natural communities" means communities of wildlife, flora, fauna, soil-dwelling, aerial, and aquatic organisms, as well as their component human communities that have established sustainable interdependence through a proliferating and diverse matrix of organisms, within an ecosystem.
- (6) "local ecology" is acceptable shorthand for "natural communities and ecosystems" of the City of Portland and their complex interrelationships.
- (6) "People's Water Trust" means the public water trust held and managed for the benefit of the residents, natural communities, and ecosystems of the City of Portland, and administered by the City of Portland, as trustee, as described in this Title.
- (7) "residents" means human beings who reside in the City of Portland, but does not include public or private corporations, non-profit organizations, unincorporated associations, partnerships, unions, or other legal entities.
- (8) "unreasonable cost" regarding information and record requests includes charging for any of the following: (i) labor time or materials to query or provide existing data in electronic form; (ii) labor time or materials to create new data reports wholly derived from existing data; (iii) the conversion to standard open formats from proprietary data formats; (iv) any costs related to the acceptable redaction or separation of private information.

- (9) “unreasonable delay” regarding information and record requests is any delay longer than: (i) ten working days for existing data in non-electronic form; (ii) five working days for existing data in electronic form; (iii) the delays allowed for existing data plus the time it takes for one full time worker to generate the report up to a total maximum allowed time of one month, for newly generated data.
- (10) “campaign contribution” means any political campaign contribution including but not limited to: (i) both officially reported and unreported campaign contributions; (ii) both cash and in-kind contributions as defined by the Secretary of State; (iii) both candidate-directed and so-called “independent” spending on behalf of a candidate
- (11) “commonly recognized conflicts of interest” means any relationship that would create an appearance of impropriety to a reasonable person or a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest (abiding by the trust duties) will be unduly influenced by a secondary interest.
- (12) “duty to avoid” means a strict prohibition against performing the action that is to be avoided.

Section 4 - Formalizing the People’s Water Trust

The City of Portland shall designate all water within its jurisdiction and control as held in public trust as a common resource to be used for the benefit of the residents, natural communities, and ecosystems of the City of Portland. This relationship shall be called The People’s Water Trust. The People’s Water Trust is established as follows:

- (1) Trustee. The City of Portland shall serve as trustee of the People’s Water Trust. The duties and responsibilities of the trustee are further established in Sections 5, 6, and 7 of this Title.
- (2) Trust beneficiaries. The present and future residents and local ecology of the City of Portland are the beneficiaries of the People’s Water Trust. In all matters involving the People’s Water Trust, the residents of the City of Portland shall represent the interests of the natural communities and ecosystems of the City of Portland, in addition to their own interests and the interests of future residents. Beneficiary interests are public interests and actions to protect these interests shall be known as public interest actions. The rights of the trust beneficiaries are further established in Sections 5, 6, and 7 of this Title.
- (3) Trust res. The subject matter or res of the People’s Water Trust shall include, but is not limited to:
 - (a) all watersheds, wetlands, streams, creeks, rivers, aquifers, sloughs, floodplains, ponds, and other waterways, water resources, and systems under the full or partial jurisdiction of the City of Portland;
 - (b) all current and future water, sewer, and stormwater infrastructure under the full or partial jurisdiction of the City of Portland;
 - (c) all current and future reservoir infrastructure, artificial water delivery systems, and all water treatment facilities under the full or partial jurisdiction of the City of Portland;

- (d) the Bull Run Watershed;
- (e) all portions of the Willamette River under the full or partial jurisdiction of the City of Portland;
- (f) all portions of the Columbia River under the full or partial jurisdiction of the City of Portland;
- (g) all additional waterways or water resources that exist with the jurisdiction of the City of Portland; and
- (h) any projects, developments, restorations, or infrastructure alterations that will impact any of the water bodies, water resources, facilities, or infrastructures identified in subsections (a)-(g) above.

Section 5 - Rights of Trust Beneficiaries

The present and future residents and local ecology of the City of Portland, as beneficiaries of the People's Water Trust, shall possess the following fundamental and inalienable rights:

- (1) **Right to Water.** All residents of the City of Portland possess the right to access and use clean and affordable water drawn from natural and human-altered cycles within the city limits and surrounding watersheds. Water is an essential common resource that shall be sustainably managed in public trust and stewarded for present generations and posterity.
- (2) **Right to Exist and Flourish.** Natural communities and ecosystems possess the right to exist and flourish. The City of Portland and its residents shall collectively ensure that these rights are respected and protected by law.

Section 6 - Trustee Duties

The City of Portland, as trustee of the People's Water Trust, shall be bound by the trust duties that follow. These duties are intended to ensure the loyalty of the City of Portland and its agents to trust beneficiaries and their interests, transparency in public process, accountability of the City of Portland and its agents, and that the aforementioned Right to Water and Right to Exist and Flourish are respected and protected by law.

- (1) The City of Portland is bound by a strict duty of undivided loyalty to the residents, natural communities, and ecosystems within the jurisdiction and control of the institutions and agents that comprise the City of Portland.
- (2) The City of Portland is bound by the affirmative duty
 - (a) of due care to supply the highest quality, minimally treated, healthy, and safe water to the residents of the City of Portland at equitable and affordable cost.
 - (b) of due care to properly manage, protect, restore, and where practicable, enhance the trust res. This includes, but is not limited to, preventing waste and maximizing the beneficial value of the trust res, preventing damage to the trust res, and reasonably seeking compensation from entities that damage, or have in the past damaged, the trust res.

- (c) to demonstrate that it is administering the People's Water Trust according to the duties enumerated in this Title by describing in a detailed, understandable, written statement how policies, projects, developments, permits sought and granted, or any other significant activity fulfill trust duties.
- (d) to take action, up to and including legal action, against any parties who threaten the health, integrity, or value of the trust.
- (e) to cooperate with adjacent jurisdictions and engage in informal partnerships that would enhance and restore bioregional watersheds, natural communities, and ecosystems.
- (f) to provide an independent accounting of finances, debt, and performance to citizens on an annual basis that includes an audit of:
 - (i) water and watershed quality from the standpoint of the best available independent science;
 - (ii) regular scientific monitoring of emerging pollution risks to public health such as pharmaceuticals, plastics, and waste byproducts.
- (g) to use the best available independent science for and apply the precautionary principle to all proposed developments, alterations of water infrastructure, and policymaking.
- (h) to avoid water privatization agreements, regional water plan agreements, intergovernmental agreements, and any other agreements that would transfer legal and practical control of the trust res outside of the control and jurisdiction of the City of Portland.
- (i) to seek and issue permits only in accordance with the provisions of this Title.
- (j) to demonstrate the necessity of new developments and projects.
 - (i) A development or project is not considered necessary if:
 - (A) existing waste in the system can be eliminated to maximize the value of the trust resource; or
 - (B) less expensive and/or less harmful methods exist for achieving the desired goal; or
 - (C) the development or project damages the trust res, either as a whole or as the portion identified as the location for the project or development. Information useful for evaluating whether or not a project damages the trust res includes, but is not limited to: an inventory the affected portions of the res; a quantification of their present and historical availability, existing uses, and impairment; projections of future demands on the res; a comprehensive plan for balancing competing demands.
- (k) to avoid, with specific regard to individual officials, bureaus, policymakers, employees, contractors, subcontractors, and any other agents of the City of Portland, any and all

conflicts of interest that would interfere with the duty of loyalty to residents, natural communities, and ecosystems of the City of Portland.

- (i) For purposes of this section, in addition to commonly recognized conflicts of interest, a campaign contribution valued at more than \$50 shall be considered to create an affirmative conflict of interest between the donor and agent-recipient of the City of Portland;
 - (A) Conflicts of interest do not arise from generalized interests such as the shared interests of ratepayers in a well-managed water and sewer system or shared beneficiary interests.
 - (ii) If a conflict of interest exists between a human person or legal entity and an agent of the City of Portland, the agent must both disclose it and fully recuse themselves from any deliberations, decisions, or votes, directly or indirectly relating to the human person's or legal entity's interests, either by industry category, trade category, or other special interest;
 - (iii) Upon discovery of the failure by an agent of the City of Portland to properly recuse, the discovering party shall immediately notify the relevant voting or decision making body to which the agent belongs. The relevant body shall either (1) change the agent's past vote or decision to an abstention, or (2) require a new vote or decision-making process to occur within 30 days of the discovery if the improper participation by the agent could have changed the outcome of the prior vote or decision.
- (l) to ensure open and transparent public process at all levels of activity including, but not limited to:
- (i) publishing public notices and agenda summaries with specific enough terms for the public to easily identify individual projects under consideration;
 - (ii) publishing any documents or communications that residents may request without unreasonable delay or unreasonable cost;
 - (iii) holding public meetings at every major decision point in a project or development process;
 - (iv) providing prudent answers to questions about the financing of proposed projects;
 - (v) providing the right to appeal any denial of information in response to a request as a non-exclusive remedy to Multnomah County Circuit Court or other court of competent jurisdiction and reviewed by a special master appointed by a judge;
 - (vi) requiring that any denial of information be accompanied by a clear explanation and reason for such a denial;
 - (vii) requiring that all contracts with private entities, subcontractors, or other parties provide for a level of access to documents, records, and processes equal to that of a public entity bound by the trust duties; and

- (viii) paying a beneficiary group a reasonable stipend to review the City's water policies every two years to ensure independent oversight.
- (m) to hold open and competitive bidding processes for all private-public partnerships and contracted or subcontracted relationships.
- (n) to avoid the use of emergency ordinances and measures to fund projects or hide information from the public where public health is not in immediate danger.
- (o) to avoid actions or projects in the Bull Run Watershed that result in logging, dam building, or other watershed degrading actions or the introduction of technology with the potential result of toxic or unhealthy additions to the trust res.
- (p) to use all of the City of Portland's authority and available resources to defend the trust res from any federal, state, or private actions outside of its jurisdiction that would damage the trust res. This shall include taking legal action to prevent damage to a trust resource.
- (q) to test for radon in all water sources used in the City's water supply and publicly disclose the test results in a City of Portland annual Drinking Water Quality report.
- (r) to make all available efforts, in good faith, to keep Portland's reservoir system operational including seeking exemptions, deferrals, and waivers on all possible grounds from the Environmental Protection Agency, the Oregon Health Authority, and the Oregon Congressional Delegation, and any other actions in the best interests of the residents of the City of Portland and the integrity of the City of Portland's drinking water.
- (s) to use the most scientifically accurate testing methods, that are reasonably available, when testing water, including but not limited to utilizing testing methods that can distinguish between infectious and non-infectious species of cryptosporidium.
- (t) to avoid adding any chemicals to the water supply that are not specifically for treating the water to make it safe to drink. Any new proposed chemical addition, different from those used to treat the water as of August 1, 2013 shall be referred to voters for approval, unless a demonstrable emergency exists.
- (u) to manage stormwater and fund infrastructure that prevents stormwater runoff carrying dirt, oil, and other pollutants from reaching waterways and prevents erosion and flooding that harm properties and wildlife habitat.

Section 7 - Statements of Law - Prohibitions Necessary to Secure Trust Protections

- (1) No permit, license, privilege, eminent domain authority, or charter issued by any State or Federal agency, Commission, Board, Bureau or Department to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this Title or deprive the residents, natural communities, or ecosystems of the City of Portland of any rights, privileges, or immunities secured by this Title, the Oregon Constitution, the United States Constitution, or other laws, shall be valid within the City of Portland.

- (2) The City of Portland and its agents shall oppose, in good faith, the granting of any permit, license, privilege, eminent domain authority, or charter, that would deprive any resident(s), natural communities, or ecosystems of any rights, privileges, immunities, or beneficiary protections secured by this Title or impair trustee duties as described in this Title. This opposition will include, but is not limited to, directing the City's lobbyist to oppose the proposal and testifying against said proposal in all relevant public hearings and processes.
- (3) Existing permits issued or obtained by any Bureau within the City of Portland shall be re-evaluated under the provisions of this Title. Any previously issued permit that violates the prohibitions of this Title or deprives any City Resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this Title, the Oregon Constitution, the United States Constitution, or other laws, shall be deemed invalid within the City of Portland.
- (4) No private rights previously granted shall be recognized in the Portland water supply, but shall be treated as temporary licenses.

Section 8 - Enforcement

- (1) All City of Portland Bureaus shall review and amend their administrative rules to ensure compliance with trust duties within a reasonable time, no longer than 6 months, after passage of this Title.
- (2) All City of Portland Bureaus shall include whistleblower protections in their administrative rules to ensure that employees who expose violations of trust duties by trustees are protected against retaliation. The Ombudsman of the City of Portland shall have the duty to investigate complaints originating from trust powers in this section and publish findings.
- (3) Any City of Portland resident, as trust beneficiary, shall have the authority to enforce this Title through a public interest action brought in the Multnomah County Circuit Court or other court of competent jurisdiction. Any action brought under this Title shall be regarded as a property interest, not as a political question. Remedies may be granted in both law and equity, depending on the circumstances of the specific action. In such action, the resident shall be entitled to recover all reasonable costs of litigation, including expert and attorney's fees.
- (4) Any City of Portland resident, as a trust beneficiary, who brings a public interest action to secure or protect the rights of natural communities or ecosystems within the City of Portland, may bring the action in the name of the natural community or ecosystem in a court of competent jurisdiction. The claimed injury to the natural community or ecosystem shall be considered an injury to beneficiary interests, and the resident shall have standing to bring action on this ground. Damages shall cover the cost of restoring the natural community or ecosystem to its pre-damaged state, and shall be paid by the parties responsible for the degradation to be used exclusively for the full and complete restoration of the natural community or ecosystem. In such action, the resident shall be entitled to recover all reasonable costs of litigation, including expert and attorney's fees.
- (5) The fiduciary duty of the trustees shall be tied to the health of trust assets as determined by the best available independent science. Any person, corporation, or other entity found to be intentionally manipulating scientific results or reports shall be referred for prosecution for any criminal offenses that may apply in addition to any other penalties the City of Portland may impose.

Section 9 - Effective Date and Existing Permit Holders

This Title shall be effective ninety (90) days after the date of its enactment, at which point the Title shall apply to any and all public actions or commercial dealings that would violate this Title regardless of the date of any applicable local, state, or federal permits.

Section 10 - Severability

The provisions of this Title are severable. If a court of competent jurisdiction declares any portion of this Title illegal, invalid, or unconstitutional, the remaining portions of this Title shall remain in full force and effect.

Section 11 - Repealer

All inconsistent provisions of prior Ordinances adopted by the City of Portland are hereby repealed, but only to the extent necessary to remedy the inconsistency with this Title.

Petition ID PDX 6

People's Water Trust

A Charter Amendment to Protect the Health, Safety, and Welfare of Residents, the Natural Communities, and Ecosystems of Portland, Oregon By Establishing a Bill of Water Rights; and by Establishing a City-Wide Public Trust Over Water to Ensure the Proper Management and Protection of this Essential Resource For the Present Generations and Posterity

WHEREAS, We, the residents of the City of Portland, recognize clean water as a source of all life on Earth and declare its equitable and affordable availability to be a human right; and

WHEREAS, rising water rates are putting unnecessary financial burdens on many fixed-income and low-income residents of the City of Portland; and

WHEREAS, the City of Portland has a duty to provide for the equitable and affordable availability of water to all local residents; and

WHEREAS, the reservoir system currently in use in Portland has continuously, flawlessly, and sustainably supplied highly pure, minimally treated, healthy, and safe water throughout its existence; and

WHEREAS, globally, clean water is becoming scarce and the threat of private takeover of regional public water supplies is a growing concern; and

WHEREAS, the public trust doctrine is an ancient and enduring legal principle dating back to Roman law, which rests on a civil and judicial understanding that some natural resources remain so vital to public welfare and human survival that they should not fall exclusively to private property ownership and control; and

WHEREAS, water has long been recognized as an essential public trust resource because of its importance to all life; and

WHEREAS, We the residents of the City of Portland, declare that we have the duty to safeguard water both on and beneath the Earth's surface, and in the process the rights of people living within the jurisdiction of the City of Portland, as well as the rights of natural communities and ecosystems, of which the City of Portland is a part; and

WHEREAS, our bioregion, popularly referred to as Cascadia, is a network of interdependent ecosystems that rely on clean and healthy watersheds to function; and

WHEREAS, an active citizenry comprised of present beneficiaries of the water trust must possess the ability to oversee the actions of public officials empowered and charged as trustees of our natural ecosystems to protect and enforce our rights held in trust; and

WHEREAS, trust beneficiaries have the right to receive a full accounting of the value and health of their assets; and

WHEREAS, this Title prohibits any unnecessary action that violates the people’s right and our posterity’s right to a sustainable future; and

WHEREAS, this Title protects, and prevents degradation of, water resources in our community. All specific mandates and procedures shall be interpreted toward fulfilling that purpose; and

NOW, THEREFORE, BE IT RECOGNIZED and RESOLVED, that the City of Portland holds all water within its jurisdiction, in public trust, as a common resource to be sustainably used and protected for the benefit of the residents of the City of Portland, natural communities, and the ecosystems to which they belong.

A new Title shall be added to the Portland City Charter,

Section 1 - Name and Purpose

This Title shall be known as the People’s Water Trust.

The purpose of this Title is to codify already-existing relationships, rights, and duties between the City of Portland and the residents, natural communities, and ecosystems of the City of Portland under the public trust doctrine, including but not limited to:

- (1) the duty of the City of Portland to hold all water within its jurisdiction, in public trust, as a common resource to be sustainably used and protected for the benefit of the residents of the City of Portland, natural communities, and ecosystems to which they belong; and
- (2) the right and standing of any resident of the City of Portland, as a beneficiary of the public trust, to bring an action to enforce the rights of the residents, natural communities, and ecosystems of the City of Portland as expressed in this Title.

The codification of specific relationships, rights, and duties under this Title does not otherwise restrict or invalidate any other relationships, rights, and duties that would be recognized or established by the public trust doctrine. It is understood that the public trust doctrine stands separate from, and pre-dates, this ordinance.

Section 2 - Authority

This Title is enacted by the residents of the City of Portland under their authority granted in Article XI § 2 of the Oregon Constitution.

Section 3 - Definitions

As used in this title:

- (1) “best available independent science” means the best available, publicly accessible, and falsifiable scientific data, analysis, and/or information that adheres to the precautionary principle and accounts for any actual or potential conflicts of interest regarding the source of such data, analysis, and information.
- (2) “Bull Run Watershed” means the definition set forth in Portland City Code 21.36.010 in effect on August 1, 2013.

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- (6) "People's Water Trust" means the public water trust held and managed for the benefit of the residents, natural communities, and ecosystems of the City of Portland, and administered by the City of Portland, as trustee, as described in this Title.
- (7) "residents" means human beings who reside in the City of Portland, but does not include public or private corporations, non-profit organizations, unincorporated associations, partnerships, unions, or other legal entities.
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- (9) "unreasonable delay" regarding information and record requests is any delay longer than: (i) ten working days for existing data in non-electronic form; (ii) five working days for existing data in electronic form; (iii) the delays allowed for existing data plus the time it takes for one full time worker to generate the report up to a total maximum allowed time of one month, for newly generated data.

Section 4 - Formalizing the People's Water Trust

The City of Portland shall designate all water within its jurisdiction and control as held in public trust as a common resource to be used for the benefit of the residents, natural communities, and ecosystems of the City of Portland. This relationship shall be called The People's Water Trust. The People's Water Trust is established as follows:

- (1) Trustee. The City of Portland shall serve as trustee of the People's Water Trust. The duties and responsibilities of the trustee are further established in Sections 5, 6, and 7 of this Title.
- (2) Trust beneficiaries. The present and future residents of the City of Portland are the beneficiaries of the People's Water Trust. In all matters involving the People's Water Trust, the residents of the City of Portland shall represent the interests of the natural communities and ecosystems of the City of Portland, in addition to their own interests and the interests of

future residents. The rights of the trust beneficiaries are further established in Sections 5, 6, and 7 of this Title.

- (3) Trust res. The subject matter or res of the People's Water Trust shall include, but is not limited to:
- (a) all watersheds, wetlands, streams, creeks, rivers, aquifers, sloughs, floodplains, ponds, and other waterways and systems under the full or partial jurisdiction of the City of Portland;
 - (b) all current and future water and sewer infrastructure under the full or partial jurisdiction of the City of Portland;
 - (c) all current and future reservoir infrastructure, artificial water delivery systems, and all water treatment facilities under the full or partial jurisdiction of the City of Portland;
 - (d) the Bull Run Watershed;
 - (e) all portions of the Willamette River under the full or partial jurisdiction of the City of Portland;
 - (f) all portions of the Columbia River under the full or partial jurisdiction of the City of Portland;
 - (g) all additional waterways or water resources that exist with the jurisdiction of the City of Portland; and
 - (h) any projects, developments, restorations, or infrastructure alterations that will impact any of the water bodies, facilities, or infrastructures identified in subsections (1)-(7) above.

Section 5 - Rights of Trust Beneficiaries

The residents of the City of Portland, as beneficiaries of the People's Water Trust, shall possess the following fundamental and inalienable rights:

- (1) Right to Water. All residents of the City of Portland possess the right to access and use clean and affordable water drawn from natural and human-altered cycles within the city limits and surrounding watersheds. Water is an essential common resource that shall be sustainably managed in public trust and stewarded for present generations and posterity.
- (2) Right to Exist and Flourish. Natural communities and ecosystems possess the right to exist and flourish. The City of Portland and its residents shall collectively ensure that these rights are respected and protected by law.

Section 6 - Trustee Duties

The City of Portland, as trustee of the People's Water Trust, shall be bound by the trust duties that follow.

- (1) The City of Portland is bound by a strict duty of undivided loyalty to the residents, natural communities, and ecosystems within the jurisdiction and control of the institutions and agents that comprise the City of Portland.
- (2) The City of Portland is bound by the affirmative duty
 - (a) of due care to supply the highest quality, minimally treated, healthy, and safe water to the residents of the City of Portland at equitable and affordable cost.
 - (b) of due care to properly manage, protect, restore, and where practicable, enhance the trust res. This includes, but is not limited to, preventing waste and maximizing the beneficial value of the trust res, and reasonably seeking damages from entities that damage, or have in the past damaged, the trust res.
 - (c) to demonstrate that it is administering the People's Water Trust according to the duties enumerated in this Title by describing in a detailed, understandable, written statement how policies, projects, developments, permits sought and granted, or any other significant activity fulfill trust duties.
 - (d) to bring an action against any parties who threaten the integrity of the trust.
 - (e) to cooperate with adjacent jurisdictions and engage in informal partnerships that would enhance and restore bioregional watersheds, natural communities, and ecosystems.
 - (f) to provide an independent accounting of finances, debt, and performance to citizens on an annual basis that includes an audit of:
 - (i) water and watershed quality from the standpoint of the best available independent science;
 - (ii) regular scientific monitoring of emerging pollution risks to public health such as pharmaceuticals, plastics, and waste byproducts.
 - (g) to use the best available independent science for and apply the precautionary principle to all proposed developments, alterations of water infrastructure, and policymaking.
 - (h) to avoid water privatization agreements, regional water plan agreements, intergovernmental agreements, and any other agreements that would transfer legal and practical control of the trust res outside of the control and jurisdiction of the City of Portland.
 - (i) to seek and issue permits only in accordance with the provisions of this Title.
 - (j) to demonstrate the necessity of new developments and projects.
 - (i) A development or project is not considered necessary if:
 - (A) existing waste in the system can be eliminated to maximize the value of the trust resource; or
 - (B) cheaper and/or less harmful methods exist for achieving the desired goal; or

- (C) the development or project damages the trust res.
- (k) to avoid, with specific regard to individual officials, bureaus, policymakers, employees, contractors, subcontractors, and any other agents of the City of Portland, any and all conflicts of interest that would interfere with the duty of loyalty to residents, natural communities, and ecosystems of the City of Portland.
- (i) For purposes of this section, in addition to commonly recognized conflicts of interest, a non-independent campaign cash or in-kind contribution valued at more than \$50, shall be considered to create an affirmative conflict of interest between the donor and agent-recipient of the City of Portland.
- (ii) If a conflict of interest exists between a donor and agent of the City of Portland, the agent must both disclose it and fully recuse themselves from any deliberations, decisions, or votes, directly or indirectly relating to the donor's interests, either by industry or trade category;
- (iii) Upon discovery of the failure by an agent of the City of Portland to properly recuse, the discovering party shall immediately notify the relevant voting or decision making body to which the agent belongs. The relevant body shall either (1) change the agent's past vote or decision to an abstention, or (2) require a new vote or decision-making process to occur within 30 days of the discovery if the improper participation by the agent could have changed the outcome of the prior vote or decision.
- (l) to ensure open public process at all levels of activity including, but not limited to:
- (i) publishing public notices and agenda summaries with specific enough terms for the public to easily identify individual projects under consideration;
- (ii) publishing any documents or communications that residents may request without unreasonable delay or unreasonable cost;
- (iii) holding public meetings at every major decision point in a project or development process;
- (iv) providing prudent answers to questions about the financing of proposed projects;
- (v) providing the right to appeal any denial of information in response to a request as a non-exclusive remedy to Multnomah County Circuit Court or other court of competent jurisdiction and reviewed by a special master appointed by a judge;
- (vi) requiring that any denial of information be accompanied by a clear explanation and reason for such a denial;
- (vii) requiring that all contracts with private entities, subcontractors, or other parties provide for a level of access to documents, records, and processes equal to that of a public entity bound by the trust duties; and
- (viii) paying a beneficiary group a reasonable stipend to review the City's water policies every two years to ensure independent oversight.

- (m) to hold open and competitive bidding processes for all private-public partnerships and contracted or subcontracted relationships.
- (n) to avoid the use of emergency ordinances and measures to fund projects or hide information from the public where public health is not in immediate danger.
- (o) to avoid actions or projects in the Bull Run Watershed that result in logging, dam building, or other watershed degrading actions or the introduction of technology with the potential result of toxic or unhealthy additions to the trust res.
- (p) to use all of the City of Portland's authority and available resources to defend the trust res from any federal, state, or private actions outside of its jurisdiction that would damage the trust res. This shall include bringing suit to prevent damage to a trust resource.
- (q) to test for radon in all water sources used in the City's water supply and publicly disclose the test results in a City of Portland annual Drinking Water Quality report.
- (r) to make all available efforts, in good faith, to keep Portland's reservoir system operational including seeking exemptions, deferrals, and waivers on all possible grounds from the Environmental Protection Agency, the Oregon Health Authority, and the Oregon Congressional Delegation, and any other actions in the best interests of the residents of the City of Portland and the integrity of the City of Portland's drinking water.
- (s) to use the most scientifically accurate testing methods, that are reasonably available, when testing water, including but not limited to utilizing testing methods that can distinguish between infectious and non-infectious species of cryptosporidium.
- (t) to avoid adding any chemicals to the water supply that are not specifically for treating the water to make it safe to drink. Any new proposed chemical addition, different from those used to treat the water as of August 1, 2013 shall be referred to voters for approval, unless a demonstrable emergency exists.

Section 7 - Statements of Law - Prohibitions Necessary to Secure Trust Protections

- (1) No permit, license, privilege, eminent domain authority, or charter issued by any State or Federal agency, Commission, Board, Bureau or Department to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this Title or deprive the residents, natural communities, or ecosystems of the City of Portland of any rights, privileges, or immunities secured by this Title, the Oregon Constitution, the United States Constitution, or other laws, shall be valid within the City of Portland.
- (2) The City of Portland and its agents shall oppose, in good faith, the granting of any permit, license, privilege, eminent domain authority, or charter, that would deprive any resident(s), natural communities, or ecosystems of any rights, privileges, immunities, or beneficiary protections secured by this Title or impair trustee duties as described in this Title. This opposition will include, but is not limited to, directing the City's lobbyist to oppose the proposal and testifying against said proposal in all relevant public hearings and processes.

- (3) Existing permits issued or obtained by any Bureau within the City of Portland shall be re-evaluated under the provisions of this Title. Any previously issued permit that violates the prohibitions of this Title or deprives any City Resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this Title, the Oregon Constitution, the United States Constitution, or other laws, shall be deemed invalid within the City of Portland.
- (4) No private rights previously granted shall be recognized in the Portland water supply, but shall be treated as temporary licenses.

Section 8 - Enforcement

- (1) All City of Portland Bureaus shall review and amend their administrative rules to ensure compliance with trust duties within a reasonable time, no longer than 6 months, after passage of this Title.
- (2) All City of Portland Bureaus shall include whistleblower protections in their administrative rules to ensure that employees who expose violations of trust duties by trustees are protected against retaliation. The Ombudsman of the City of Portland shall have the duty to investigate complaints originating from trust powers in this section and publish findings.
- (3) Any City of Portland resident, as trust beneficiary, shall have the authority to enforce this Title through an action brought in the Multnomah County Circuit Court or other court of competent jurisdiction. Any action brought under this Title shall be regarded as a property interest, not as a political question. Remedies may be granted in both law and equity, depending on the circumstances of the specific action. In such action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.
- (4) Any City of Portland resident, as a trust beneficiary, who brings an action to secure or protect the rights of natural communities or ecosystems within the City of Portland, may bring the action in the name of the natural community or ecosystem in a court of competent jurisdiction. The claimed injury to the natural community or ecosystem shall be considered an injury to beneficiary interests, and the resident shall have standing to bring action on this ground. Damages shall cover the cost of restoring the natural community or ecosystem to its pre-damaged state, and shall be paid by the parties responsible for the degradation to be used exclusively for the full and complete restoration of the natural community or ecosystem. In such action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.
- (5) The fiduciary duty of the trustees shall be tied to the health of trust assets as determined by the best available independent science. Any person, corporation, or other entity found to be intentionally manipulating scientific results or reports shall be referred for prosecution for any criminal offenses that may apply in addition to any other penalties the City of Portland may impose.

Section 9 - Effective Date and Existing Permit Holders

This Title shall be effective ninety (90) days after the date of its enactment, at which point the Title shall apply to any and all public actions or commercial dealings that would violate this Title regardless of the date of any applicable local, state, or federal permits.

Section 10 - Severability

The provisions of this Title are severable. If a court of competent jurisdiction declares any portion of this Title illegal, invalid, or unconstitutional, the remaining portions of this Title shall remain in full force and effect.

Section 11 - Repealer

All inconsistent provisions of prior Ordinances adopted by the City of Portland are hereby repealed, but only to the extent necessary to remedy the inconsistency with this Title.

NOV 22 2013

NOV22 13 02:15PM

AUDITOR

Nicholas Caleb
2222 NE Davis St.
Portland, OR
541-891-6761
nick.caleb@gmail.com

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

NICHOLAS CALEB,
Petitioner,

No. 1311-16176

vs.

JAMES H. VAN DYKE,
Respondent

PETITION FOR REVIEW OF BALLOT
TITLE ("PETITION ID PDX 6")

NATURE OF ACTION

This is a petition for review of the ballot title prepared by Respondent James H. Van Dyke in his official capacity as City Attorney for the City of Portland ("City") for prospective City Initiative Petition "Petition ID PDX 6", a proposed initiative petition which would amend the City Charter to add the "People's Water Trust" ("Petition ID PDX 6"). This petition for review ("Petition") is brought pursuant to ORS 250.296 and Section 2.04.070 of the Portland City Code and is supported by a memorandum of law filed concurrently herewith.

PARTIES

Petitioner Nicholas Caleb ("Petitioner") is an Oregon elector who is registered to vote in Multnomah County and who resides within the city limits of the City of Portland. Petitioner is dissatisfied with the ballot title for Petition ID PDX 6 and seeks a different ballot title.

1 - PETITION FOR REVIEW OF BALLOT TITLE ("PETITION ID PDX 6")

1 Respondent James H. Van Dyke ("Respondent") is the City Attorney for the City of
2 Portland. Respondent prepared the ballot title for Petition ID PDX 6.

3
4 **FACTS**

5 On October 28, 2013, pursuant to ORS 250.265 and Section 2.04.050 of the Portland
6 City Code, Chief Petitioner Robert Jonah Majure filed a prospective initiative petition with the
7 City of Portland entitled "People's Water Trust." The City assigned that prospective initiative
8 petition the signifier Petition ID PDX 6. A correct copy of Petition ID PDX 6 as filed with the
9 City is attached as Exhibit 1 to this Petition and is incorporated by reference herein.

10 On November 4, 2013, pursuant to ORS 250.270 and Section 2.04.055 of the Portland
11 City Code, LaVonne Griffin-Valade, the City Auditor for the City of Portland ("City Auditor")
12 and the city elections officer, determined that Petition ID PDX 6 met the requirements of Article
13 IV, Sections 1(2)(D) and (5) of the Oregon Constitution, and forwarded Petition ID PDX 6 to
14 the City Attorney for preparation of the ballot title.
15

16 On November 13, 2013, pursuant to ORS 250.275 and Section 2.04.060 of the Portland
17 City Code, Respondent prepared the proposed ballot title for Petition ID PDX 6 and transmitted
18 it to the City Auditor, who inscribed a date of receipt on the ballot title. A correct copy of that
19 ballot title indicating the notice and date of receipt, as published on the website maintained by
20 the City, is attached as Exhibit 2 to this Petition and is incorporated by reference herein.
21

22 Because this Petition is filed no later than seven business days after the ballot title for
23 Petition ID PDX 6 was filed with the City Attorney, it is timely pursuant to ORS 250.296(1)
24 and Section 2.04.070 of the Portland City Code.
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ARGUMENTS

The Caption prepared by Respondent for the ballot title for Petition ID PDX 6 does not comply with the requirements of ORS 250.035(1)(a) because it does not reasonably identify the subject of the measure. The subject of Petition ID PDX 6 is a mechanism to create a legal trust over water resources with specific rights for both human residents and local ecology, far reaching City duties designed to ensure the protection of the rights, and various enforcement mechanisms, including a citizen lawsuit provision. In the Caption, the Respondent highlighted the duties as important, but the words "additional City responsibilities" do not reasonably identify any of the duties that inhere in Petition ID PDX 6 or summarize them in a manner that is useful to voters.

The Caption also does not comply with ORS 250.296(1) because it is unfair. The word "Imposes" is a loaded term and creates the impression that the City perceives Petition ID PDX 6 as an unwelcome force burdening City officials. The word is biased and is thus unfair. The words "establishes", "recognizes", or "creates" are examples of terms that would accomplish the same effect without the bias.

The Question prepared by Respondent for the ballot title for Petition ID PDX 6 does not comply with the requirements of ORS 250.035(1)(b) because it does not plainly phrase the chief purpose of the measure. Additionally, the Question is insufficient, not concise, and/or unfair under ORS 250.296(1). The chief purpose of Petition ID PDX 6 is to create a legal trust over water resources with specific rights for both human residents and local ecology, far reaching City duties designed to ensure the protection of the rights, and various enforcement mechanisms, including a citizen lawsuit provision. The Question identifies some of the chief purpose of Petition ID PDX 6 with the words "protect and manage water" but fails to mention water rights,

1 any of the most significant City duties, or how it would be enforced. With the space allotted,
2 Respondent should have identified much more of the chief purpose of Petition ID PDX 6.
3 Additionally, the use of the words “sewer resources” and “for human residents, natural
4 communities, and ecosystems” collectively take up nine of the twenty allotted words,
5 inelegantly utilizing terms of art and concepts that are defined and contained in the summary
6 below. These concepts can be expressed much more efficiently and clearly so that there is room
7 to plainly phrase the chief purpose of the measure in a way that is sufficient, concise, and fair.
8

9 The Summary prepared by Respondent for the ballot title for Petition ID PDX 6 does not
10 comply with the requirements of ORS 250.035(1)(a) because it is not a concise and impartial
11 statement and does not summarize the measure and its major effect. In addition, Petition ID
12 PDX 6 does not comply with ORS 250.296(1) because it is insufficient, not concise, and/or
13 unfair. Though there is much in the Summary that Petitioner acknowledges as accurate, highly
14 legally significant content is underemphasized or described non-specifically while provisions
15 that could be succinctly listed are overemphasized and appear redundantly in the text.
16 Additionally, some terms are misleading.
17

18 First, the specific and important City duties are summarized by the highly non-specific
19 phrase “Measure imposes significant new duties, restrictions on City, requires affirmative
20 actions by City regarding water resource management.” Again, the use of the word “imposes” is
21 biased. Further, the Summary does not describe any of the “significant new duties, restrictions”
22 despite the fact that they are extremely important to the legal significance of the trust. In
23 Petition ID PDX 6, the City duties take up almost three pages of the nine-page document and
24 are arguably the most important aspect of the measure. One non-specific sentence is not
25 sufficient or a fair description.
26
27

1 Second, the water resources covered by the trust are needlessly enumerated as “all water
2 bodies within City’s full or partial jurisdiction including Bull Run Watershed, Columbia and
3 Willamette Rivers, other watersheds, wetlands, floodplains, ponds, and current water, sewer
4 projects and infrastructure” for twenty-nine total words. While some specificity is welcome, “all
5 water bodies within City’s full or partial jurisdiction” is sufficient to concisely describe the
6 subject matter of the trust and allows more words to be devoted to describing duties.
7

8 Third, referring to the citizen lawsuit provision as “private lawsuits” is misleading and
9 unfair. The text of Petition ID PDX 6 does not provide for litigants to be eligible for personal
10 awards as a result of successful litigation. It is far more accurate to describe these actions as
11 “public interest lawsuits” because they are intended to compel the City to fulfill its duties to
12 protect human water rights and the rights of local ecology.
13

14 In order to be sufficient, fair, impartial, and concise, the Summary should follow the
15 general order of Petition ID PDX 6 and include the purpose of the trust, trustee, beneficiaries,
16 subject matter, rights, City duties, and enforcement mechanisms. The “Trustee Duties” are the
17 most significant provisions in both length and effect and should thus be represented as such in
18 the Summary.
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1 Petitioner proposes the following ballot title, which will meet the requirements of ORS

2 250.035(1):

3 **CAPTION:** Amends Charter: Establishes water trust; duties of loyalty,
4 transparency, accountability. (10 words)

5 **QUESTION:** Shall Portland recognize public trust, establish water rights,
6 increase transparency and accountability, regulate conflicts of interest, benefiting
7 people and ecology? (20 words)

8 **SUMMARY:** Amends Charter. Recognizes public trust over all water resources
9 within City's full or partial jurisdiction and control (defined). Recognizes "City
10 of Portland" as trustee. Trust beneficiaries are present and future human residents
11 of the City, also represent "natural communities" and "ecosystems" (defined).

12 Residents have inalienable right to clean, affordable water. Local ecology has
13 "right to exist and flourish". (undefined)

14 Current Charter provides City with powers, duty to make laws and expenditures
15 to provide water, sewer services. Measure establishes significant new duties,
16 restrictions on City, including: independent accounting of water resources; use
17 best available independent science (defined); avoid conflicts of interest; no water
18 privatization; open and transparent process, public access to all documents and
19 communications; competitive bidding for City contracts; protect Bull Run
20 Watershed from harmful actions; take action against parties that harm water
21 resources; further duties.

22 City and residents are jointly responsible for enforcing trust. City shall update
23 local rules in compliance. City shall enact whistleblower protections. Residents
24 may bring public interest lawsuits to enforce trust, recover fees, costs. (169
25 words)

26 //

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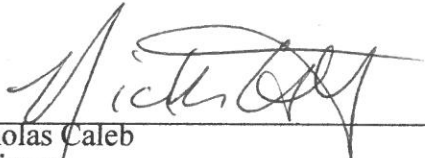
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1 As required by ORS 250.296(2), not later than 5:00 p.m. on Friday, November 22, 2013,
2 Petitioner will give written notice to the City Auditor and the city elections officer that this
3 petition has been filed.

4 WHEREFORE, Petitioner prays for judgment certifying to the City Auditor of the City
5 of Portland a ballot title for Petition ID PDX 6 in the form set out in this Petition.
6

7 Dated this 22 of November, 2013.

8 
9 _____
Nicholas Caleb
Petitioner

10 2222 NE Davis St.
11 Portland, OR 97232
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CAPTION:

Amends Charter: Imposes trust over water resources, additional City responsibilities. (10)

QUESTION:

Shall trust be established, requiring Portland to protect and manage water, sewer resources for human residents, natural communities and ecosystems? (20)

SUMMARY:

Amends Charter. Establishes trust over all water bodies within City's full or partial jurisdiction and control including Bull Run Watershed, Columbia and Willamette Rivers, other watersheds, wetlands, floodplains, ponds, and current water, sewer projects and infrastructure. Identifies "City of Portland" (defined) as trustee. Trust beneficiaries are present and future residents of the City who represent the interests of "natural communities" and "ecosystems" (defined). "Residents" defined as human beings, not other legal entities.

Residents have right to clean, affordable water. Natural communities and ecosystems granted the "right to exist and flourish." (undefined)

Current Charter provides City with powers, duty to make laws and expenditures to provide water, sewer services. Measure imposes significant new duties, restrictions on City, requires affirmative actions by City regarding water resource management. Residents may bring private lawsuits to enforce trust, rights of natural communities and ecosystems, recover fees, costs. Persons, other entities referred for criminal prosecution for intentionally manipulating scientific results, reports. Requires rules for whistleblower protection; other enforcement provisions.

Ordinances inconsistent with measure repealed; inconsistent permit terms invalidated. Other provisions. (174)

Withdrawal of Initiative or Referendum Petition

SEL 375

rev 1/12-ORS 250.029

DEC 21 2013
AUDITOR

The chief petitioners of an initiative or referendum petition may withdraw the petition prior to the submission of the petition for signature verification. All chief petitioners must sign the same withdrawal form.

Type of Petition

Statewide

County, City or District of Portland

Petition Information

Petition Title caption of ballot title or title of act

People's Water Trust

Date Prospective Petition Filed

10/28/13

Petition ID if applicable

PDX 6

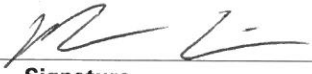
Election ID if applicable

Withdrawal Reason

To the Secretary of State of Oregon/County Elections Official/City Recorder,
I/we submit this notice of withdrawal for the petition named above. My/our reason for withdrawal is: optional

Robert Jonah Majure

Chief Petitioner Name print



Signature

12/20/13

Date Signed

Chief Petitioner Name print

Signature

Date Signed

Chief Petitioner Name print

Signature

Date Signed

For Office Use Only

Initials

Petition ID

Receipt Number