

May 2014 Primary Election Initiative Petition Log

INITIATIVES INTENDED FOR MAY 20, 2014 PRIMARY ELECTION

- Deadline to submit signature sheets - 5:00 p.m. January 21st, 2014
 - Required signatures of active voters - 29,786
-

Petition ID PDX 4

Prospective Petition Filed: 7/26/13

Chief Petitioners (contact information):

Floy Jones

(503)-238-4649

floy21@msn.com

Kent Craford

(503) 961-4191

kentcraford@hotmail.com

Sponsoring Organization:

Portlanders for Water Reform

Title of Prospective Initiative Petition:

Establishment of the Portland Public Water District

Status:

7/26/13 - Prospective petition filed; Auditor determining if meets requirements of Section 1(2) (D) and (5) of Article IV of the Oregon Constitution.

8/2/13 - Prospective petition determined to meet the requirements of Section 1(2)(D) and (5), Article IV of the Oregon Constitution.

8/2/13 - Two copies forwarded to the City Attorney's Office for preparation of the ballot title.

8/8/13 - 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 Monday, August 19, 2013.

8/19/13 - [Ballot title challenge](#) filed in Multnomah County Circuit Court.

8/19/13 - Second [Ballot title challenge](#) filed in Multnomah County Circuit Court.

10/10/13 - Judge Roberts [issues](#) a Certification Opinion on the ballot title for PDX 4.

10/14/13 - Chief petitioners submit cover and signature sheets for circulation.

10/14/13 - Auditor's Office approves cover and signature sheets (form SEL 373); chief petitioners must submit signatures no later than January 21st, 2014 (four months before the May 20, 2014 Primary Election).

1/21/14 - Auditor's Office receives initiative petition signature sheets; chief petitioners estimate to have collected 50,213 signatures. City Auditor's Office has 30 days to complete verification process and arrange for validation of signatures with Multnomah County.

2/06/14-Auditor's Office received statistical sampling reports from Multnomah County Elections Office. Petition is estimated to have 32,858 valid City of Portland registered voters and therefore qualifies for the ballot.

2/06/14- Auditor's Office certified results.

02/14/14- [Notice of Measure Election](#) filed with Multnomah County Elections. PDX 4 certified to May 20, 2014 Primary Election ballot and given measure number 26-156.

5/20/14 - Voters [reject](#) measure 26-156.

Related Documents:

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

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

1st [Ballot Title Challenge](#)

2nd [Ballot Title Challenge](#)

[Final Ballot Title](#) - Issued by Multnomah County Circuit Court Judge Roberts

[Approved Cover and Signature Sheet](#) - PDX 4 circulation forms

[Auditor's Office Letter to Petitioners](#)

[Multnomah County Calculation Sheet](#)

[Auditor's Certification of Results](#)

Petition ID PDX 3

Prospective Petition Filed: 7/18/13

Chief Petitioners (contact information):

Floy Jones

(503) 238-4649

Kent Craford

kentcraford@hotmail.com

(503) 961-4191

Sponsoring Organization:

Portlanders for Water Reform

Title of Prospective Initiative Petition:

Establishment of the Portland Public Water District

Status:

7/18/13 - Prospective petition filed; Auditor determining if meets requirements of Section 1(2)(D) and (5), Article IV of the Oregon Constitution.

7/25/13 - Prospective petition determined to meet the requirements of Section 1 (2) (D) and (5) Article IV of the Oregon Constitution.

7/25/13 - Petition withdrawn. Form SEL 375 submitted by chief petitioners to withdraw PDX 3.

Related Documents:

[Text of Proposed Charter Change](#)- prepared by petitioners (updated text filed, 7/18/13)

Petition ID PDX 1

Prospective Petition Filed: 8/22/2012

Chief Petitioners (contact information):

Kimberly Kaminski

kim@safewateroregon.org

Roger Burt

rogereburt@hotmail.com

Petition Committee

Clean Water Portland Initiative Committee

State Committee ID# 16146 [Statement of Organization](#)

Title of Initiative Petition:

Amends Charter: Prohibits certain chemicals and substances in drinking water.

Status:

8/22/12 - Prospective petition filed; Auditor determining if meets requirements of Section 1(2)(D) and (5), Article IV of the Oregon Constitution.

8/30/12 - Prospective petition determined to meet the requirements of Section 1(2)(D) and (5), Article IV of the Oregon Constitution.

8/30/12 - Two copies forwarded to City Attorney for ballot title preparation.

9/6/12 - 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 Monday, September 17, 2012.

9/17/12 - [Ballot title challenge filed](#) in the Multnomah County Circuit Court.

11/26/12 - Judge Immergut [issued](#) final ruling on PDX 1 ballot title challenge.

1/17/13 - Chief Petitioners submit cover and signature sheets for circulation.

1/17/13 - Auditor's Office approves cover and signature sheets (form SEL 373); chief petitioners must submit signatures no later than January 21st, 2014 (four months before the May 20, 2014 Primary Election).

11/15/13 - Auditor's Office receives withdrawal form for PDX 01 from Chief Petitioners.

Related Documents:

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

[Ballot title](#) - Prepared by the Office of the City Attorney

[Final Ballot Title](#) - Issued by Multnomah County Circuit Court Judge Immergut

[Notice to Chief Petitioners](#) - Regarding Signature Sheet Approval

[Approved Signature and Cover Sheet](#) - PDX 01 petition circulation forms

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

Petition ID PDX 4

Petition ID PDX 4
Ballot Title

Caption: Amends Charter: Creates water and sewer district with elected board (10)

Question: Shall Portland create independent utility district to administer water and sewer services, with new legislative board elected from seven zones? (20)

Summary: Measure creates Portland Public Water District as independent agency of City; transfers operation of water and sewer systems from City Council to district board, including control over property and right of way used by systems. Seven uncompensated board members would be elected for three year terms, from zones coextensive with Portland Public School zone boundaries. Board vacancies filled by appointment. Certain persons disqualified from board or working for district. Board could adopt ordinances and resolutions, with civil and criminal liability for violations. Board could hire and discharge employees. City water and sewer employees would be transferred to district. District would set rates for water and sewer, and adopt annual budgets, with financial audits. District could purchase and condemn property; borrow funds; direct Council to issue water and sewer bonds; and assess properties for water and sewer local improvement districts. District cannot "regionalize or privatize" (undefined) water or sewer; commingle Bull Run water with other than existing sources, except in catastrophic emergencies; or adopt less-protective regulations for Bull Run watershed. No cost estimate provided with measure. (175)

Office of
AUDITOR OF THE CITY OF PORTLAND

Portland, Oregon 97204

Room 320
City Hall

STATE OF OREGON }
County of Multnomah } SS
City of Portland }

I, Deborah Scroggin, do hereby certify that on February 6, 2014, I received the results of the signature verification process completed by the Multnomah County Elections Office for the initiative petition: " Amends Charter: Creates water and sewer district with elected board," submitted by Chief Petitioners Floy Jones and Kent Craford. The petition contains the required 29,786 valid signatures of Portland City voters to qualify for the May 20, 2014 Primary Election ballot.

IN WITNESS THEREOF, I have hereunto set my hand and the seal of the City of Portland affixed this 6th day of February, 2014.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



BY: 
Deputy Auditor

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade



Elections Division

1221 SW 4th Avenue, Room 320

Portland, OR 97204

phone: (503) 823-3546

deborah.scroggin@portlandoregon.gov

web: www.portlandoregon.gov/auditor

DATE: February 6th, 2014

TO: Floy Jones
2204 SE 59th Ave.
Portland, OR 97215

VIA U.S. POST, E-MAIL

Kent Craford
2015 N. Jantzen Ave.
Portland, OR 97217

VIA U.S. POST, E-MAIL

From: Deborah Scroggin, City Elections Officer

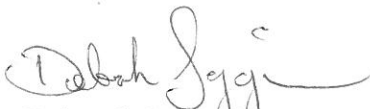
Re: Signature Verification Process for Initiative Petition PDX 4

On Friday January 31st, 2014, the Auditor forwarded signature sheets for Initiative Petition PDX 4 to Multnomah County to arrange for verification as required by City Code Section 2.04.090 F. Per Portland City Code, the deadline for completion of signature verification is 30 days after the date the petition was filed, or on February 20th, 2014.

I received notification from Tim Scott, Director of Elections for Multnomah County today, February 6th, that the petition verification process has been completed. The sample indicates the petition contains approximately 32,858 valid signatures and therefore qualifies for the ballot for the intended election date of May 20, 2014.

As this measure seeks to change the City charter, it will be certified to the County Elections Office for a vote on May 20th, 2014, pursuant to City Code 2.04.100 B.

Please let me know if you have any questions.



Deborah Scroggin
City Elections Officer

CITY INITIATIVE PETITION This petition is intended for the ballot on May 20, 2014

CAPTION: Amends Charter: Creates water and sewer district with elected board

QUESTION: Shall Portland create district not subject to city council control, with elected board, transfer city water, sewer services to it?

SUMMARY: Measure creates water and sewer district outside City Council or City Auditor supervision; transfers control of water and sewer operations and assets to board of seven uncompensated members elected (initially by plurality vote) for three year terms from zones approximating Portland Public School zones (area outside Portland Public School District not addressed). Board fills board vacancies by appointment. Persons disqualified as Board candidates: persons holding any elected position; persons formerly working or contracting with City related to water/sewer; current District contractors and employees. Earlier City employment disqualifies lawyer or auditor to work for District. Board can legislate; create civil and criminal liability; hire and fire employees; set rates; adopt budgets; provide for financial audits; purchase and condemn property; borrow funds; create City sewer and water bond liability; assess properties for water and sewer local improvement districts. City water and sewer employees transfer to District. District cannot mix Bull Run water except with water from existing well field, without emergency; cannot make watershed regulations less "protective," by undefined standard; cannot take certain other actions. Other provisions.

Chief Petitioner
Kent Craford
2015 N. Jantzen Ave.
Portland, OR 97217

Chief Petitioner
Floy Jones
2204 S.E. 59th
Portland, OR 97215

Instructions for Circulators

- ➔ Only active registered voters of the county, city or district may sign a petition.
- ➔ It is advisable to have signers use a pen for signing petitions or for certifying petitions.
- ➔ Only one circulator may collect signatures on any one sheet of a petition.
- ➔ Each circulator must personally witness all signatures the circulator collects.
- ➔ Circulators shall not cause to be circulated a petition knowing it to contain a false signature.
- ➔ Circulators shall not knowingly make any false statement to any person who signs it or requests information about it.
- ➔ Circulators shall not attempt to obtain the signature of a person knowing that the person is not qualified to sign it.
- ➔ Circulators shall not offer money or any thing of value to another person to sign or not sign a petition.
- ➔ Circulators shall not sell or offer to sell signature sheets.
- ➔ Circulators shall not write, alter, correct, clarify or obscure any information about the signers unless the signer is disabled and requests assistance or the signer initials after the changes are made.
- ➔ Circulators shall not accept compensation to circulate a petition that is based on the number of signatures obtained.

WARNING!

Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years

Instructions for Signers

- ➔ Only active registered voters of the county, city or district may sign a petition. Sign your full name, as you did when you registered to vote.
- ➔ Please fill in the date on which you signed the petition, your printed name and your residence address in the spaces provided. Only signers may complete their optional information.
- ➔ Initial any changes that you or the circulator makes to your printed name, residence address or date on which you signed the petition.
- ➔ It is advisable to use a pen for signing petitions.
- ➔ It is unlawful to sign any person's name other than your own. Do not sign another person's name under any circumstances.
- ➔ It is unlawful to sign a petition more than once.
- ➔ It is unlawful for a person to knowingly sign a petition when the person is not qualified to sign it.

AUDITOR 10/14/13 AM 10:24

Petition for Local Initiative Referendum Measure Signature Sheet

Petition ID PDX 4

Some circulators for this petition are being paid. It is unlawful to sign a petition more than one time. This is a local petition. Signers of this page must be active registered voters of the jurisdiction at the time of signing.

To the County Election Filing Officer/City Recorder (Auditor), County/City District of: Portland
We, the undersigned voters, request this measure to be submitted to the residents of the county/city/district for their approval or rejection. A full and correct copy of this measure was made available for review and I have not previously signed a petition sheet for this measure. *Petition is intended for the ballot on May 20, 2014*

Insert Caption of Ballot Title or Number of Ordinance/Resolution and Date Adopted
Amends Charter: Creates water and sewer district with elected board

→ Signers must initial any changes that they or the circulator makes to their printed name, residence address or date they signed the petition.

- | Signature | Date Signed mm/dd/yy | Print Name | Residence Address street, city, zip code |
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Circulator Certification This certification must be signed by the circulator!
You should not collect any additional signatures on this sheet once you have signed and dated the certification!
I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and I believe each person is a qualified voter in the county/city/district. (ORS 250.165, 250.265, 255.135, 198.750, 221.031) I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature _____ **Date Signed** mm/dd/yy _____
Printed Name of Circulator _____ **Circulator's Address** street, city, zip code _____

County Elections Official Certification
I hereby certify _____ signatures on this petition are those of active registered voters in _____ County/City/District of Oregon.
Signature of County Elections Official _____ **Date Certified** mm/dd/yy _____

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

VANESSA KEITGES,
Petitioner,

v.

JAMES H. VAN DYKE, in his official
capacity as City Attorney for the City of
Portland,
Respondent.

Case No. **130812024**
PETITION FOR REVIEW OF BALLOT
TITLE ("Petition ID PDX 4")
CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION
Filing Fee Pursuant to ORS 21.135

NATURE OF ACTION

1.

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 (the "City") for prospective City Initiative Petition ID PDX 4 (the "Initiative"). The Initiative is a proposed initiative which would amend the City of Portland's charter to transfer authority for operation and control Portland's water and sewers from the City Council to a newly created district. The new district would have broad powers and not be subject to oversight from the City Council, the Mayor or the City Auditor. This petition for review is brought pursuant to ORS 250.296 and Section 2.04.070 of the Portland City Code. The petition for review will be supported by a memorandum of law and reply memorandum to be filed subsequently.

1 **PARTIES**

2 2.

3 Petitioner Vanessa Keitges (“Petitioner”) is an Oregon elector who is registered to vote in
4 Multnomah County and who resides within the limits of the City of Portland. Petitioner is
5 dissatisfied with the ballot title.

6 3.

7 Respondent James H. Van Dyke (“Respondent”) is the City Attorney for the City of
8 Portland. Respondent prepared the ballot title for the Initiative.

9 **FACTS**

10 4.

11 On July 26, 2013, Chief Petitioners Floy Jones and Kent Craford filed the Initiative with
12 the City of Portland. A true and correct copy of the Initiative, as published on the website
13 maintained by the City, is attached hereto as Exhibit A.

14 5.

15 On August 8, 2013, the City Attorney delivered a ballot title for the Initiative to the City
16 Auditor, who inscribed a date of receipt on the ballot title. A true and correct copy of the ballot
17 title, as published on the website maintained by the City, is attached hereto as Exhibit B.

18 6.

19 This petition for review is filed within seven business days after the ballot title for the
20 Initiative was filed with the City Attorney and, accordingly, is timely pursuant to ORS
21 250.296(1) and Section 2.04.070 of the Portland City Code.

22 7.

23 The Question prepared by Respondent for the ballot title for the Initiative does not
24 comply with the requirements of ORS 250.035(1)(b) and Section 2.04.060(B)(2) of the Portland
25
26

{SSBLS Main Documents\8433\001\00413185-1 }

1 City Code, because it does not plainly phrase the chief purpose of the Initiative. The Question
2 improperly uses the word “independent” to describe the new district created by the Initiative.

3 8.

4 The Summary prepared by Respondent for the ballot title for the Initiative does not
5 comply with the requirements of ORS 250.035(1)(c) and Section 2.04.060B(3) of the Portland
6 City Code, because it does not contain an impartial statement summarizing the measure and its
7 major effects. For example, the summary:

- 8 • Repeats the word “independent” and improperly uses the phrase “independent agency” to
9 describe the new district created by the Initiative;
- 10 • Fails to set forth adequately that under the Initiative, the new district, its employees and
11 board would not be subject to City Auditor, Mayor and/or City Council authority or
12 oversight;
- 13 • Includes the unnecessary, improper and potentially misleading phrase “district cannot
14 ‘regionalize or privatize’ (undefined) water or sewer”;
- 15 • Improperly contains the proposed name of the district created by the Initiative;
- 16 • Uses the misleading, ambiguous and/or incomplete phrase “District cannot . . . adopt less-
17 protective regulations for the Bull Run watershed”;
- 18 • Understates the category and range of otherwise qualified individuals who are prohibited
19 by the Initiative from running for the district board or providing services to the district;
- 20 • Does not provide that under the Initiative the district’s board and employees are subject
21 only to the state’s ethical requirements and not the City’s more restrictive ethical
22 requirements;
- 23 • Fails to inform voters that the district board initially will be elected by a plurality vote
24 rather than a majority vote;

- 1 • Understates the scope of the bonding authority and power granted to the district under the
2 Initiative.

3 9.

4 For the reasons stated in paragraphs 7 and 8, above, the ballot title for the Initiative filed
5 with the City Auditor does not comply with ORS 250.296(1), because it is insufficient, not
6 concise, and/or unfair. The ballot title also does not comply with Section 2.04.060(A) of the
7 Portland City Code, because it does not comply with state law and because it does not accurately
8 describe the proposed measure.

9 10.

10 Petitioner proposes the following ballot title, which will meet the requirements of ORS
11 250.035(1) and Section 2.04.060 of the Portland City Code:

12 **CAPTION**

13 Amends Charter: Creates water and sewer district with elected board.

14 **QUESTION**

15 Shall Portland create new utility district to administer water and sewer services,
16 with new legislative board elected from seven zones?

17 **SUMMARY**

18 Measure creates new district, not subject to city oversight, audit authority.
19 Transfers operation of water, sewer systems to district, including control over
20 property, right of way used by systems. District sets rates for water, sewer; adopts
21 annual budgets, with financial audits (but no performance audits). District board
22 and employees subject to state, not city, ethical standards. District empowered to
23 purchase, condemn property; borrow funds; compel City Council to issue water,
24 sewer bonds (with City, not district, liable for bonds); assess properties for water,
25 sewer local improvement districts; adopt ordinances, resolutions, with civil,
26 criminal liability for violations. District given broad authority to repeal, adopt
regulations regarding water, sewers. Seven board members elected (initially by
plurality vote) for three year terms, from zones coextensive with Portland Public
School zone boundaries; vacancies filled by appointment; board members
ineligible for reelection. Persons with certain existing experience, employment,
background in water/sewer services disqualified from running for board, working
for district. City water, sewer employees transferred to district. Board empowered
to hire and discharge employees. No cost estimate provided with measure.

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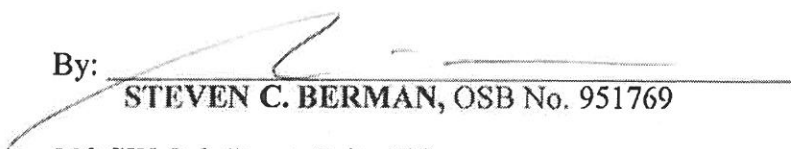
Pursuant to ORS 250.296(2), not later than 5:00 p.m. on Tuesday, August 20, 2013, Petitioner will provide written notice to the city elections officer that this petition has been filed.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays for a judgment certifying to the City Auditor of the City of Portland a ballot title in the form set out in paragraph 10 of this Petition, or that otherwise complies with the requirements of ORS 250.035(1) and Section 2.04.060(B) of the Portland City Code.

DATED this 19th day of August, 2013.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

By: 
STEVEN C. BERMAN, OSB No. 951769

209 SW Oak Street, Suite 500
Portland, OR 97204
Telephone: (503) 227-1600
Facsimile: (503) 227-6840
Email: sberman@stollberne.com

Attorneys for Petitioner

Trial Attorney: Steven C. Berman, OSB No. 951769

PORTLAND PUBLIC WATER DISTRICT

Establishment of the Portland Public Water District

Chapter 16 is added to and made a part of the Portland City Charter.

Section 16-100 (Findings)

The people of the City of Portland find that:

1. Water service and sewer service, including stormwater management, are inextricably linked to providing clean drinking water and sanitation that promotes the health and wellbeing of the residents and businesses of Portland.
2. Water and sewer service should be managed by representatives of the people of the City of Portland who have no obligations or allegiances other than to the operation, financing, protection, and enhancement of the sewer and water systems of the City.

Section 16-101 (Establishment)

The Portland Public Water District is established as an independent agency of the City of Portland.

Section 16-102 (Governance)

The Portland Public Water District shall be administered by a governing board of seven (7) directors elected by zone from among the electors of the City.

Section 16-103 (Powers)

The powers of the Council relating to the operation, financing, protection, and enhancement of the sewer and water systems of the City, including control of the property used for the water and sewer systems, including stormwater management, under the Portland City Charter are transferred to and vested in the Portland Public Water District.

The powers of the Council over the Bull Run Watershed granted to the City of Portland by ORS 448.295 to ORS 448.325 and the Charter are transferred to the district.

The district may not regionalize or privatize water or sewer service or, except in a catastrophic emergency or to comply with an intergovernmental agreement entered into before July 1, 2013, commingle drinking water from the Bull Run Watershed with drinking water from a source of drinking water other than the Columbia South Shore Well Field.

The district may not adopt regulations for the Bull Run Watershed that are less protective or enhancing of water quality than the regulations in place on July 1, 2013.

To carry out the powers transferred to and vested in the Portland Public Water District, the district shall have power for and on behalf of the City to perform the following acts in the following manner:

3. The district shall have authority to make orders, rules, and regulations in the form of resolutions to carry out the authority granted the district in this Charter, certified copies of which resolutions shall, forthwith upon their adoption, be transmitted to the Auditor of the City, who shall cause the same to be transcribed at length in a record kept for that purpose or to be filed in a special record of such resolutions. Such record shall be public and copies thereof shall be accessible to the public under like terms as ordinances and resolutions of the City. All such resolutions of the district (other than purely administrative regulations, or those of a temporary nature) shall be subject to amendment, repeal or alteration or enactment under the referendum or initiative to the same extent as ordinances of the City. All such resolutions shall require an affirmative vote of four (4) members of the district board and shall take effect thirty (30) days after adoption unless some other date is fixed in such resolution.

4. The board:

- (a) Shall, from among its members, elect a Chair to preside at board meetings. The maximum number of years a member may serve consecutively as Chair is three.
- (b) May appoint, employ and discharge such officers, employees and agents as the district finds necessary or convenient for the efficient and economical performance of the district's duties, and to fix and provide for their compensation, including through the negotiation and approval of collective bargaining agreements.

5. The district:

- (a) May, subject to the procedures and limitations prescribed in this Charter, borrow money, negotiate federal advances of funds and execute notes as evidence of obligations, accept gifts, federal grants-in-aid, advances or other moneys, negotiate loans and advances, and pledge property acquired or any part thereof.
- (b) Shall be responsible for the design, installation, operation, and maintenance of an accounting system that will conform to the requirements of generally accepted accounting principles, state laws and Charter provisions regarding budgeting, expenditure, receipt and custody of public funds, as they may be amended.
- (c) Shall provide for an annual comprehensive independent audit of all funds and accounts of the district by a qualified Certified Public Accountant or firm of such accountants. The audits shall be prepared and adopted in accordance with state law and include the benchmarking of district cost and performance measures against the cost and performance measures of

similarly sized American cities. Copies of each audit report shall be filed with the City Auditor.

- (d) Shall annually prepare and adopt a budget that incorporates the goals adopted by the district board. The budget shall be prepared and adopted in accordance with state law.
- (e) Shall be granted access to and control of all public rights of way and places necessary to carry out any of the powers transferred or granted to the district by this Charter amendment. The board shall, by ordinance, adopt a process for the coordination with other agencies of the City for the use of public rights of way and places under the control of the district.

The following sections of the Portland City Charter do not apply to the Portland Public Water District: 2-109, 2-403, and 2-404.

Section 16-104 (Elections)

To qualify as a candidate for a position and serve on the board of the Portland Public Water District, an individual must be an elector of the City of Portland who resides in the zone the from which the person is nominated

A candidate for election as a member of the board shall be nominated by filing with the elections officer a petition for nomination signed by at least 100 electors from the zone the candidate will serve.

The petition must state the number of the position or zone to which the candidate seeks election.

If the petition is for a regular district election or the first election at which members of the board are elected, then the candidate must file the petition not sooner than the 101st day before the date of the election and not later than the 61st day before date of the election. A candidate for a regular election or the first election may withdraw a petition not later than the 61st day before the date of the election.

If the petition is not for a regular district election or the first election, then the candidate must file the petition not sooner than the 110th day before the election and not later than the 70th day before the date of the election. A candidate for other than a regular election or the first election may withdraw a petition not later than the 70th day before the date of the election.

A candidate shall be elected by the electors of the zone in which the candidate resides.

A vacancy on the board shall occur upon the death, resignation, removal, inability to serve, or failure of a member without cause to attend three (3) successive regular meetings. Resignation when made shall be addressed to and accepted by the remaining members or the chair of the board. A successor shall be appointed by the board for the unexpired term

of any vacancy and must be an individual qualified to be a candidate from the zone in which the vacancy occurs

The board shall adjust the boundaries of the zones as necessary to reflect changes in the boundaries of the zones of the Portland Public Schools.

Section 16-105 (Conflicts of Interest)

Members of the board of the Portland Public Water District shall serve without salary or compensation of any nature, but may be reimbursed for reasonable and necessary travel expenses incurred in carrying out the duties of the board.

The following individuals may not run for election to or serve on the board of the Portland Public Water District:

1. An individual serving in a public position to which an individual may be elected.
2. An employee or officer of the City of Portland.
3. An employee or officer of the Portland Public Water District.
4. An individual who was, within 72 months preceding the election, an employee of the Portland Public Water District or of the City of Portland in a position related to the provision of water or sewer services.
5. An individual who has or who is an employee of an individual or firm that has a contractual relationship with the Portland Public Water District or with the City of Portland related to the provision of water or sewer services.
6. An individual who, within 72 months preceding the election, had or who was an employee of an individual or firm that, within 72 months preceding the election, had a contractual relationship with the Portland Public Water District or with the City of Portland related to the provision of water or sewer services.
7. An individual who, within 72 months preceding the election, was employed by a Commissioner who administered the Water Bureau or the Bureau of Environmental Services in the 72 months preceding the election.
8. An individual who is or, within 36 months preceding the election was, a member of Portland Utility Review Board or a budget advisory committee of the Water Bureau or Bureau of Environmental Services .

If a candidate for the district board has or has had a financial relationship with the City relating to water or sewer service other than the relationship of water or sewer customer, the candidate shall, in any voters' pamphlet statement, disclose the nature and amount of the financial relationship.

All actions undertaken by employees of the Portland Public Water District must conform to the State Government Standards and Practices Statutes as may from time to time be amended.

The Portland Public Water District may not employ as legal counsel attorneys who, in the preceding 36 months, have been employees of the City have provided legal services to the City, or have been employees or members of law firms that provided legal services to the City during the time that the person was an employee or member.

The Portland Public Water District shall employ as auditors certified public accountants who are not employees of the City, who are not providing auditing or accounting functions to the City, and who are not employees or members of accounting firms that provide auditing or accounting services to the City.

Sections 2-504(a)(1) and (3) and 2-505, prescribing the duties and authorities of the Auditor of the City of Portland, do not apply to the Portland Public Water District. However, the district may request and the Auditor may conduct financial and performance audits that are in addition to audits conducted by the auditors of the district.

Amendments to Existing Sections

Section 2-105 of the Portland City Charter is amended to read:

The City of Portland by its Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter or in statute, to exercise any power or authority granted to the City by statute, general or special, or by this Charter, and may do any other act necessary or appropriate to carry out such authority, or exercise any other power implied by the specific power granted; **provided that such power and authority, with respect to water and sewer services and property shall reside with and be exercised through the board of the Portland Public Water District.**

- (a) Among such specific powers, the City has power and authority:
1. To exercise within the City and City-owned property, all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said areas, and to make and enforce within said areas all necessary or appropriate water, local, police, sanitary and safety laws and regulations.
 2. To secure the protection of persons and property and to provide for the health, cleanliness, ornament, peace, safety and good order of the City.
 3. To provide for entering into contracts by the City for a period not exceeding five (5) years and the extension or renewal thereof by option or otherwise, for not to exceed an additional five (5) years, except as to property contracts which may extend for more than five (5) years, or as otherwise permitted by this Charter or by statute.

4. To enter into agreements without limitation as to term, as the Council, or the **Portland Public Water District, as applicable**, finds appropriate, for cooperation, consolidation of services, joint acquisition or ownership and maintenance of facilities or services, with any other public corporation or unit of government.
5. To establish, construct, maintain, equip and alter buildings and facilities found necessary or appropriate for administration of government or for use by or for the public.
6. To purchase, or acquire by condemnation or otherwise, or to lease, for such term as the Council, or the **Portland Public Water District, as applicable**, may find appropriate, which need not be limited to five (5) years, such property, real and personal, as may be needed for public use; in purchasing property, to enter into lease-purchase agreements or other contracts of purchase which may extend for more than a five (5) year period; to obtain options; and to mortgage for the term of the purchase as security for the purchase price the property being purchased. In exercising this power and authority, only the payments to be made during the year in which the purchase, condemnation, lease, lease-purchase, option, or purchase price mortgage is entered into shall be considered for purposes of applying Section 7-102 thereto.
7. To provide for the purchase of property levied upon under execution in favor of the City.
8. To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Portland, and to sell and convey the same. But the sum bid by the City on or for any such property so sold for a delinquent tax or assessment, shall not exceed the amount of all taxes and assessments plus interest and penalties, and the necessary costs and expenses.
9. To sell by bid or public auction abandoned or impounded and unclaimed property, and property for which storage charges and removal charges, if any, have not been paid.
10. To provide a seal for the City and seals for the several boards and officers thereof.
11. To establish and regulate the fees and compensation of all officers of the City, and for all official services not otherwise provided for in this Charter.
12. To fix by ordinance the hours during which all offices and departments of the City shall be kept open for business.
13. To appropriate money to pay the debts, liabilities and expenditures of the City or any part or item thereof.

14. To appropriate annually to the Mayor two thousand dollars (\$2,000) as and for a discretionary Fund and such appropriation shall be made.
15. To issue City bonds authorized by this Charter or statute or expressly authorized by vote of the City electors, certificates, warrants, checks and other evidences of indebtedness, but otherwise the City shall not have the power to issue its bonds for any indebtedness or for any purpose, or to increase the bonded indebtedness of the City in any amount or for any purpose whatsoever.
16. To fix fees for establishing street grades, surveying and marking the boundaries of streets, lots or blocks, granting permits for the opening or temporary use of street surfaces, planning of improvements, laying sidewalks, vacating street area, processing of all types of applications, erection and inspection of buildings or facilities, and any special services or functions performed by the City or bureaus thereof.
17. To grant licenses with the object of raising revenue or of regulation, or both, for any and all lawful acts, things or purposes, and to fix by ordinance the amount to be paid therefor, and to provide for the revoking of the same. No license shall be granted to continue for a longer period than one year from the date thereof.
18. To provide for the opening, laying out, establishing, altering, extending, widening, enlarging, vacating and closing, or for establishing and changing the grades, of streets, squares, parks or public places, and to provide for the improving and repairing of streets, squares, parks and public places or of any land over which any right of way has been obtained or granted for any purpose of public travel or use, by means of any kind of work, improvement or repair which the Council, or the **Portland Public Water District, as applicable**, finds necessary or appropriate. 19. To provide for lighting the streets, public grounds, buildings and places, and furnishing the City with light, heat and power, by contract or by means of its own plant.
20. To provide for surveying the blocks and streets of the City and for marking the boundary lines of such blocks and streets; to change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any tract of land within the City not numbered, lettered or designated. A certified copy of such ordinance shall be transmitted by the Auditor to the recording officer of the County, who shall record the same in the record of plats of said County and shall make a reference to the record of such ordinance upon the recorded plat on file. No charge shall be made by the recording officer.
21. To set apart as a boulevard or boulevards any street or streets, or portion thereof.
22. To regulate the numbering of houses and lots on the streets, boulevards and avenues and the naming of streets, boulevards and avenues.

23. To regulate and control for any and every purpose the use of streets, highways, alleys, sidewalks, public thoroughfares, and public places within the City and City parks and properties within or without the City, and to regulate the use of streets, roads, highways and public places for transportation or use of every description, and for installation of any kind.
24. To provide or require conduits under the streets, lanes, alleys and public places of the City or any part or parts thereof for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing said conduits itself or authorizing or requiring their construction by others upon such terms and conditions as the Council, **or the Portland Public Water District, as applicable,** may impose, and to regulate and control the use of such conduits, and to prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purpose for which it desires to use such conduits, without such person, firm or corporation first obtaining, as provided in this Charter, a franchise for such business, purpose or use.
25. To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions, and to make the cost of removal a lien upon any property from which such obstruction originated or to which such obstruction was attached, to be placed upon the lien docket and collected as the Council may direct.
26. To control and limit traffic and classes thereof, and vehicles and classes thereof on the streets, avenues and elsewhere.
27. To prevent and prohibit planting of trees or shrubbery which may be detrimental to [sewers,] streets, sidewalks, utilities lines **other than water lines**, fire hydrants, or use thereof, or which may interfere with safe travel or vision or may constitute a nuisance, and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien upon the property, to be placed upon the lien docket and collected as the Council may direct, **and, notwithstanding any other regulation of the City, through the Portland Public Water District, to prevent and prohibit propagation and planting of trees or shrubbery which may be detrimental to sewage disposal, treatment or purification, water works, or water systems and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien upon the property, to be placed upon the lien docket and collected as the district may direct.**

28. To prescribe rates to be charged for transportation of passengers or property within the City and area outside the City over which City jurisdiction is authorized or recognized by statute, by means of vehicles of every description.
29. To provide for the establishment of market houses and places, and transportation terminals, and to regulate the location and management thereof.
30. **To, through the Portland Public Water District,** provide for the location, construction, repair and maintenance in or outside the City, of any ditch, canal, pipe or other facility for the impoundment, storage or conduct of water, and any drain, sewer or culvert or other facility in or outside the City for conduct, storage or treatment of storm or sanitary drainage or both, as it may deem necessary or convenient; for such purpose to enter upon any land for the purpose of examining, locating and surveying the line or location of such water or sewer facility, doing no unnecessary damage thereby; to appropriate said land or so much thereof as may be necessary for the construction or installation of said facility in any manner permitted by the laws of this State; to appropriate and divert from its natural course or channel temporarily or permanently, any spring or stream of water; and to compel the extension of utility connections from the main line or pipe to the curb line, property line or the sidewalks of all public streets, as the [Council] district may determine.
31. **To, through the Portland Public Water District,** provide for furnishing the City and its residents with water, and to sell water to or for nonresidents.
32. To regulate the plumbing, drainage and sewerage of buildings and structures and the installation and use of appliances or facilities for heat, light, cooling and energy; to provide for the registration and qualification of specialists in trades or in installation or use of appliances and facilities; to provide inspection for such installation or use.
33. **To, through the Portland Public Water District,** compel all persons erecting or maintaining privies, water closets or other toilets or cesspools, septic tanks or private sanitary sewerage systems within one hundred (100) feet or one-half block, whichever is greater, of any street in which a public sewer has or may hereafter be constructed, to connect the same therewith; and where a public sewer is not available, to prescribe disposal so as to protect the public, property, health and welfare.
34. **To, through the Portland Public Water District,** regulate, restrain and prohibit use of public sewers for any substance which may be harmful or detrimental to the sewers, to sewage disposal and treatment, or hazardous to workers, to property or to the public.
35. To regulate the construction, care, use and management of buildings and structures in the City for the better protection of the lives and health of persons dwelling in or using the same or of the public, and for the public welfare.

36. To regulate, restrain and to provide for the exclusion from the City, or any part thereof, of trades, occupations or businesses which are offensive or may in the opinion of the Council create or constitute a nuisance, and to regulate uses of land and structures within the City.
37. To prevent the erection or cause the removal, demolition or repair of buildings or structures wherever situated, found to be unsafe or dangerous to the occupants, to passers-by or to other property, or which are found to obstruct a street, and to make the cost of such removal, tearing down or repair a lien upon the property, which liens may upon the order of the Council be entered into the docket of City liens and thereafter collected in such manner as the Council may direct.
38. To regulate or prevent the moving of buildings or structures over City streets and limit the locations to which such buildings or structures may be moved.
39. To define and classify the fire limits and to prohibit the erection or repair of buildings constructed of particular materials within all or any such fire limits.
40. To regulate or limit the height, construction, size, materials, setbacks, yards, inspection and repair of all private and public buildings, structures, and fences within the City and to provide City inspection thereof.
41. To require adequate fire escapes, apparatus and appliances for protection against fire, to be provided in buildings and structures, or in connection with specific uses.
42. To make regulations to prevent the introduction of contagious diseases into the City, and to remove persons afflicted with such diseases to suitable hospitals which the City may designate or provide for that purpose either within or without said City; and to regulate such hospitals.
43. To provide a standard of weights and measures and to authorize inspection of weights, measures, food, beverages, and fuel; to regulate the commodity, size, weight and ingredients of food or beverage products and fuel, and to prevent the sale of adulterated, unhealthful or unwholesome food and beverages, and to provide for the seizure and forfeiture of food or food products, beverages and fuel offered for sale or sold contrary to said regulations.
44. To prevent and remove nuisances, to declare what shall constitute the same, to punish persons committing or suffering nuisances, to provide the manner of removal of nuisances, and to make the cost of such removal a lien upon the property where such nuisance existed; and to fill up or drain any lots, blocks or parcels of land subject to flood or where any stagnant water stands, to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Liens for abatement of nuisances may upon the order of the Council be entered in the docket of City liens and thereafter collected in such manner as the Council may direct.

45. To regulate or prevent the storage, manufacture, sale, use and transportation of dangerous, explosive, radioactive or combustible materials or weapons, and to provide for the inspection of the same, and to prevent by all proper means risks of injury or damage therefrom.
46. To regulate, prevent and prohibit loud or unnecessary noise.
47. To prevent trespassing and punish trespassers upon real and personal property.
48. To restrain and punish intoxication, fighting and quarreling in the City, and any disturbance, riot or riotous assemblage or participation therein, or any unlawful or indecent practice, and to define what shall constitute the same.
49. To prevent and suppress gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets; to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress use of narcotics and dangerous drugs and houses and places kept therefor, and to punish any keeper of such house or place, or person who frequents the same.
50. To prohibit persons from roaming the streets at unseasonable hours.
51. To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals or children, and to authorize the payment of the same or any part thereof to any person or society that shall have officially aided in such conviction.
52. To provide for the punishment by fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment not exceeding two (2) years, or both, of any person or persons who may injure, deface, interfere with or destroy any property belonging to the City or in which the City has any interest, right or estate, and to provide that the district court or the circuit court of the State of Oregon for the County of Multnomah shall have jurisdiction to enforce such punishment or punishments.
53. To establish, change, discontinue, or re-establish City jails, prisons, police stations, workhouses and houses of detention, punishment, confinement or rehabilitation, within or without the City.
54. To regulate and restrain the keeping of all pets, birds, fowl, reptiles, and animals of any kind, and to prevent any and all animals from running at large within the City or any part thereof, and to punish persons who allow animals to run at large or to be unlicensed; to provide for impounding, sale and disposition when found at large, or when kept against City regulations or when no license has been obtained or tax paid as provided by the Council.

55. To regulate, prevent and prohibit the erection, maintenance or display of signboards, billboards, signs, posters and advertisements designed to attract the attention of persons on sidewalks, streets or public places.
56. To regulate and prohibit the exhibition and hanging of material in or across the street or from houses or other buildings or structures.
57. To regulate and control water-borne commerce and recreational uses within the City, and uses of and activities in or upon bodies of water within the City.
58. To provide for the removal of obstructions, debris and deleterious matter from waters within the City limits and to prohibit putting or negligently or willfully suffering the same to be put therein.
59. To regulate the building of wharves, and the driving of piles in any body of water or watercourse within the limits of the City and to establish lines beyond which wharves shall not be built nor piles be driven.
60. To provide for the construction and regulation of public facilities and landings at the foot of the streets terminating at a watercourse or body of water within the City.
61. To appropriate money for the deepening, widening, docking, covering, walling, altering or changing channels, water, or watercourses within the City, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks and levees, and all such other work as may be required for the accommodation of commerce or recreation; to control and regulate the use thereof and to provide for the acquisition by condemnation or otherwise of all such work or works by the City, and for the construction, maintenance and ownership of the same by the City.
62. To provide for entering into contracts by the City with publicly or privately owned utilities or other governmental agencies for a period not exceeding forty (40) years for the transmission, sale or exchange of the capacity of and electric power generated by hydroelectric power generating facilities owned by the City and for operation and maintenance of the facilities.

Section 2-201 of the Portland City Charter is amended to read:

2-201. There shall be no elective officers of the City of Portland other than the Mayor, four (4) Commissioners [*and*], the Auditor **and the seven (7) members of the board of the Portland Public Water District.** [*All said officers*] **The Mayor, Commissioners, Auditor** shall be elected at large by the legal voters of the City of Portland and for a term of four (4) years, except as otherwise provided.

Section 3-101 of the Portland City Charter is amended to read:

3-101. Beginning with elections held in 2006, if any candidate for the office of Mayor, Commissioner, [or] Auditor, or member of the board of the Portland Public Water District receives a majority of the votes cast in a primary election for that office, that candidate shall be elected. If no candidate for such an office receives a majority of the votes cast in the primary election, the names of the two candidates receiving the highest number of votes cast shall be declared nominees and their names shall appear on the general election ballot in that same year. The nominee receiving the highest number of votes in the general election shall be elected.

Except as otherwise provided in this charter, those elected shall take office on the following January 1 and shall hold office for four years. If, at the end of four years, no successor is yet elected and qualified, the incumbent shall continue to hold office until a successor is elected and qualified.

Except as otherwise provided in this charter[,]:

(a) The Mayor and Commissioners for positions 1 and 4 shall be elected every fourth year beginning in 2004[, and].

(b) The Auditor and Commissioners for positions 2 and 3 shall be elected every fourth year beginning in 2006.

(c) Positions 1, 2, and 3 of the board of the Portland Public Water District shall be elected every third year beginning in 2016.

(d) Positions 4 and 5 of the board of the Portland Public Water District shall be elected every third year beginning in 2017.

(e) Positions 6 and 7 of the board of the Portland Public Water District shall be elected every third year beginning in 2018.

Section 3-105 of the Portland City Charter is amended to read:

3-105. Nomination of Mayor, Auditor, [and] Commissioners and members of the board of the Portland Public Water District, the elective officers under this Charter, shall be nonpartisan and shall be made in conformity with primary methods hereinafter prescribed and provided, subject to the provisions elsewhere contained in this Charter relating to filling of vacancies.

The positions of the Commissioners shall be designated as Position No. 1, Position No. 2, Position No. 3, or Position No. 4. Commissioners shall be designated by the same position as the Commissioner whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the office of Commissioner, every petition and individual nomination certificate or declaration for nomination, nominee's acceptance and certificate of election, ballot, or other document used in connection with nominations for Commissioner, shall state the official number of the position as Commissioner, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. At all elections each such office of Commissioner to be filled shall be separately

designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon. In case no nomination is made at the primary election, nominations may be made at the general election as set forth in this Charter for vacancies occurring at a subsequent date.

The positions of the board of the Portland Public Water District shall be designated as Position No. 1, Position No. 2, Position No. 3, Position No. 4, Position No. 5 Position No. 6, or Position No. 7. Members of the board shall be designated by the same position as the member whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the board, every petition, acceptance and certificate of election, ballot, or other document used in connection with nominations for board member, shall state the official number of the position as board member, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. At all elections each such office of board member to be filled shall be separately designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon.

Section 9-501 of the Portland City Charter is amended to read:

9-501. When the [Council] **Portland Public Water District** has declared its intention to construct a sewer or sewer system and has fixed the boundaries of the assessment district to be benefitted and assessed therefor, the [Auditor] **district** shall mail notice of such intention to the property owners within the proposed district, in accordance with procedures prescribed by ordinance. The procedures shall provide that an owner of any property within the proposed assessment district or such owner's agent who files proof of his or her authority, may file with the [Auditor] **district** a written remonstrance against the proposed sewer or the plans therefor, and the [Council] **district board**, upon hearing the remonstrance, may discontinue proceedings in the matter. The period for filing of written objections or remonstrances shall be set by ordinance but shall not exceed sixty days from the date notice is mailed. The [Council] **district board**, however, may overrule any and all remonstrances and may order the improvement. The [Council] **district board** also may require changes in the proposed plans or changes in the boundaries of the proposed assessment district, and declare by resolution its intention to proceed on the revised basis. Such resolution shall be published and remonstrance period given as in the first instance. The improvement shall conform substantially to the plans and specifications adopted by the [Council] **district board**.

Section 9-502 of the Portland City Charter is amended to read:

9-502. The [Council] **Portland Public Water District** may take action and proceedings for the construction of any sewer or drain jointly with any County; may levy and collect special assessments of benefits therefor; may enter into an agreement or agreements with any county for the construction, maintenance and use of sewers or drains and paying the cost thereof; may issue bonds to finance that portion of the cost agreed to be chargeable to property outside of the City; may do all other things necessary or proper to provide for the construction of sewers or drains when the design, plan or method of construction will render them beneficial to property both within and without the limits of the City; and may perform all acts necessary to implement

statutes relating thereto, provided the acts have a close and direct connection to providing clean and safe sanitary sewer and stormwater service.

Section 9-503 of the Portland City Charter is amended to read:

9-503. Bonds may be issued and sold after construction of any such sewer or drain has been authorized, and each bond issue shall be limited to an amount that does not exceed the portion of the cost of such sewer or drain agreed upon with the County as the amount justly and equitably to be borne by property lying beyond the City limits. Such bonds shall not be issued for longer than twenty (20) years, and may be general obligations of the City. No bonds shall be issued when the total of such bonds then outstanding would exceed five hundred thousand dollars (\$500,000). In lieu of issuing bonds, the [Council] **Portland Public Water District** may provide for financing part or all of the cost agreed upon as chargeable to property outside of the City from [City] district funds. The [Council] district has authority to levy and collect an assessment against the property benefitted by any sewer or drain lying beyond the City limits whenever that property is included within the City limits, if no previous assessments therefor have been made on the property, and to apply the money so collected toward payment of such bonds, or to reimburse the [City] district for any payment, expenditure or advancement for such sewer or drain. Any agreement with the County may provide for the levy and collection by the County of an assessment against property whenever the sewer or drain may immediately benefit the property because of construction of an extension, lateral, branch, or otherwise.

Section 9-701 of the Portland City Charter is amended to read:

If the Council, or the **Portland Public Water District**, as applicable, finds that a particular lot, tract, or parcel of land within the boundaries of a local improvement assessment district does not in fact receive any special and peculiar benefit from that improvement, [it] the Council, or the **Portland Public Water District**, as applicable, may exclude that property or show the assessment at zero (0) when apportioning costs of the local improvement in accordance with benefits and spreading the assessment.

Section 9-702 of the Portland City Charter is amended to read:

The Portland Public Water District shall establish procedures by ordinance for the estimated assessment, assessment, and reassessment of properties specially and peculiarly benefitted by local improvements for the operation, financing, protection, and enhancement of the sewer and water systems of the City. The Council shall establish procedures by ordinance for the estimated assessment, assessment, and reassessment of benefitted properties for local improvements other than for the operation, financing, protection, and enhancement of the sewer and water systems of the City. An assessment shall not exceed the apportioned share of actual costs nor exceed the amount of the benefits. Each parcel of land shall be considered benefitted by the local improvement to the full amount of the assessment levied on it. Delays, mistakes, errors or irregularities in any act or proceeding in an improvement, in notices, in entry of assessment or in any related matter shall not prejudice or invalidate any final assessment, but the defect may be corrected by subsequent action.

Section 9-704 of the Portland City Charter is amended to read:

The Treasurer, or the administrative head of the Portland Public Water District, as applicable, shall proceed to collect the unpaid assessments by advertising and selling the assessed land in the manner provided by State law or [City] by ordinance. Rates of penalty and interest shall be determined by ordinance. The sale price shall include all assessment principal and interest due, penalties and charges due, and all costs associated with the sale of the property.

Whenever the market valuation for tax purposes of land assessed and subject to sale for collection of unpaid assessment exceeds the sum payable to the City or to the district, as applicable, of the unpaid assessment, interest and estimated costs plus the total of any past due taxes by twenty-five percent or more of the City or of the district, as applicable, and tax liens, the Treasurer or the administrative head of the district, as applicable, may, subject to general guidelines of the Commissioner In Charge and/or the Council, or the board of the district, as applicable, withhold or withdraw such property from public sale and in lieu thereof may sell the property by private sale to the City, or the district, as applicable, upon payment, in the case of the City, by the City from the Assessment Collection Fund, elsewhere provided in this Charter, , and in the case of the district, by the district from a fund created for the collection of assessments, of the unpaid assessment, interest and costs. If land is not valued for tax purposes, the market value estimated by the City shall be considered the market valuation for tax purposes under this Section.

For properties subject to assessment by the City, the Treasurer shall report to the Council the sales and collections on delinquencies and the City official designated by ordinance shall make proper entries in the lien docket. For properties subject to assessment by the district, the administrative head of the district shall report to the district board the sales and collections on delinquencies and, at the request of the district board, the City official designated by ordinance shall make proper entries in the lien docket. Thereafter no transfer or assignment of any certificate of sale hereunder shall be valid unless entry of that transfer or assignment has been noted in the lien docket after appropriate filing with the City. In case any property remains unsold, that property again may be offered for sale in like manner.

Section 9-705 of the Portland City Charter is amended to read:

[The] A City or Portland Public Water District ordinance, as applicable, authorizing sale of property for delinquent assessments and the notice of sale to persons with an interest in the property stating that the property has been sold shall clearly state the provisions for redemption of the property by the prior owner as provided by State law or [City] by ordinance.

Section 9-801 of the Portland City Charter is amended to read:

Within thirty (30) days after notice of an assessment, deficit assessment or reassessment for a local improvement is first mailed, if the assessment exceeds a minimum fixed by the Council or the board of the Portland Public Water District, as applicable, the owner of the property assessed may file a written application to pay the assessment in installments. The application shall provide that the owner agrees to pay the assessment in installments including interest and charges as specified by the Council or district board, as applicable. The application also shall describe the applicant's property assessed for the improvement.

Section 9-802 of the Portland City Charter is amended to read:

After the time expires for filing applications to pay assessments in installments, the City or **district official, as applicable**, designated by ordinance shall enter all applications received in a docket kept for that purpose under separate heading for each improvement. Thereafter, that docket shall stand as a bond lien docket in favor of the City or **Portland Public Water District, as applicable**, for the amount of the unpaid assessments docketed therein, with interest on unpaid assessments at a rate determined by ordinance, against each parcel of land assessed, until the assessments and interest are paid. All unpaid assessments and interest are a lien upon each parcel of land in favor of the City or **district, as applicable**, and that lien shall have priority over all other liens and encumbrances.

Section 9-803 of the Portland City Charter is amended to read:

After the bond lien docket is made up for the particular local improvement, the Council or **Portland Public Water District, as applicable**, shall authorize by ordinance the issuance of bonds not exceeding the actual costs of the unpaid improvement assessments as shown on the bond lien docket.

Section 9-804 of the Portland City Charter is amended to read:

Bonded assessments shall be paid in installments, plus accrued interest, penalties, and charges, as specified by ordinance. If payment of any installment is delinquent thirty (30) days, the entire unpaid balance is immediately due and payable, and the installment contract may be declared void. The property owner may execute a new agreement as provided by City Code, or the City or **Portland Public Water District, as applicable**, may collect the total amount due in the manner as provided by ordinance. Prior to sale of the property for collection, the owner may remove the property from the sale list in the manner provided by Code.

Section 9-805 of the Portland City Charter is amended to read:

After issuance of improvement bonds covering unpaid bonded assessment for a particular improvement, the City or **Portland Public Water District official, as applicable**, designated by ordinance shall keep an account of money paid upon bonded improvement assessments separate from other [*City*] funds, as provided by ordinance.

Whenever improvement bonds issued upon bonded assessments are redeemable and it appears to the Council or **district board, as applicable**, as advantageous to redeem them, but money available in the sinking fund account is insufficient, the Council or **district board, as applicable**, may transfer money from another sinking fund or sinking fund account as a temporary loan to the sinking fund account to be redeemed, to be repaid with interest at the rate fixed by the Council or **district board, as applicable**. The Council or **district board, as applicable**, may authorize and provide for issuance and sale of new bonds upon bonded assessments to redeem outstanding bonds. Such new bonds shall be limited in amount to the

amount of bonds to be redeemed from the proceeds, shall bear interest, be sold and be redeemable as provided in this Charter. In case of a temporary loan, if property owners fail to pay into the sinking fund a sufficient amount to repay the temporary loan, when needed, the **Council or district board, as applicable**, shall provide money for repayment by the sale of bonds as provided in this Section.

Section 9-806 of the Portland City Charter is amended to read:

To facilitate collection of delinquent assessments and to assist in financing local improvements, the **Council or board of the Portland Public Water District, as applicable**, may issue and dispose of bonds to be known as Assessment-Collection Bonds. The total amount of these bonds shall not exceed one million five hundred thousand dollars (\$1,500,000) outstanding at any one time. The bonds shall be general obligations of the City and shall be issued and sold in any denominations in the same manner as other bonds of the City. The rate of interest thereon shall not exceed the maximum rate permitted under State law, and their maturity shall not exceed twenty (20) years.

Money from the sale of the bonds related to properties specially and peculiarly benefitted by local improvements for the operation, financing, protection, and enhancement of the sewer and water systems of the City, after paying from the proceeds the costs of advertising and sale, shall be deposited in a special fund known as the "District Assessment Collection Fund," which may be used under direction of the district board for purchasing property by and in the name of the City, for use of the district, at a sale for district assessments, and at foreclosure sales for delinquent taxes, to protect the interest and rights of the district in the property. Net proceeds from the sale of property purchased from the District Assessment Collection Fund shall be credited to that fund.

Money from the sale of the bonds for other than for the operation, financing, protection, and enhancement of the sewer and water systems of the City, after paying from the proceeds the costs of advertising and sale, shall be deposited in a special fund known as the "City Assessment Collection Fund," which may be used under Council direction for purchasing property by and in the name of the City at Treasurer's sale or other sale for City assessments, and at foreclosure sales for delinquent taxes, to protect the interest and rights of the City in the property. Net proceeds from the sale of property purchased from the Assessment Collection Fund shall be credited to that fund.

In selling property purchased from the **District Assessment Collection Fund or the City Assessment Collection Fund**, or [Treasurer's] certificates thereon, no transfer of certificate of sale or deed to the City shall be held void or insufficient because of any omission, error, defect or objection, jurisdictional or otherwise, in the assessment or other proceedings if, at some stage of the proceedings before assessment was made, notice was given, and if the description of the property in the certificate or deed is reasonably sufficient to identify it. This provision is intended to be curative as fully as the people may enact, as to all matters affecting the validity of the certificate or deed. Every certificate of sale or deed shall be presumptive evidence of the regularity and sufficiency of all things affecting its validity. In any case where this curative provision is found insufficient, the money realized from the attempted sale shall be treated as not applying to the payment of the attempted assessment, and shall not discharge any obligation of

the owner of the property to bear a fair and just proportion of the cost of the local improvement for which the attempted assessment was made. **Proceeds from an attempted sale related to operation, financing, protection, and enhancement of the sewer and water systems of the City shall be refunded to the District Assessment Collection Fund and the district board may make a reassessment against that property.** Proceeds from the attempted sale related to other than to operation, financing, protection, and enhancement of the sewer and water systems of the City shall be refunded to the City Assessment Collection Fund and the Council may make a reassessment against that property.

The Council may renew the City Assessment Collection Fund from time to time by selling additional bonds, subject to the limitation in this Article on total amount. **The district board may renew the District Assessment Collection Fund from time to time by selling additional bonds, subject to the limitation in this Article on total amount.**

The district board may provide for the sale and assignment of certificates of sale related to operation, financing, protection, and enhancement of the sewer and water systems of the City and the assignment or conveyance of the rights of the district board in such property either before or after receiving the deed from district or City officials; may provide for sale of the property under contract for not more than ten (10) years; may pay real estate commissions, court costs, legal and clerical services and all other expenses related to the purchase and clearance of title; may purchase or redeem any certificates of sale outstanding against the property; may pay any tax liens outstanding against the property; may provide for waiving all or part of accrued penalties; may pay any bonded or open liens outstanding against the property and cancel assessments against it; and may enact ordinances to give full effect to this Section.

The Council may provide for the sale and assignment of certificates of sale related to other than operation, financing, protection, and enhancement of the sewer and water systems of the City and the assignment or conveyance of the rights of the City in such property either before or after receiving the deed from the City Treasurer or from County officials; may provide for sale of the property under contract for not more than ten (10) years; may pay real estate commissions, court costs, legal and clerical services and all other expenses related to the purchase and clearance of title; may purchase or redeem any Treasurer's certificates of sale outstanding against the property; may pay any tax liens outstanding against the property; may transfer money from the Assessment Collection Fund to the General Fund, provided that provision is made for redemption of outstanding Assessment-Collection Bonds; may provide for waiving all or part of accrued penalties; may pay any bonded or open liens outstanding against the property and cancel assessments against it; and may enact ordinances to give full effect to this Section.

The District Assessment Collection Fund may also be used to purchase and hold warrants issued upon any special local improvement fund formed or to be formed by the district. The face amount and interest on warrants so purchased shall be credited, upon payment, to the District Assessment Collection Fund.

The City Assessment Collection Fund may also be used to purchase and hold warrants issued upon any special local improvement fund formed or to be formed by the City. The face amount

and interest on warrants so purchased shall be credited, upon payment, to the City Assessment Collection Fund.

Section 11-101 of the Portland City Charter is amended to read:

11-101. The *[City]* **Portland Public Water District** may construct, reconstruct, purchase or otherwise acquire, keep, maintain, improve, alter and change water works and all plants and facilities found appropriate by the *[Council]* **district** for furnishing water to the City, its property, its inhabitants, and the places and people along or in the vicinity of the pipes, conduits or aqueducts constructed or used for that purpose. The *[City]* **district** may acquire by purchase or otherwise, own and possess real and personal property or interests therein, within and without the limits of the City, which the *[Council]* **district** finds necessary *[or convenient]* **to provide clean and safe water to the City.** The *[Council]* **district** may establish and maintain headworks and supply sources, with all convenient reservoirs, tanks, pumps, supply systems, distribution and related facilities, including land and interests in land, and may acquire other water systems serving property within present or future boundaries of the City. The *[Council]* **district** may make all necessary expenditures to carry out these purposes and may enter into contracts for supply of water by the City or supply of water to the City or its inhabitants. Any surplus water may be sold to persons, public or private, outside the City, on terms and conditions the *[Council]* **district** finds *[appropriate]* **to be in the best interests of the City's water customers.**

Section 11-102 of the Portland City Charter is amended to read:

11-102. The *[City]* **Portland Public Water District** may employ personnel, contract for services and perform services under contract or otherwise, *[found]* **that the district finds** necessary *[or convenient]* to carry out the powers granted in this Article. The *[Council]* **district** may obtain materials and supplies and do any acts in the operation, maintenance, improvement and extension of City water works which the *[Council]* **district** finds *[necessary or advantageous]* **to have a close and direct connection to providing clean and safe water to the residents and businesses of the City.**

The *[Council]* **Portland Public Water District** may prescribe regulations relating to water supply, distribution and service, and may impose conditions, and require deposits or cost contributions for water main extensions and water distribution system. **If the *[Council]* district finds that renting or leasing equipment of facilities or selling or otherwise disposing of property, facilities, supplies or equipment has a close and direct connection to providing clean and safe water to the residents and businesses of the City, the district may rent or lease equipment or facilities to or from others, and may sell or otherwise dispose of *[City]* property, facilities, supplies or equipment, *as it finds convenient* under the control of the district.**

***[In]* Notwithstanding section 16-03(3)(a) of this Charter, the administrative head of the *[Bureau of Water,]* Portland Public Water District and the Engineer in charge of the engineering staff, *the person in charge of the business office, and the head of the Bureau* of the Portland Public Water District shall not be subject to Civil Service requirements of this Charter. Unless provided otherwise by contract, the administrative head of district and the Engineer serve at the pleasure of the district board.**

Section 11-103 of the Portland City Charter is amended to read:

11-103. In order to provide funds for construction, reconstruction, replacement, extension, acquisition and maintenance of water plant and property, and the acquisition of water systems, the *[Council]* **Portland Public Water District** may direct the Council to issue bonds of the City in denominations and for terms the *[Council]* district determines, in the same manner other bonds of the City are issued. These bonds shall be *[general obligations of the City, but primarily]* payable from water revenue. These bonds shall not be included within the debt limit elsewhere prescribed in this Charter. *[No bonds shall be issued under this section in any year which, with the net outstanding water bond indebtedness, would exceed the total original cost of existing plant and property of the water works and system.]*

Upon the written directions of the Portland Public Water District, the City shall from time to time issue bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system, to be repaid, to the extent permitted or to be permitted by law, solely out of revenues of the district. Such bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system shall be issued by the City in accordance with the procedures established by law and as the City may prescribe by ordinance. The maximum term of any bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system shall not exceed 30 years. Approval of the Council is not required for bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money to be issued at the direction of the district.

Section 11-104 of the Portland City Charter is amended to read:

11-104. After payment of expenses for issuance of water bonds, the proceeds shall be placed in the Water Construction Fund, which shall be held by the **Portland Public Water District**.

Money from the sale of water and charges related to water works or service shall be placed in the Water Fund, which shall be held by the **Portland Public Water District**. After deducting sinking fund requirements, operating expenses of the water works and plant and the *[Water Bureau]* **Portland Public Water District**, which may include depreciation on plant and property, and maintenance expense found necessary or appropriate, the *[Council]* district may transfer any excess in the Water Fund to the Water Construction Fund.

[The Council may make transfers between funds in the Water Bureau, but] The funds and accounts of the *[Water Bureau relating to water plant and works]* **Portland Public Water District** shall be separate from other accounts and funds of the City and treated as a separate municipal operation. **Upon the affirmative vote of the district board**, the Council may impose charges *[it finds equitable]* upon the operation of the water system for municipal services of other departments, bureaus and officers[,] and *[may impose]* fees of the same character as for public utilities. Otherwise, money in the Water Fund or the Water Construction Fund shall not

be transferred to the General Fund of the City or to special funds unrelated to the water works, water system and the sinking funds for water bond debt service.

Section 11-105 of the Portland City Charter is amended to read:

11-105. For each fiscal year the *[Council]* **Portland Public Water District** shall fix water rates which will provide an estimated income to equal expenses and debt service relating to water bonds. No charge shall be made for water used in extinguishing fires in the City.

The *[Council]* **Portland Public Water District** may fix special charges for connections, disconnections, turn-ons, discontinuances of service, all special services or work, and other contingencies, situations or conditions, which it finds advantageous or appropriate from time to time. Charges and bills may be adjusted as found just and equitable.

Section 11-106 of the Portland City Charter is amended to read:

11-106. The *[Council]* **Portland Public Water District** may make regulations, impose conditions, penalties and forfeitures and institute civil or penal process it finds necessary or appropriate to collect bills for water or charges, and in addition may refuse or discontinue water service to premises for which a bill or charge remains unpaid. Penal enforcement is subject to the penalty limitations fixed in the Charter for ordinance violations.

Section 11-107 of the Portland City Charter is added to read:

11-107. **This Article shall be construed as granting additional authority, and not in derogation of any authority granted elsewhere in this Charter. This Article shall not affect authority of the Portland Public Water District concerning local water improvements and the assessment of benefits therefor. The district also shall have all authority now or hereafter granted by statute concerning water works or service.**

Section 11-301 of the Portland City Charter is amended to read:

11-301. The *[Council]* **Portland Public Water District** may construct, reconstruct, enlarge, alter, modify, equip, operate and maintain a sewage disposal or sewage purification system within or without the corporate limits or both, including but not limited to: all methods of storm drainage, intercepting sewers, diversion sewers, relieving or interconnection sewers, sewers to separate storm and sanitary sewage, pump or ejector stations and equipment, and plants for the treatment and disposal of sewage. For that purpose the *[City]* district may acquire by any lawful means property, real or personal, interests in property, equipment, and related facilities and may make all expenditures which the *[Council]* district finds *[necessary or appropriate to carry out such purposes]* **that the acquisitions and expenditures have a close and direct connection to providing clean and safe sanitary sewer service**, either within or without the corporate limits. The *[City]* district may sell or otherwise dispose of any or all by-products or salvage products from this operation. The City also may contract with any other person, public or private, to *[further]* **provide or obtain goods or services that have a close and direct connection to the purification of public waters or protection of the public health through sanitary sewer service.**

Section 11-302 of the Portland City Charter is amended to read:

11-302. For all purposes relating to design, construction, acquisition, operation, maintenance and contract requirements of sewage treatment or purification facilities and related facilities, the **[Council] Portland Public Water District** may fix fees and charges for connection or use or both of sewers and sewage purification or disposal systems to be paid by property which is served or is capable of being served for use of the sewage disposal system. *[Sewer user service charges may be collected by the Water Bureau which shall be compensated for such service as determined by the Council.]* The **[City] district** may establish procedures for collection of **fees and charges** and may provide for penalties, interest and costs. The **[City] district** may establish requirements and impose regulations for **connection or use of sewers and sewage purification or disposal systems** as it finds appropriate. Sewer user service charges shall be paid for all premises connected with **[City] district** sewers, directly or indirectly, notwithstanding that such premises may have been assessed or may in the future be assessed for construction of sewers under local improvement assessment procedures or may have otherwise paid for sewers.

The **[City] district** may enter into contracts relating to sewage disposal, treatment or purification *[or all such functions]* that have a close and direct connection to providing clean and safe sanitary sewer service. The **[City] district** may impose charges for sewage transportation, disposal, treatment or purification or any or all such functions, on property outside the **[City] district** served through **[City] district** facilities, at rates no less than those imposed for similar service inside the **[City] district** to similar classifications.

Proceeds of such charges shall be placed in the Sewage Disposal Fund, which shall be held by the **district**, and may be expended for any matter closely and directly connected with the sewer or sewage disposal or treatment system of the City, and bonded debt and debt service related thereto.

Upon the written directions of the **Portland Public Water District**, the City shall from time to time issue bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system, to be repaid, to the extent permitted or to be permitted by law, solely out of revenues of the district. Such bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system shall be issued by the City in accordance with the procedures established by law and as the City may prescribe by ordinance. The maximum term of any bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system shall not exceed 30 years. Approval of the Council is not required for bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money to be issued at the direction of the district.

Section 11-303 of the Portland City Charter is amended to read:

11-303. The **[Council] Portland Public Water District** may require any property located within one hundred (100) feet of a right of way in which there is a **[City] district** sewer to connect to that sewer.

The [Council] district may prohibit discharge of sewage or harmful matter or impurities into any stream or river within the City. This prohibition may extend to any source whatever, including ships, houseboats and water craft of all kinds. These sources may be required to connect to the [City's] district's sewer system when physically possible, or otherwise to construct and use a prescribed sewage or waste disposal system.

To facilitate sewage treatment and protect the [City's] district's sewage facilities, the [City] district may limit the classes or kinds of sewage that may be discharged or may continue to be discharged into public sewers, may prohibit discharge of wastes other than domestic sanitary sewage into public sewers or facilities, and may require private pretreatment before discharge, upon terms fixed by the [City Engineer] district.

Section 11-304 of the Portland City Charter is amended to read:

11-304. This Article shall be construed as granting additional authority, and not in derogation of any authority granted elsewhere in this Charter. This Article shall not affect authority of the **Portland Public Water District** concerning local sewer improvements and the assessment of benefits therefor. The [Council] district also shall have all authority now or hereafter granted by statute concerning disposal and purification of sewage and waste.

Transfer and Transition

This Charter amendment takes effect June 1, 2014.

The following sections of this Charter amendment and sections amended by this Charter amendment become operative January 1, 2015: 2-15, 9-501, 9-502, 9-503, 9-701, 9-702, 9-704, 9-705, 9-801, 9-802, 9-803, 9-804, 9-805, 9-806, 11-101, 11-102, 11-103, 11-104, 11-105, 11-106, 11-107, 11-301, 11-302, 11-303, 11-304, 16-101, 16-102, and 16-103.

The City may take any action before the operative date specified in this section that is necessary to carry out the provisions of this Charter amendment.

Nothing in this Charter amendment shall be construed in any way to impair the obligations or agreements of the City of Portland with respect to bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water and sewer system prior to adoption of this Charter. The district shall take all actions necessary to ensure full compliance with all indentures, resolutions, declarations, agreements and other documents issued with respect to the bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water and sewer system prior to adoption of this Charter amendment.

Not later than July 15, 2014, the Council shall divide the district into seven zones as nearly equal in census population as may be practicable, using voting precinct boundaries. If possible, the Council shall establish the zones so that a distinct community of interest or neighborhood is within a zone. In establishing the zones, the Council shall consult with the Population Research Center at Portland State University.

To the extent feasible and consistent with law, the zones established shall be:

- (1) Coextensive with the zones established for the board of Portland Public Schools;
and
- (2) Designated to avoid having elections for contiguous zones in the same election.

Notwithstanding sections 3-101 and 3-105 of this Charter, as amended by this 2014 measure:

- (1) All seven positions on the board of the Portland Public Water District shall be filled by election in the 2014 general election without a primary election. The candidate who receives the highest number of votes cast shall be elected.
- (2)
 - (a) The initial terms of Positions 1, 2, and 3 expire December 31, 2016.
 - (b) The initial terms of Positions 4 and 5 expire December 31, 2017.
 - (c) The initial terms of Positions 6 and 7 expire December 31, 2018.

On January 1, 2015, the City shall:

- (1) Deliver to the Portland Public Water District all records, property, and funds within the jurisdiction of the City that relate to the duties, functions and powers transferred to and assumed by the district, including but not limited to the systems of accounting for water and sewer service.
- (2) Transfer to the district those employees engaged primarily in the exercise of the duties, functions and powers transferred to and assumed by the district.

The Portland Public Water District shall take possession of the records and property, including funds, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by this section.

The unexpended balances of amounts authorized to be expended by the City for the fiscal year beginning July 1, 2014, from revenues dedicated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by this Charter amendment are transferred to and are available for expenditure by the Portland Public Water District beginning January 1, 2015, for the purpose of administering and enforcing the duties, functions and powers transferred by this Charter amendment.

The transfer of duties, functions and powers to the Portland Public Water District by this Charter amendment does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Portland Public Water District is substituted for the City in the action, proceeding or prosecution.

Nothing in this Charter amendment relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by this

Charter amendment. The Portland Public Water District may undertake the collection or enforcement of any such liability, duty or obligation.

The rights and obligations of the City related to the duties, functions, and powers transferred by this Charter amendment and legally incurred under contracts, leases and business transactions executed, entered into or begun before the effective date of this Charter amendment are transferred to the Portland Public Water District. For the purpose of succession to these rights and obligations, the district is a continuation of the City for and is not a new authority.

Notwithstanding the transfer of duties, functions and powers by this Charter amendment, the ordinances and resolutions of the City in effect on the effective date of this Charter amendment that relate to a duty, function of power transferred by this Charter amendment continue in effect until superseded or repealed by ordinances and resolutions of the Portland Public Water District.

References in ordinances and resolutions of the City, or to an officer or employee of the City, related to the powers and obligations transferred by this Charter amendment are considered to be references to the Portland Public Water District or to an officer or employee of the district.

Whenever, in any ordinance or resolution of the City or in any rule, document, contract, record or proceeding authorized by the City, reference is made to the Water Bureau or an officer or employee of the Water Bureau, the reference is considered to be a reference to the Portland Public Water District or an officer or employee of the district.

Whenever, in any ordinance or resolution of the City or in any rule, document, contract, record or proceeding authorized by the City, reference is made to the Bureau of Environmental Services related to sewers and sewage purification or disposal systems or an officer or employee of the Bureau related to sewers and sewage purification or disposal systems, the reference is considered to be a reference to the Portland Public Water District or an officer or employee of the district.

Petition ID PDX 4

Ballot Title

Caption: Amends Charter: Creates water and sewer district with elected board (10)

Question: Shall Portland create independent utility district to administer water and sewer services, with new legislative board elected from seven zones? (20)

Summary: Measure creates Portland Public Water District as independent agency of City; transfers operation of water and sewer systems from City Council to district board, including control over property and right of way used by systems. Seven uncompensated board members would be elected for three year terms, from zones coextensive with Portland Public School zone boundaries. Board vacancies filled by appointment. Certain persons disqualified from board or working for district. Board could adopt ordinances and resolutions, with civil and criminal liability for violations. Board could hire and discharge employees. City water and sewer employees would be transferred to district. District would set rates for water and sewer, and adopt annual budgets, with financial audits. District could purchase and condemn property; borrow funds; direct Council to issue water and sewer bonds; and assess properties for water and sewer local improvement districts. District cannot "regionalize or privatize" (undefined) water or sewer; commingle Bull Run water with other than existing sources, except in catastrophic emergencies; or adopt less-protective regulations for Bull Run watershed. No cost estimate provided with measure. (175)

IN THE CIRCUIT COURT OF THE STATE OF OREGON

COUNTY OF MULTNOMAH

FLOY JONES, an Oregon elector; and
KENT CRAFORD, an Oregon elector,

Petitioners,

v.

JAMES H. VAN DYKE, City Attorney,
City of Portland, Oregon,

Respondent.

Case No. 130812012

PETITION FOR BALLOT TITLE
REVIEW OF CITY INITIATIVE –
ORS 250.296

NATURE OF CLAIM

1.

This is a Petition for Review of the Ballot Title issued by the City Attorney James H. Van Dyke, Portland City Attorney, for an initiative filed by Petitioners. The initiative, Petition ID PDX 4 ("IP 4"), seeks to amend the City of Portland Charter to create an independent utility district to administer water and sewer services within the City boundaries. This Petition for Review is brought pursuant to ORS 250.296.

PARTIES

2.

Petitioner Floy Jones (hereinafter "Petitioner Jones") is an Oregon elector who is registered to vote in Multnomah County, and resides within the city limits of Portland, Oregon. Petitioner Jones is one of the Chief Petitioners for IP 4. Petitioner Jones is dissatisfied with the proposed ballot title for IP 4, and has standing to bring this petition

1 | under ORS 250.296. Petitioner Kent Craford (hereinafter "Petitioner Craford") is an
2 | Oregon elector who is registered to vote in Multnomah County, and resides within the
3 | city limits of Portland, Oregon. Petitioner Craford is one of the Chief Petitioners for IP
4 | 4. Petitioner Craford is dissatisfied with the proposed ballot title for IP 4, and has
5 | standing to bring this petition under ORS 250.296.

6 | 3.

7 | Respondent James H. Van Dyke (Respondent) is the City Attorney for the City of
8 | Portland, and was responsible for preparing the Ballot Title for IP 4.

9 | 4.

10 | Petitioners filed the text of IP 4 with the City on July 26, 2013. The initiative
11 | consists of a set of findings, the creation of a public water district, the establishment of a
12 | board of directors, the circumscribing of district powers, the process of elections, and
13 | the limitations on participation on the board or in select positions due to conflicts of
14 | interest, as well as conforming changes to the current City Charter, as discussed in the
15 | Memorandum of Law, filed with this Petition. The full text of IP 4 is attached as Exhibit
16 | 1 to the Declaration of Kristian Roggendorf, filed with this Petition.

17 | 5.

18 | On August 8, 2013, Elections Official Deborah Scroggin received the Ballot Title
19 | for IP 4 drafted by Respondent Van Dyke, and transmitted it that same day to
20 | petitioners. A copy of the Ballot Title is attached as Exhibit 2 to this Petition for Review.

21 | ////

22 | ////

23 | ////

24 | ////

1 **FIRST CLAIM FOR RELIEF**
2 **INSUFFICIENCY OF BALLOT TITLE**
3 *Pursuant to ORS 250.296*

4 6.

5 Petitioners reallege and incorporate by reference paragraphs 1 through 5, above.

6 7.

7 The “Summary” of the proposed ballot title fails to accurately and adequately
8 describe the proposed Initiative and its major effects in three significant ways. In
9 particular:

10 a. The ballot title contains a significant factual misstatement. The ballot title
11 states that “Certain persons disqualified from board or working for
12 district.” This is incorrect and misleading. Under IP 4, anyone can *work*
13 for the independent water district. There are people disqualified from
14 serving, without pay, on the *Board* of the water district—specifically those
15 who are already elected officials, those who at that time work for the City,
16 those who work for the water district, a contractor/ contractor’s employee
17 for the water district, an employee of the former Water Bureau, Bureau of
18 Environmental Services, or any Commissioner in charge of these Bureaus,
19 or others who have served on certain City boards. The only people
20 precluded from any particular employment with the new water district
21 are precluded from specific roles in the district such as legal counsel and
22 independent financial auditor. The ballot title is therefore overbroad,
23 vague, and misleading.

24 b. The ballot title also contains a significant factual error. The ballot title
incorrectly identifies the election districts created by the initiative as

1 “coextensive with Portland Public School zone boundaries.” The PPS
2 boundaries do not cover the entire City, whereas the water district
3 initiative does. Contrary to the PPS boundaries, East Portland is not left
4 out of voting on the new water district. The only absolute rule on the
5 elective zones for the water district is that “the Council shall divide the
6 district into seven zones as nearly equal in census population as may be
7 practicable, using voting precinct boundaries[.]” Everything else is a form
8 of guidance qualified by phrases such as “[t]o the extent feasible” and “[i]f
9 possible.”

- 10 c. The ballot title contains an element nowhere authorized or required under
11 ORS 250.035—the notion of a “cost estimate.” This Court’s review of city
12 ballot titles is governed by ORS 250.035 pursuant to ORS 250.296(1). ORS
13 250.035(1), governing city ballot titles only requires a caption, a question,
14 and a concise and impartial summary. The addition of a “cost estimate”
15 element goes beyond what is authorized, and is not justified by the
16 context of IP 4.

17 These errors cause the proposed Summary to not substantially comply with the
18 statutory requirements. As a result, the current ballot title as written is insufficient, not
19 concise, and/or unfair, and this Court should remedy these errors.

20 8.

21 An alternative ballot title that meets the statutory standards is attached as Exhibit
22 3 to the Roggendorf Declaration, and incorporated here by reference.

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REMEDY

9.

WHEREFORE, Petitioners request that the Court issue a judgment finding that the Ballot Title prepared by Respondent City Attorney Van Dyke fails to comply with the requirements of ORS 250.035. Petitioners further request that the Court then certify to the city elections officer a ballot title for the measure which meets the requirements of ORS 250.035, attached as Exhibit 3 and incorporated herein. Petitioners also seek reimbursement of their costs and disbursements.

SERVICE

10.

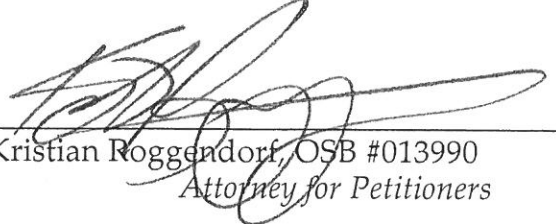
Pursuant to ORS 250.296(2), counsel for Petitioner certifies that a copy of this Petition for Review will be hand delivered to the following individuals on August 19, 2013:

Deborah Scroggiin
City Elections Officer
Elections Division
1221 SW 4th Avenue, Room 320
Portland, Oregon 97204

James H. Van Dyke
City Attorney
1221 SW 4th Avenue, Rm 430
Portland OR 97204

DATED this 19th day of August, 2013.

ROGGENDORF LAW LLC



Kristian Roggendorf, OSB #013990
Attorney for Petitioners

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

FLOY JONES, an Oregon elector; and) Case No. _____
KENT CRAFORD, an Oregon elector,)
)
Petitioners,)
)
v.) MEMORANDUM OF LAW IN
) SUPPORT OF PETITION FOR
) BALLOT TITLE REVIEW OF CITY
) INITIATIVE – ORS 250.296
)
JAMES H. VAN DYKE, City Attorney,)
City of Portland, Oregon,)
)
Respondent.)

INTRODUCTION

As outlined in the Petition for Review, filed contemporaneously with this memorandum, the Summary contained in the Ballot Title proposed by Respondent City Attorney fails to meet the standards established by ORS 250.035 and ORS 250.295 for three reasons. First, the Summary contains a factually misleading statement concerning who is eligible to work at the proposed newly-created independent public water district. Second, the Summary contains a factual error regarding the boundaries of the voting districts used to elect Board members to the water district. Finally, the Summary includes an inappropriate statement that no “cost estimate” has been provided, when none is required. Petitioners Jones and Craford here propose a Summary more consonant with the “major effect” of the measure.

1 I. STANDARDS FOR CHALLENGING A BALLOT TITLE ON A CITY MEASURE.

2 Oregon law provides, "Any elector dissatisfied with a ballot title filed with the
3 city elections officer..., may petition the circuit court of the judicial district in which the
4 city is located seeking a different title and stating the reasons the title filed with the
5 court is insufficient, not concise or unfair." ORS 250.295(1). An "Elector" is "an
6 individual qualified to vote under section 2, Article II, Oregon Constitution." ORS
7 250.005(2). Petitioners Jones and Craford are electors of the City of Portland, Oregon.
8 Declaration of Floy Jones ¶ 2; Declaration of Kent Craford ¶ 2. For the reasons alleged
9 in the Petition and set out more fully below, the ballot title for Initiative Petition ID PDX
10 4 ("IP 4") is "insufficient, not concise, and/or unfair." Petition ¶ 7.

11 A ballot title is governed by the standards set out in ORS 250.035(1).¹ The
12 standard for review of a ballot title is "substantial compliance" with statutory
13 requirements. *Ascher v. Kulongoski*, 322 Or 540, 543, 910 P2d 372 (1996); *Eaton v. Keisling*,
14 312 Or 582, 584, 824 P.2d 1147 (1992); *Hand v. Roberts*, 309 Or 430, 433, 788 P2d 446
15 (1990); *American Civil Liberties Union of Oregon, Inc. v. Roberts*, 305 Or 522, 525, 752 P2d
16 1215 (1988). The statutory standards for "substantial compliance" are as follows:

- 17 1. A caption which "reasonably identifies the subject of the measure" in
18 10 words or less;
- 19 2. A question which "plainly phrases the chief purpose of the measure"

20
21 ¹ ORS 250.035(1) was amended in 1995 to apply only to non-statewide measures;
22 prior to 1995, all initiatives were subject to same standards set out in ORS 250.035(1).
23 There is no caselaw regarding city initiatives arising after that date expounding upon
24 the requirements of ORS 250.035(1), because no right of appeal attaches to review of a
city measure. *See* ORS 250.295(3). However, significant caselaw exists pertaining to the
standards pre-1995. This caselaw is applicable to this Court's interpretation of ORS
250.035(1), and is set out in this memorandum.

1 in 20 words or less;

2 3. "A concise and impartial statement" which summarizes "the measure
3 and its major effect" in 175 words or less.

4 ORS 250.035(1)(a), (b), (c). The threshold question is not whether a "better" ballot title is
5 possible, but rather whether the ballot title at issue substantially complies with the
6 requirements of the statute. *Crumpton v. Keisling*, 317 Or. 322, 325, 855 P.2d 1107 (1993).
7 Even under this deferential standard, the "Summary" contained in the proposed Ballot
8 Title for IP 4 fails.

9
10 **II. THE BALLOT TITLE DOES NOT PROPERLY CONVEY THE MEASURE'S MAJOR EFFECT.**

11 The Summary in this case does not meet the "major effect" standard. "There are
12 two distinct aspects of the Summary: a summary of the proposed measure and a
13 summary of its major effect." *Reed v. Roberts*, 304 Or 649, 656-57, 748 P2d 542 (1988)
14 (listing of all major effects required, including necessary changes from current law).
15 The measure creates a new independent public water district, and that effect is stated
16 plainly. However, the summarization of the remaining major effects is flawed in three
17 ways: the (1) lack of clarity about who is excluded from what type of roles in the new
18 district; (2) the incorrect statement about the zone boundaries for the new district; and
19 (3) the inclusion of "cost estimate" language. These errors render the proposed
20 Summary invalid.

21
22 **A. The Summary Misstates the Scope of Exclusions on Employment.**

23 First, the Summary casts too wide a net in stating that "[c]ertain persons
24 disqualified from board or working for district." This is not correct. There are two

1 concepts here, one is working for the district as an employee and one is serving on the
2 Board of Directors or the new water district. There are numerous exclusions for people
3 who might wish to serve on the Board. People excluded from uncompensated Board
4 service include: (1) already-elected officials; (2) those who work for the City at that time;
5 (3) those who then work for the new water district; (4) anyone who had in the prior six
6 years worked as an employee of the district, as a contractor or a contractor's employee
7 for the new water district, or for the City in a water-service related job; (5) a member of
8 a firm that contracted with the new water district or the City for water or sewer services
9 in the prior six years; (6) those who have been an employee of the former Water Bureau,
10 Bureau of Environmental Services, or any Commissioner in charge of these Bureaus in
11 the prior six years; or (7) others who have served on certain City boards in the prior six
12 years. IP 4, § 16-105(1)-(8). These are all people excluded from serving on the *Board* of
13 the new district, and the provisions are clearly aimed at preventing people from using
14 the district as a "revolving door" to political patronage.

15 By contrast, *no one* is excluded from working for the new water district, in some
16 capacity. The only limitations on employment relate to two *positions*, and those
17 limitations are very minor. First, a person cannot serve as legal counsel to the district if
18 the person or their law firm had served as legal counsel to the City in the prior three
19 years. IP 4, § 16-105. Second, likewise, a person cannot serve as an independent
20 financial auditor for the new water district if that person or their CPA firm is then
21 serving as an auditor or accountant for the City. Again, this ends the "revolving door"
22 process of working as a contractor for the City to gain a foothold in the district and
23 impart old thinking to how the new district should do business.

24 It is therefore incorrect to say that people are "excluded from the Board or

1 | working for” the district, when people are only excluded from serving on the Board,
2 | and *certain employment positions* have qualifications or limitations. A more accurate
3 | statement would be: “Certain persons disqualified from board, or serving as legal
4 | counsel or independent financial auditor.” Such a correction brings the summary in line
5 | with the “major effect” standard of ORS 250.035(1)(c). *See Dale v. Kulongoski*, 321 Or 108,
6 | 115, 894 P2d 462 (1995) (“Defining the range of [instances where the new requirements
7 | of the measure will apply] is an integral part of the measure”) (citations and internal
8 | quotation marks omitted).

9 |
10 | **B. The Summary Is Incorrect in Its Description of District Zones.**

11 | The current Summary for IP 4 contains a very plain factual error: it states that
12 | “Seven uncompensated board members would be elected for three year terms, from
13 | zones coextensive with Portland Public School zone boundaries.” This is facially
14 | incorrect, and therefore must be corrected. *E.g. Hunnicutt v. Myers*, 333 Or 610, 613, 43
15 | P3d 1114 (2002) (summary must contain all pertinent information or correct
16 | identification of pertinent information). Notably, the Portland Public School District
17 | (PPS) zones are not conterminous with the City boundaries, whereas the new water
18 | district’s boundaries are. IP 4 provides:

19 | Not later than July 15, 2014, *the Council shall divide the district into seven*
20 | *zones as nearly equal in census population as may be practicable*, using
21 | voting precinct boundaries. *If possible*, the Council shall establish the zones
22 | so that a distinct community of interest or neighborhood is within a zone. In
23 | establishing the zones, the Council shall consult with the Population
24 | Research Center at Portland State University. *To the extent feasible and*
consistent with law, the zones established shall be:

- (1) Coextensive with the zones established for the board of
Portland Public Schools; and

1 (2) Designated to avoid having elections for contiguous
2 zones in the same election.

3 IP 4, Transfer and Transition Section (emphasis added).

4 Because the “Portland Public Water District is established as an independent
5 agency of the City of Portland[,]” IP 4 § 16-101, the new district necessarily covers the
6 entire City. However, the PPS boundaries do not—areas of the east side of the City lie
7 outside the PPS boundaries. That is why the main thrust of the district divisions relates
8 to “equal population size” blocs, and the PPS zones are only used “to the extent feasible
9 and consistent with law.” A more accurate statement would be that “Seven
10 uncompensated board members would be elected for three year terms, from zones of
11 approximately equal population size, roughly corresponding to voting districts and
12 school zones.” Such a statement correctly sets out one of the major effects of the
13 measure. *See Boe v. Paulus*, 293 Or 105, 109, 644 P2d 1385 (1982) (“the fact that the
14 commissioners would be non-partisan and ... would be elected on a geographical basis
15 from three districts of equal population ... are a part of the chief purpose of the
16 measure”) (citation and internal quotation marks omitted).

17
18 **C. There Is No Basis for Remarkings about a “Cost Estimate.”**

19 One of the more puzzling aspects of Respondent’s proposed ballot title is the
20 inclusion of the final sentence: “No cost estimate provided with measure.” Nothing in
21 current law requires a “cost estimate” for any City measure, *see* ORS 250.035(1), and
22 there is nothing that suggests such a statement is needed to convey the “major effect” of
23 the measure. Indeed, a fiscal impact statement is a recognized part of *state* measures,
24 and specifically required by statute. *See* ORS 250.125. But there is no corresponding

1 provision applicable to *local* measures. The City Attorney is without authority to add
2 such a requirement, particularly when it is by negative implication—*i.e.* stating that
3 there is “no cost estimate” implies that there should be one, or that there is a cost that is
4 undisclosed. Moreover, the removal of water and sewer revenue from the City
5 Council’s direct control should have no cost to local government, as water and sewer
6 revenue are supposed to be segregated under current law. A provision that does not
7 change current law should not have a Summary that suggests that it does. *Cf Ransom v.*
8 *Roberts*, 309 Ore. 654, 664, 791 P.2d 489 (1990) (changes to existing law should be
9 reflected in summary if possible); *Nelson v. Roberts*, 309 Or 499, 506, 789 P2d 650 (1990)
10 (redirection of revenue away from General Fund must be noted if possible). Because
11 there is no change of dedicated water and sewer revenue, there should be no mention
12 that the creation of a separate water district would have any impact on the general cost
13 of providing water service to Portland residents.

14
15 **D. Petitioners’ Proposed Summary.**

16 This leaves a proposed ballot title Summary of 175 words that accurately and
17 fully summarizes the measure and its major effect:

18 *Measure creates Portland Public Water District as independent City agency;*
19 *transfers operation of water and sewer systems from City Council to district*
20 *board, including control over system property and rights of way. Seven*
21 *uncompensated board members would be elected for three year terms, from*
22 *zones of approximately equal population size, roughly corresponding to*
23 *voting districts and public school zones. Certain persons disqualified from*
24 *board, or serving as legal counsel or independent financial auditor. Board*

1 *could adopt ordinances and resolutions, with civil and criminal liability for*
2 *violations. Board could hire and discharge employees. City water and sewer*
3 *employees would be transferred to district. District would set rates for water*
4 *and sewer, and adopt annual budgets, with financial audits. District could*
5 *purchase and condemn property; borrow funds; direct Council to issue water*
6 *and sewer bonds; and assess properties for water and sewer local*
7 *improvement districts. District cannot “regionalize or privatize”*
8 *(undefined) water or sewer; cannot commingle Bull Run water with other*
9 *than existing sources, except in catastrophic emergencies; and cannot adopt*
10 *less-protective regulations for Bull Run watershed.*

11 The final sentence has added a “cannot” before “commingle Bull Run water...” for
12 clarity, and replaced “or” with “and cannot” before “adopt less-protective regulations”
13 for consistency and clarity. The resulting summary consists of 175 words that fully and
14 accurately describe IP 4 and its “major effects,” consistent with ORS 250.035.

15
16 **CONCLUSION**

17 For the foregoing reasons, the ballot title issued by Respondent should be
18 modified as set out above.

19 DATED this 19th day of August, 2013.

20 **ROGGENDORF LAW LLC**

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23 Kristian Roggendorf, OSB #013990
24 *Attorney for Petitioners*

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

FLOY JONES, an Oregon elector; and)	Case No. _____
KENT CRAFORD, an Oregon elector,)	
)	DECLARATION OF KRISTIAN
Petitioners,)	ROGGENDORF, ESQ., IN SUPPORT
)	OF PETITION FOR BALLOT TITLE
v.)	REVIEW OF CITY INITIATIVE
)	
JAMES H. VAN DYKE, City Attorney,)	
City of Portland, Oregon,)	
)	
Respondent.)	

I, Kristian Roggendorf, do declare as follows under the penalty of perjury:

1. I am the attorney for the Petitioners in this action. I make this declaration from personal knowledge, and I am competent to testify in court to the same. If called as a witness my testimony would be as follows.

2. Attached as Exhibit 1 is a true and correct copy of the text of Initiative Petition ID PDX 4 ("IP 4"), submitted to the City of Portland for a ballot title.

3. Attached as Exhibit 2 is a true and correct copy of the Ballot Title issued by the City for IP 4.

4. Attached as Exhibit 3 is a true and correct copy of the Proposed Ballot Title from Petitioners in this action.

5. Attached as Exhibit 4 is a true and correct copy of the Declaration of Petitioner Floy Jones, approved as to form and content by Petitioner Jones. An original signed copy of the declaration of Petitioner Jones will be filed as soon as practicable

1 following the filing of the Petition in this matter.

2 I hereby declare that the above statement is true to the best of my knowledge
3 and belief, and that I understand it is made for use as evidence in court and is subject
4 to penalty for perjury.

5 DATED this 19th day of August, 2013.

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9 Kristian Roggendorf, OSB # 013990
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PORTLAND PUBLIC WATER DISTRICT

Establishment of the Portland Public Water District

Chapter 16 is added to and made a part of the Portland City Charter.

Section 16-100 (Findings)

The people of the City of Portland find that:

1. Water service and sewer service, including stormwater management, are inextricably linked to providing clean drinking water and sanitation that promotes the health and wellbeing of the residents and businesses of Portland.
2. Water and sewer service should be managed by representatives of the people of the City of Portland who have no obligations or allegiances other than to the operation, financing, protection, and enhancement of the sewer and water systems of the City.

Section 16-101 (Establishment)

The Portland Public Water District is established as an independent agency of the City of Portland.

Section 16-102 (Governance)

The Portland Public Water District shall be administered by a governing board of seven (7) directors elected by zone from among the electors of the City.

Section 16-103 (Powers)

The powers of the Council relating to the operation, financing, protection, and enhancement of the sewer and water systems of the City, including control of the property used for the water and sewer systems, including stormwater management, under the Portland City Charter are transferred to and vested in the Portland Public Water District.

The powers of the Council over the Bull Run Watershed granted to the City of Portland by ORS 448.295 to ORS 448.325 and the Charter are transferred to the district.

The district may not regionalize or privatize water or sewer service or, except in a catastrophic emergency or to comply with an intergovernmental agreement entered into before July 1, 2013, commingle drinking water from the Bull Run Watershed with drinking water from a source of drinking water other than the Columbia South Shore Well Field.

The district may not adopt regulations for the Bull Run Watershed that are less protective or enhancing of water quality than the regulations in place on July 1, 2013.

To carry out the powers transferred to and vested in the Portland Public Water District, the district shall have power for and on behalf of the City to perform the following acts in the following manner:

3. The district shall have authority to make orders, rules, and regulations in the form of resolutions to carry out the authority granted the district in this Charter, certified copies of which resolutions shall, forthwith upon their adoption, be transmitted to the Auditor of the City, who shall cause the same to be transcribed at length in a record kept for that purpose or to be filed in a special record of such resolutions. Such record shall be public and copies thereof shall be accessible to the public under like terms as ordinances and resolutions of the City. All such resolutions of the district (other than purely administrative regulations, or those of a temporary nature) shall be subject to amendment, repeal or alteration or enactment under the referendum or initiative to the same extent as ordinances of the City. All such resolutions shall require an affirmative vote of four (4) members of the district board and shall take effect thirty (30) days after adoption unless some other date is fixed in such resolution.

4. The board:

- (a) Shall, from among its members, elect a Chair to preside at board meetings. The maximum number of years a member may serve consecutively as Chair is three.
- (b) May appoint, employ and discharge such officers, employees and agents as the district finds necessary or convenient for the efficient and economical performance of the district's duties, and to fix and provide for their compensation, including through the negotiation and approval of collective bargaining agreements.

5. The district:

- (a) May, subject to the procedures and limitations prescribed in this Charter, borrow money, negotiate federal advances of funds and execute notes as evidence of obligations, accept gifts, federal grants-in-aid, advances or other moneys, negotiate loans and advances, and pledge property acquired or any part thereof.
- (b) Shall be responsible for the design, installation, operation, and maintenance of an accounting system that will conform to the requirements of generally accepted accounting principles, state laws and Charter provisions regarding budgeting, expenditure, receipt and custody of public funds, as they may be amended.
- (c) Shall provide for an annual comprehensive independent audit of all funds and accounts of the district by a qualified Certified Public Accountant or firm of such accountants. The audits shall be prepared and adopted in accordance with state law and include the benchmarking of district cost and performance measures against the cost and performance measures of

similarly sized American cities. Copies of each audit report shall be filed with the City Auditor.

- (d) Shall annually prepare and adopt a budget that incorporates the goals adopted by the district board. The budget shall be prepared and adopted in accordance with state law.
- (e) Shall be granted access to and control of all public rights of way and places necessary to carry out any of the powers transferred or granted to the district by this Charter amendment. The board shall, by ordinance, adopt a process for the coordination with other agencies of the City for the use of public rights of way and places under the control of the district.

The following sections of the Portland City Charter do not apply to the Portland Public Water District: 2-109, 2-403, and 2-404.

Section 16-104 (Elections)

To qualify as a candidate for a position and serve on the board of the Portland Public Water District, an individual must be an elector of the City of Portland who resides in the zone the from which the person is nominated

A candidate for election as a member of the board shall be nominated by filing with the elections officer a petition for nomination signed by at least 100 electors from the zone the candidate will serve.

The petition must state the number of the position or zone to which the candidate seeks election.

If the petition is for a regular district election or the first election at which members of the board are elected, then the candidate must file the petition not sooner than the 101st day before the date of the election and not later than the 61st day before date of the election. A candidate for a regular election or the first election may withdraw a petition not later than the 61st day before the date of the election.

If the petition is not for a regular district election or the first election, then the candidate must file the petition not sooner than the 110th day before the election and not later than the 70th day before the date of the election. A candidate for other than a regular election or the first election may withdraw a petition not later than the 70th day before the date of the election.

A candidate shall be elected by the electors of the zone in which the candidate resides.

A vacancy on the board shall occur upon the death, resignation, removal, inability to serve, or failure of a member without cause to attend three (3) successive regular meetings. Resignation when made shall be addressed to and accepted by the remaining members or the chair of the board. A successor shall be appointed by the board for the unexpired term

of any vacancy and must be an individual qualified to be a candidate from the zone in which the vacancy occurs

The board shall adjust the boundaries of the zones as necessary to reflect changes in the boundaries of the zones of the Portland Public Schools.

Section 16-105 (Conflicts of Interest)

Members of the board of the Portland Public Water District shall serve without salary or compensation of any nature, but may be reimbursed for reasonable and necessary travel expenses incurred in carrying out the duties of the board.

The following individuals may not run for election to or serve on the board of the Portland Public Water District:

1. An individual serving in a public position to which an individual may be elected.
2. An employee or officer of the City of Portland.
3. An employee or officer of the Portland Public Water District.
4. An individual who was, within 72 months preceding the election, an employee of the Portland Public Water District or of the City of Portland in a position related to the provision of water or sewer services.
5. An individual who has or who is an employee of an individual or firm that has a contractual relationship with the Portland Public Water District or with the City of Portland related to the provision of water or sewer services.
6. An individual who, within 72 months preceding the election, had or who was an employee of an individual or firm that, within 72 months preceding the election, had a contractual relationship with the Portland Public Water District or with the City of Portland related to the provision of water or sewer services.
7. An individual who, within 72 months preceding the election, was employed by a Commissioner who administered the Water Bureau or the Bureau of Environmental Services in the 72 months preceding the election.
8. An individual who is or, within 36 months preceding the election was, a member of Portland Utility Review Board or a budget advisory committee of the Water Bureau or Bureau of Environmental Services .

If a candidate for the district board has or has had a financial relationship with the City relating to water or sewer service other than the relationship of water or sewer customer, the candidate shall, in any voters' pamphlet statement, disclose the nature and amount of the financial relationship.

All actions undertaken by employees of the Portland Public Water District must conform to the State Government Standards and Practices Statutes as may from time to time be amended.

The Portland Public Water District may not employ as legal counsel attorneys who, in the preceding 36 months, have been employees of the City have provided legal services to the City, or have been employees or members of law firms that provided legal services to the City during the time that the person was an employee or member.

The Portland Public Water District shall employ as auditors certified public accountants who are not employees of the City, who are not providing auditing or accounting functions to the City, and who are not employees or members of accounting firms that provide auditing or accounting services to the City.

Sections 2-504(a)(1) and (3) and 2-505, prescribing the duties and authorities of the Auditor of the City of Portland, do not apply to the Portland Public Water District. However, the district may request and the Auditor may conduct financial and performance audits that are in addition to audits conducted by the auditors of the district.

Amendments to Existing Sections

Section 2-105 of the Portland City Charter is amended to read:

The City of Portland by its Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter or in statute, to exercise any power or authority granted to the City by statute, general or special, or by this Charter, and may do any other act necessary or appropriate to carry out such authority, or exercise any other power implied by the specific power granted; **provided that such power and authority, with respect to water and sewer services and property shall reside with and be exercised through the board of the Portland Public Water District.**

- (a) Among such specific powers, the City has power and authority:
1. To exercise within the City and City-owned property, all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said areas, and to make and enforce within said areas all necessary or appropriate water, local, police, sanitary and safety laws and regulations.
 2. To secure the protection of persons and property and to provide for the health, cleanliness, ornament, peace, safety and good order of the City.
 3. To provide for entering into contracts by the City for a period not exceeding five (5) years and the extension or renewal thereof by option or otherwise, for not to exceed an additional five (5) years, except as to property contracts which may extend for more than five (5) years, or as otherwise permitted by this Charter or by statute.

4. To enter into agreements without limitation as to term, as the Council, **or the Portland Public Water District, as applicable**, finds appropriate, for cooperation, consolidation of services, joint acquisition or ownership and maintenance of facilities or services, with any other public corporation or unit of government.
5. To establish, construct, maintain, equip and alter buildings and facilities found necessary or appropriate for administration of government or for use by or for the public.
6. To purchase, or acquire by condemnation or otherwise, or to lease, for such term as the Council, **or the Portland Public Water District, as applicable**, may find appropriate, which need not be limited to five (5) years, such property, real and personal, as may be needed for public use; in purchasing property, to enter into lease-purchase agreements or other contracts of purchase which may extend for more than a five (5) year period; to obtain options; and to mortgage for the term of the purchase as security for the purchase price the property being purchased. In exercising this power and authority, only the payments to be made during the year in which the purchase, condemnation, lease, lease-purchase, option, or purchase price mortgage is entered into shall be considered for purposes of applying Section 7-102 thereto.
7. To provide for the purchase of property levied upon under execution in favor of the City.
8. To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Portland, and to sell and convey the same. But the sum bid by the City on or for any such property so sold for a delinquent tax or assessment, shall not exceed the amount of all taxes and assessments plus interest and penalties, and the necessary costs and expenses.
9. To sell by bid or public auction abandoned or impounded and unclaimed property, and property for which storage charges and removal charges, if any, have not been paid.
10. To provide a seal for the City and seals for the several boards and officers thereof.
11. To establish and regulate the fees and compensation of all officers of the City, and for all official services not otherwise provided for in this Charter.
12. To fix by ordinance the hours during which all offices and departments of the City shall be kept open for business.
13. To appropriate money to pay the debts, liabilities and expenditures of the City or any part or item thereof.

14. To appropriate annually to the Mayor two thousand dollars (\$2,000) as and for a discretionary Fund and such appropriation shall be made.
15. To issue City bonds authorized by this Charter or statute or expressly authorized by vote of the City electors, certificates, warrants, checks and other evidences of indebtedness, but otherwise the City shall not have the power to issue its bonds for any indebtedness or for any purpose, or to increase the bonded indebtedness of the City in any amount or for any purpose whatsoever.
16. To fix fees for establishing street grades, surveying and marking the boundaries of streets, lots or blocks, granting permits for the opening or temporary use of street surfaces, planning of improvements, laying sidewalks, vacating street area, processing of all types of applications, erection and inspection of buildings or facilities, and any special services or functions performed by the City or bureaus thereof.
17. To grant licenses with the object of raising revenue or of regulation, or both, for any and all lawful acts, things or purposes, and to fix by ordinance the amount to be paid therefor, and to provide for the revoking of the same. No license shall be granted to continue for a longer period than one year from the date thereof.
18. To provide for the opening, laying out, establishing, altering, extending, widening, enlarging, vacating and closing, or for establishing and changing the grades, of streets, squares, parks or public places, and to provide for the improving and repairing of streets, squares, parks and public places or of any land over which any right of way has been obtained or granted for any purpose of public travel or use, by means of any kind of work, improvement or repair which the Council, **or the Portland Public Water District, as applicable**, finds necessary or appropriate. 19. To provide for lighting the streets, public grounds, buildings and places, and furnishing the City with light, heat and power, by contract or by means of its own plant.
20. To provide for surveying the blocks and streets of the City and for marking the boundary lines of such blocks and streets; to change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any tract of land within the City not numbered, lettered or designated. A certified copy of such ordinance shall be transmitted by the Auditor to the recording officer of the County, who shall record the same in the record of plats of said County and shall make a reference to the record of such ordinance upon the recorded plat on file. No charge shall be made by the recording officer.
21. To set apart as a boulevard or boulevards any street or streets, or portion thereof.
22. To regulate the numbering of houses and lots on the streets, boulevards and avenues and the naming of streets, boulevards and avenues.

23. To regulate and control for any and every purpose the use of streets, highways, alleys, sidewalks, public thoroughfares, and public places within the City and City parks and properties within or without the City, and to regulate the use of streets, roads, highways and public places for transportation or use of every description, and for installation of any kind.
24. To provide or require conduits under the streets, lanes, alleys and public places of the City or any part or parts thereof for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing said conduits itself or authorizing or requiring their construction by others upon such terms and conditions as the Council, **or the Portland Public Water District, as applicable,** may impose, and to regulate and control the use of such conduits, and to prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purpose for which it desires to use such conduits, without such person, firm or corporation first obtaining, as provided in this Charter, a franchise for such business, purpose or use.
25. To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions, and to make the cost of removal a lien upon any property from which such obstruction originated or to which such obstruction was attached, to be placed upon the lien docket and collected as the Council may direct.
26. To control and limit traffic and classes thereof, and vehicles and classes thereof on the streets, avenues and elsewhere.
27. To prevent and prohibit planting of trees or shrubbery which may be detrimental to [sewers,] streets, sidewalks, utilities lines **other than water lines**, fire hydrants, or use thereof, or which may interfere with safe travel or vision or may constitute a nuisance, and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien upon the property, to be placed upon the lien docket and collected as the Council may direct, **and, notwithstanding any other regulation of the City, through the Portland Public Water District,** to prevent and prohibit **propagation and** planting of trees or shrubbery which may be detrimental to **sewage disposal, treatment or purification, water works, or water systems and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien upon the property, to be placed upon the lien docket and collected as the district may direct.**

28. To prescribe rates to be charged for transportation of passengers or property within the City and area outside the City over which City jurisdiction is authorized or recognized by statute, by means of vehicles of every description.
29. To provide for the establishment of market houses and places, and transportation terminals, and to regulate the location and management thereof.
30. To, **through the Portland Public Water District**, provide for the location, construction, repair and maintenance in or outside the City, of any ditch, canal, pipe or other facility for the impoundment, storage or conduct of water, and any drain, sewer or culvert or other facility in or outside the City for conduct, storage or treatment of storm or sanitary drainage or both, as it may deem necessary or convenient; for such purpose to enter upon any land for the purpose of examining, locating and surveying the line or location of such water or sewer facility, doing no unnecessary damage thereby; to appropriate said land or so much thereof as may be necessary for the construction or installation of said facility in any manner permitted by the laws of this State; to appropriate and divert from its natural course or channel temporarily or permanently, any spring or stream of water; and to compel the extension of utility connections from the main line or pipe to the curb line, property line or the sidewalks of all public streets, as the [Council] **district** may determine.
31. To, **through the Portland Public Water District**, provide for furnishing the City and its residents with water, and to sell water to or for nonresidents.
32. To regulate the plumbing, drainage and sewerage of buildings and structures and the installation and use of appliances or facilities for heat, light, cooling and energy; to provide for the registration and qualification of specialists in trades or in installation or use of appliances and facilities; to provide inspection for such installation or use.
33. To, **through the Portland Public Water District**, compel all persons erecting or maintaining privies, water closets or other toilets or cesspools, septic tanks or private sanitary sewerage systems within one hundred (100) feet or one-half block, whichever is greater, of any street in which a public sewer has or may hereafter be constructed, to connect the same therewith; and where a public sewer is not available, to prescribe disposal so as to protect the public, property, health and welfare.
34. To, **through the Portland Public Water District**, regulate, restrain and prohibit use of public sewers for any substance which may be harmful or detrimental to the sewers, to sewage disposal and treatment, or hazardous to workers, to property or to the public.
35. To regulate the construction, care, use and management of buildings and structures in the City for the better protection of the lives and health of persons dwelling in or using the same or of the public, and for the public welfare.

36. To regulate, restrain and to provide for the exclusion from the City, or any part thereof, of trades, occupations or businesses which are offensive or may in the opinion of the Council create or constitute a nuisance, and to regulate uses of land and structures within the City.
37. To prevent the erection or cause the removal, demolition or repair of buildings or structures wherever situated, found to be unsafe or dangerous to the occupants, to passers-by or to other property, or which are found to obstruct a street, and to make the cost of such removal, tearing down or repair a lien upon the property, which liens may upon the order of the Council be entered into the docket of City liens and thereafter collected in such manner as the Council may direct.
38. To regulate or prevent the moving of buildings or structures over City streets and limit the locations to which such buildings or structures may be moved.
39. To define and classify the fire limits and to prohibit the erection or repair of buildings constructed of particular materials within all or any such fire limits.
40. To regulate or limit the height, construction, size, materials, setbacks, yards, inspection and repair of all private and public buildings, structures, and fences within the City and to provide City inspection thereof.
41. To require adequate fire escapes, apparatus and appliances for protection against fire, to be provided in buildings and structures, or in connection with specific uses.
42. To make regulations to prevent the introduction of contagious diseases into the City, and to remove persons afflicted with such diseases to suitable hospitals which the City may designate or provide for that purpose either within or without said City; and to regulate such hospitals.
43. To provide a standard of weights and measures and to authorize inspection of weights, measures, food, beverages, and fuel; to regulate the commodity, size, weight and ingredients of food or beverage products and fuel, and to prevent the sale of adulterated, unhealthful or unwholesome food and beverages, and to provide for the seizure and forfeiture of food or food products, beverages and fuel offered for sale or sold contrary to said regulations.
44. To prevent and remove nuisances, to declare what shall constitute the same, to punish persons committing or suffering nuisances, to provide the manner of removal of nuisances, and to make the cost of such removal a lien upon the property where such nuisance existed; and to fill up or drain any lots, blocks or parcels of land subject to flood or where any stagnant water stands, to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Liens for abatement of nuisances may upon the order of the Council be entered in the docket of City liens and thereafter collected in such manner as the Council may direct.

45. To regulate or prevent the storage, manufacture, sale, use and transportation of dangerous, explosive, radioactive or combustible materials or weapons, and to provide for the inspection of the same, and to prevent by all proper means risks of injury or damage therefrom.
46. To regulate, prevent and prohibit loud or unnecessary noise.
47. To prevent trespassing and punish trespassers upon real and personal property.
48. To restrain and punish intoxication, fighting and quarreling in the City, and any disturbance, riot or riotous assemblage or participation therein, or any unlawful or indecent practice, and to define what shall constitute the same.
49. To prevent and suppress gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets; to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress use of narcotics and dangerous drugs and houses and places kept therefor, and to punish any keeper of such house or place, or person who frequents the same.
50. To prohibit persons from roaming the streets at unseasonable hours.
51. To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals or children, and to authorize the payment of the same or any part thereof to any person or society that shall have officially aided in such conviction.
52. To provide for the punishment by fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment not exceeding two (2) years, or both, of any person or persons who may injure, deface, interfere with or destroy any property belonging to the City or in which the City has any interest, right or estate, and to provide that the district court or the circuit court of the State of Oregon for the County of Multnomah shall have jurisdiction to enforce such punishment or punishments.
53. To establish, change, discontinue, or re-establish City jails, prisons, police stations, workhouses and houses of detention, punishment, confinement or rehabilitation, within or without the City.
54. To regulate and restrain the keeping of all pets, birds, fowl, reptiles, and animals of any kind, and to prevent any and all animals from running at large within the City or any part thereof, and to punish persons who allow animals to run at large or to be unlicensed; to provide for impounding, sale and disposition when found at large, or when kept against City regulations or when no license has been obtained or tax paid as provided by the Council.

55. To regulate, prevent and prohibit the erection, maintenance or display of signboards, billboards, signs, posters and advertisements designed to attract the attention of persons on sidewalks, streets or public places.
56. To regulate and prohibit the exhibition and hanging of material in or across the street or from houses or other buildings or structures.
57. To regulate and control water-borne commerce and recreational uses within the City, and uses of and activities in or upon bodies of water within the City.
58. To provide for the removal of obstructions, debris and deleterious matter from waters within the City limits and to prohibit putting or negligently or willfully suffering the same to be put therein.
59. To regulate the building of wharves, and the driving of piles in any body of water or watercourse within the limits of the City and to establish lines beyond which wharves shall not be built nor piles be driven.
60. To provide for the construction and regulation of public facilities and landings at the foot of the streets terminating at a watercourse or body of water within the City.
61. To appropriate money for the deepening, widening, docking, covering, walling, altering or changing channels, water, or watercourses within the City, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks and levees, and all such other work as may be required for the accommodation of commerce or recreation; to control and regulate the use thereof and to provide for the acquisition by condemnation or otherwise of all such work or works by the City, and for the construction, maintenance and ownership of the same by the City.
62. To provide for entering into contracts by the City with publicly or privately owned utilities or other governmental agencies for a period not exceeding forty (40) years for the transmission, sale or exchange of the capacity of and electric power generated by hydroelectric power generating facilities owned by the City and for operation and maintenance of the facilities.

Section 2-201 of the Portland City Charter is amended to read:

2-201. There shall be no elective officers of the City of Portland other than the Mayor, four (4) Commissioners [*and*], the Auditor **and the seven (7) members of the board of the Portland Public Water District**. [*All said officers*] **The Mayor, Commissioners, Auditor** shall be elected at large by the legal voters of the City of Portland and for a term of four (4) years, except as otherwise provided.

Section 3-101 of the Portland City Charter is amended to read:

3-101. Beginning with elections held in 2006, if any candidate for the office of Mayor, Commissioner, [or] Auditor, **or member of the board of the Portland Public Water District** receives a majority of the votes cast in a primary election for that office, that candidate shall be elected. If no candidate for such an office receives a majority of the votes cast in the primary election, the names of the two candidates receiving the highest number of votes cast shall be declared nominees and their names shall appear on the general election ballot in that same year. The nominee receiving the highest number of votes in the general election shall be elected.

Except as otherwise provided in this charter, those elected shall take office on the following January 1 and shall hold office for four years. If, at the end of four years, no successor is yet elected and qualified, the incumbent shall continue to hold office until a successor is elected and qualified.

Except as otherwise provided in this charter[,]:

(a) The Mayor and Commissioners for positions 1 and 4 shall be elected every fourth year beginning in 2004[, and].

(b) The Auditor and Commissioners for positions 2 and 3 shall be elected every fourth year beginning in 2006.

(c) **Positions 1, 2, and 3 of the board of the Portland Public Water District shall be elected every third year beginning in 2016.**

(d) **Positions 4 and 5 of the board of the Portland Public Water District shall be elected every third year beginning in 2017.**

(e) **Positions 6 and 7 of the board of the Portland Public Water District shall be elected every third year beginning in 2018.**

Section 3-105 of the Portland City Charter is amended to read:

3-105. Nomination of Mayor, Auditor, [and] Commissioners **and members of the board of the Portland Public Water District**, the elective officers under this Charter, shall be nonpartisan and shall be made in conformity with primary methods hereinafter prescribed and provided, subject to the provisions elsewhere contained in this Charter relating to filling of vacancies.

The positions of the Commissioners shall be designated as Position No. 1, Position No. 2, Position No. 3, or Position No. 4. Commissioners shall be designated by the same position as the Commissioner whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the office of Commissioner, every petition and individual nomination certificate or declaration for nomination, nominee's acceptance and certificate of election, ballot, or other document used in connection with nominations for Commissioner, shall state the official number of the position as Commissioner, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. At all elections each such office of Commissioner to be filled shall be separately

designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon. In case no nomination is made at the primary election, nominations may be made at the general election as set forth in this Charter for vacancies occurring at a subsequent date.

The positions of the board of the Portland Public Water District shall be designated as Position No. 1, Position No. 2, Position No. 3, Position No. 4, Position No. 5 Position No. 6, or Position No. 7. Members of the board shall be designated by the same position as the member whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the board, every petition, acceptance and certificate of election, ballot, or other document used in connection with nominations for board member, shall state the official number of the position as board member, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. At all elections each such office of board member to be filled shall be separately designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon.

Section 9-501 of the Portland City Charter is amended to read:

9-501. When the [*Council*] **Portland Public Water District** has declared its intention to construct a sewer or sewer system and has fixed the boundaries of the assessment district to be benefitted and assessed therefor, the [*Auditor*] **district** shall mail notice of such intention to the property owners within the proposed district, in accordance with procedures prescribed by ordinance. The procedures shall provide that an owner of any property within the proposed assessment district or such owner's agent who files proof of his or her authority, may file with the [*Auditor*] **district** a written remonstrance against the proposed sewer or the plans therefor, and the [*Council*] **district board**, upon hearing the remonstrance, may discontinue proceedings in the matter. The period for filing of written objections or remonstrances shall be set by ordinance but shall not exceed sixty days from the date notice is mailed. The [*Council*] **district board**, however, may overrule any and all remonstrances and may order the improvement. The [*Council*] **district board** also may require changes in the proposed plans or changes in the boundaries of the proposed assessment district, and declare by resolution its intention to proceed on the revised basis. Such resolution shall be published and remonstrance period given as in the first instance. The improvement shall conform substantially to the plans and specifications adopted by the [*Council*] **district board**.

Section 9-502 of the Portland City Charter is amended to read:

9-502. The [*Council*] **Portland Public Water District** may take action and proceedings for the construction of any sewer or drain jointly with any County; may levy and collect special assessments of benefits therefor; may enter into an agreement or agreements with any county for the construction, maintenance and use of sewers or drains and paying the cost thereof; may issue bonds to finance that portion of the cost agreed to be chargeable to property outside of the City; may do all other things necessary or proper to provide for the construction of sewers or drains when the design, plan or method of construction will render them beneficial to property both within and without the limits of the City; and may perform all acts necessary to implement

statutes relating thereto, **provided the acts have a close and direct connection to providing clean and safe sanitary sewer and stormwater service.**

Section 9-503 of the Portland City Charter is amended to read:

9-503. Bonds may be issued and sold after construction of any such sewer or drain has been authorized, and each bond issue shall be limited to an amount that does not exceed the portion of the cost of such sewer or drain agreed upon with the County as the amount justly and equitably to be borne by property lying beyond the City limits. Such bonds shall not be issued for longer than twenty (20) years, and may be general obligations of the City. No bonds shall be issued when the total of such bonds then outstanding would exceed five hundred thousand dollars (\$500,000). In lieu of issuing bonds, the [Council] **Portland Public Water District** may provide for financing part or all of the cost agreed upon as chargeable to property outside of the City from [City] **district** funds. The [Council] **district** has authority to levy and collect an assessment against the property benefitted by any sewer or drain lying beyond the City limits whenever that property is included within the City limits, if no previous assessments therefor have been made on the property, and to apply the money so collected toward payment of such bonds, or to reimburse the [City] **district** for any payment, expenditure or advancement for such sewer or drain. Any agreement with the County may provide for the levy and collection by the County of an assessment against property whenever the sewer or drain may immediately benefit the property because of construction of an extension, lateral, branch, or otherwise.

Section 9-701 of the Portland City Charter is amended to read:

If the Council, **or the Portland Public Water District, as applicable**, finds that a particular lot, tract, or parcel of land within the boundaries of a local improvement assessment district does not in fact receive any special and peculiar benefit from that improvement, [it] **the Council, or the Portland Public Water District, as applicable**, may exclude that property or show the assessment at zero (0) when apportioning costs of the local improvement in accordance with benefits and spreading the assessment.

Section 9-702 of the Portland City Charter is amended to read:

The Portland Public Water District shall establish procedures by ordinance for the estimated assessment, assessment, and reassessment of properties specially and peculiarly benefitted by local improvements for the operation, financing, protection, and enhancement of the sewer and water systems of the City. The Council shall establish procedures by ordinance for the estimated assessment, assessment, and reassessment of benefitted properties **for local improvements other than for the operation, financing, protection, and enhancement of the sewer and water systems of the City.** An assessment shall not exceed the apportioned share of actual costs nor exceed the amount of the benefits. Each parcel of land shall be considered benefitted by the local improvement to the full amount of the assessment levied on it. Delays, mistakes, errors or irregularities in any act or proceeding in an improvement, in notices, in entry of assessment or in any related matter shall not prejudice or invalidate any final assessment, but the defect may be corrected by subsequent action.

Section 9-704 of the Portland City Charter is amended to read:

The Treasurer, **or the administrative head of the Portland Public Water District, as applicable**, shall proceed to collect the unpaid assessments by advertising and selling the assessed land in the manner provided by State law or [City] by ordinance. Rates of penalty and interest shall be determined by ordinance. The sale price shall include all assessment principal and interest due, penalties and charges due, and all costs associated with the sale of the property.

Whenever the market valuation for tax purposes of land assessed and subject to sale for collection of unpaid assessment exceeds the sum payable to the City **or to the district, as applicable**, of the unpaid assessment, interest and estimated costs plus the total of any past due taxes by twenty-five percent or more of the City **or of the district, as applicable**, and tax liens, the Treasurer **or the administrative head of the district, as applicable**, may, subject to general guidelines of the Commissioner In Charge and/or the Council, **or the board of the district, as applicable**, withhold or withdraw such property from public sale and in lieu thereof may sell the property by private sale to the City, **or the district, as applicable**, upon payment, **in the case of the City**, by the City from the Assessment Collection Fund, elsewhere provided in this Charter, **and in the case of the district, by the district from a fund created for the collection of assessments**, of the unpaid assessment, interest and costs. If land is not valued for tax purposes, the market value estimated by the City shall be considered the market valuation for tax purposes under this Section.

For properties subject to assessment by the City, the Treasurer shall report to the Council the sales and collections on delinquencies and the City official designated by ordinance shall make proper entries in the lien docket. **For properties subject to assessment by the district, the administrative head of the district shall report to the district board the sales and collections on delinquencies and, at the request of the district board, the City official designated by ordinance shall make proper entries in the lien docket.** Thereafter no transfer or assignment of any certificate of sale hereunder shall be valid unless entry of that transfer or assignment has been noted in the lien docket after appropriate filing with the City. In case any property remains unsold, that property again may be offered for sale in like manner.

Section 9-705 of the Portland City Charter is amended to read:

[The] **A City or Portland Public Water District ordinance, as applicable**, authorizing sale of property for delinquent assessments and the notice of sale to persons with an interest in the property stating that the property has been sold shall clearly state the provisions for redemption of the property by the prior owner as provided by State law or [City] by ordinance.

Section 9-801 of the Portland City Charter is amended to read:

Within thirty (30) days after notice of an assessment, deficit assessment or reassessment for a local improvement is first mailed, if the assessment exceeds a minimum fixed by the Council **or the board of the Portland Public Water District, as applicable**, the owner of the property assessed may file a written application to pay the assessment in installments. The application shall provide that the owner agrees to pay the assessment in installments including interest and charges as specified by the Council **or district board, as applicable**. The application also shall describe the applicant's property assessed for the improvement.

Section 9-802 of the Portland City Charter is amended to read:

After the time expires for filing applications to pay assessments in installments, the City **or district official, as applicable**, designated by ordinance shall enter all applications received in a docket kept for that purpose under separate heading for each improvement. Thereafter, that docket shall stand as a bond lien docket in favor of the City **or Portland Public Water District, as applicable**, for the amount of the unpaid assessments docketed therein, with interest on unpaid assessments at a rate determined by ordinance, against each parcel of land assessed, until the assessments and interest are paid. All unpaid assessments and interest are a lien upon each parcel of land in favor of the City **or district, as applicable**, and that lien shall have priority over all other liens and encumbrances.

Section 9-803 of the Portland City Charter is amended to read:

After the bond lien docket is made up for the particular local improvement, the Council **or Portland Public Water District, as applicable**, shall authorize by ordinance the issuance of bonds not exceeding the actual costs of the unpaid improvement assessments as shown on the bond lien docket.

Section 9-804 of the Portland City Charter is amended to read:

Bonded assessments shall be paid in installments, plus accrued interest, penalties, and charges, as specified by ordinance. If payment of any installment is delinquent thirty (30) days, the entire unpaid balance is immediately due and payable, and the installment contract may be declared void. The property owner may execute a new agreement as provided by City Code, or the City **or Portland Public Water District, as applicable**, may collect the total amount due in the manner as provided by ordinance. Prior to sale of the property for collection, the owner may remove the property from the sale list in the manner provided by Code.

Section 9-805 of the Portland City Charter is amended to read:

After issuance of improvement bonds covering unpaid bonded assessment for a particular improvement, the City **or Portland Public Water District official, as applicable**, designated by ordinance shall keep an account of money paid upon bonded improvement assessments separate from other [*City*] funds, as provided by ordinance.

Whenever improvement bonds issued upon bonded assessments are redeemable and it appears to the Council **or district board, as applicable**, as advantageous to redeem them, but money available in the sinking fund account is insufficient, the Council **or district board, as applicable**, may transfer money from another sinking fund or sinking fund account as a temporary loan to the sinking fund account to be redeemed, to be repaid with interest at the rate fixed by the Council **or district board, as applicable**. The Council **or district board, as applicable**, may authorize and provide for issuance and sale of new bonds upon bonded assessments to redeem outstanding bonds. Such new bonds shall be limited in amount to the

amount of bonds to be redeemed from the proceeds, shall bear interest, be sold and be redeemable as provided in this Charter. In case of a temporary loan, if property owners fail to pay into the sinking fund a sufficient amount to repay the temporary loan, when needed, the Council **or district board, as applicable**, shall provide money for repayment by the sale of bonds as provided in this Section.

Section 9-806 of the Portland City Charter is amended to read:

To facilitate collection of delinquent assessments and to assist in financing local improvements, the Council **or board of the Portland Public Water District, as applicable**, may issue and dispose of bonds to be known as Assessment-Collection Bonds. The total amount of these bonds shall not exceed one million five hundred thousand dollars (\$1,500,000) outstanding at any one time. The bonds shall be general obligations of the City and shall be issued and sold in any denominations in the same manner as other bonds of the City. The rate of interest thereon shall not exceed the maximum rate permitted under State law, and their maturity shall not exceed twenty (20) years.

Money from the sale of the bonds related to properties specially and peculiarly benefitted by local improvements for the operation, financing, protection, and enhancement of the sewer and water systems of the City, after paying from the proceeds the costs of advertising and sale, shall be deposited in a special fund known as the "District Assessment Collection Fund," which may be used under direction of the district board for purchasing property by and in the name of the City, for use of the district, at a sale for district assessments, and at foreclosure sales for delinquent taxes, to protect the interest and rights of the district in the property. Net proceeds from the sale of property purchased from the District Assessment Collection Fund shall be credited to that fund.

Money from the sale of the bonds **for other than for the operation, financing, protection, and enhancement of the sewer and water systems of the City**, after paying from the proceeds the costs of advertising and sale, shall be deposited in a special fund known as the "**City** Assessment Collection Fund," which may be used under Council direction for purchasing property by and in the name of the City at Treasurer's sale or other sale for City assessments, and at foreclosure sales for delinquent taxes, to protect the interest and rights of the City in the property. Net proceeds from the sale of property purchased from the Assessment Collection Fund shall be credited to that fund.

In selling property purchased from the **District** Assessment Collection Fund **or the City Assessment Collection Fund**, or [*Treasurer's*] certificates thereon, no transfer of certificate of sale or deed to the City shall be held void or insufficient because of any omission, error, defect or objection, jurisdictional or otherwise, in the assessment or other proceedings if, at some stage of the proceedings before assessment was made, notice was given, and if the description of the property in the certificate or deed is reasonably sufficient to identify it. This provision is intended to be curative as fully as the people may enact, as to all matters affecting the validity of the certificate or deed. Every certificate of sale or deed shall be presumptive evidence of the regularity and sufficiency of all things affecting its validity. In any case where this curative provision is found insufficient, the money realized from the attempted sale shall be treated as not applying to the payment of the attempted assessment, and shall not discharge any obligation of

the owner of the property to bear a fair and just proportion of the cost of the local improvement for which the attempted assessment was made. **Proceeds from an attempted sale related to operation, financing, protection, and enhancement of the sewer and water systems of the City shall be refunded to the District Assessment Collection Fund and the district board may make a reassessment against that property.** Proceeds from the attempted sale **related to other than to operation, financing, protection, and enhancement of the sewer and water systems of the City** shall be refunded to the City Assessment Collection Fund and the Council may make a reassessment against that property.

The Council may renew the City Assessment Collection Fund from time to time by selling additional bonds, subject to the limitation in this Article on total amount. **The district board may renew the District Assessment Collection Fund from time to time by selling additional bonds, subject to the limitation in this Article on total amount.**

The district board may provide for the sale and assignment of certificates of sale related to operation, financing, protection, and enhancement of the sewer and water systems of the City and the assignment or conveyance of the rights of the district board in such property either before or after receiving the deed from district or City officials; may provide for sale of the property under contract for not more than ten (10) years; may pay real estate commissions, court costs, legal and clerical services and all other expenses related to the purchase and clearance of title; may purchase or redeem any certificates of sale outstanding against the property; may pay any tax liens outstanding against the property; may provide for waiving all or part of accrued penalties; may pay any bonded or open liens outstanding against the property and cancel assessments against it; and may enact ordinances to give full effect to this Section.

The Council may provide for the sale and assignment of certificates of sale **related to other than operation, financing, protection, and enhancement of the sewer and water systems of the City** and the assignment or conveyance of the rights of the City in such property either before or after receiving the deed from the City Treasurer or from County officials; may provide for sale of the property under contract for not more than ten (10) years; may pay real estate commissions, court costs, legal and clerical services and all other expenses related to the purchase and clearance of title; may purchase or redeem any Treasurer's certificates of sale outstanding against the property; may pay any tax liens outstanding against the property; may transfer money from the Assessment Collection Fund to the General Fund, provided that provision is made for redemption of outstanding Assessment-Collection Bonds; may provide for waiving all or part of accrued penalties; may pay any bonded or open liens outstanding against the property and cancel assessments against it; and may enact ordinances to give full effect to this Section.

The District Assessment Collection Fund may also be used to purchase and hold warrants issued upon any special local improvement fund formed or to be formed by the district. The face amount and interest on warrants so purchased shall be credited, upon payment, to the District Assessment Collection Fund.

The City Assessment Collection Fund may also be used to purchase and hold warrants issued upon any special local improvement fund formed or to be formed **by the City**. The face amount

and interest on warrants so purchased shall be credited, upon payment, to the **City** Assessment Collection Fund.

Section 11-101 of the Portland City Charter is amended to read:

11-101. The [*City*] **Portland Public Water District** may construct, reconstruct, purchase or otherwise acquire, keep, maintain, improve, alter and change water works and all plants and facilities found appropriate by the [*Council*] **district** for furnishing water to the City, its property, its inhabitants, and the places and people along or in the vicinity of the pipes, conduits or aqueducts constructed or used for that purpose. The [*City*] **district** may acquire by purchase or otherwise, own and possess real and personal property or interests therein, within and without the limits of the City, which the [*Council*] **district** finds necessary [*or convenient*] **to provide clean and safe water to the City**. The [*Council*] **district** may establish and maintain headworks and supply sources, with all convenient reservoirs, tanks, pumps, supply systems, distribution and related facilities, including land and interests in land, and may acquire other water systems serving property within present or future boundaries of the City. The [*Council*] **district** may make all necessary expenditures to carry out these purposes and may enter into contracts for supply of water by the City or supply of water to the City or its inhabitants. Any surplus water may be sold to persons, public or private, outside the City, on terms and conditions the [*Council*] **district** finds [*appropriate*] **to be in the best interests of the City's water customers**.

Section 11-102 of the Portland City Charter is amended to read:

11-102. The [*City*] **Portland Public Water District** may employ personnel, contract for services and perform services under contract or otherwise, [*found*] **that the district finds** necessary [*or convenient*] to carry out the powers granted in this Article. The [*Council*] **district** may obtain materials and supplies and do any acts in the operation, maintenance, improvement and extension of City water works which the [*Council*] **district** finds [*necessary or advantageous*] **to have a close and direct connection to providing clean and safe water to the residents and businesses of the City**.

The [*Council*] **Portland Public Water District** may prescribe regulations relating to water supply, distribution and service, and may impose conditions, and require deposits or cost contributions for water main extensions and water distribution system. **If the [*Council*] district finds that renting or leasing equipment of facilities or selling or otherwise disposing of property, facilities, supplies or equipment has a close and direct connection to providing clean and safe water to the residents and businesses of the City, the district may rent or lease equipment or facilities to or from others, and may sell or otherwise dispose of [*City*] property, facilities, supplies or equipment[, as it finds convenient] under the control of the district.**

[*In*] **Notwithstanding section 16-03(3)(a) of this Charter, the administrative head of the [*Bureau of Water,*] **Portland Public Water District and the Engineer in charge of the engineering staff[, the person in charge of the business office, and the head of the Bureau] of the Portland Public Water District shall not be subject to Civil Service requirements of this Charter. Unless provided otherwise by contract, the administrative head of district and the Engineer serve at the pleasure of the district board.****

Section 11-103 of the Portland City Charter is amended to read:

11-103. In order to provide funds for construction, reconstruction, replacement, extension, acquisition and maintenance of water plant and property, and the acquisition of water systems, the [Council] **Portland Public Water District** may **direct the Council to** issue bonds of the City in denominations and for terms the [Council] **district** determines, in the same manner other bonds of the City are issued. These bonds shall be [*general obligations of the City, but primarily*] payable from water revenue. These bonds shall not be included within the debt limit elsewhere prescribed in this Charter. [*No bonds shall be issued under this section in any year which, with the net outstanding water bond indebtedness, would exceed the total original cost of existing plant and property of the water works and system.*]

Upon the written directions of the Portland Public Water District, the City shall from time to time issue bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system, to be repaid, to the extent permitted or to be permitted by law, solely out of revenues of the district. Such bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system shall be issued by the City in accordance with the procedures established by law and as the City may prescribe by ordinance. The maximum term of any bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system shall not exceed 30 years. Approval of the Council is not required for bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money to be issued at the direction of the district.

Section 11-104 of the Portland City Charter is amended to read:

11-104. After payment of expenses for issuance of water bonds, the proceeds shall be placed in the Water Construction Fund, **which shall be held by the Portland Public Water District.**

Money from the sale of water and charges related to water works or service shall be placed in the Water Fund, **which shall be held by the Portland Public Water District.** After deducting sinking fund requirements, operating expenses of the water works and plant and the [*Water Bureau*] **Portland Public Water District**, which may include depreciation on plant and property, and maintenance expense found necessary or appropriate, the [Council] **district** may transfer any excess in the Water Fund to the Water Construction Fund.

[*The Council may make transfers between funds in the Water Bureau, but*] The funds and accounts of the [*Water Bureau relating to water plant and works*] **Portland Public Water District** shall be separate from other accounts and funds of the City and treated as a separate municipal operation. **Upon the affirmative vote of the district board,** the Council may impose charges [*it finds equitable*] upon the operation of the water system for municipal services of other departments, bureaus and officers[,] and [*may impose*] fees of the same character as for public utilities. Otherwise, money in the Water Fund or the Water Construction Fund shall not

be transferred to the General Fund of the City or to special funds unrelated to the water works, water system and the sinking funds for water bond debt service.

Section 11-105 of the Portland City Charter is amended to read:

11-105. For each fiscal year the [Council] **Portland Public Water District** shall fix water rates which will provide an estimated income to equal expenses and debt service relating to water bonds. No charge shall be made for water used in extinguishing fires in the City.

The [Council] **Portland Public Water District** may fix special charges for connections, disconnections, turn-ons, discontinuances of service, all special services or work, and other contingencies, situations or conditions, which it finds advantageous or appropriate from time to time. Charges and bills may be adjusted as found just and equitable.

Section 11-106 of the Portland City Charter is amended to read:

11-106. The [Council] **Portland Public Water District** may make regulations, impose conditions, penalties and forfeitures and institute civil or penal process it finds necessary or appropriate to collect bills for water or charges, and in addition may refuse or discontinue water service to premises for which a bill or charge remains unpaid. Penal enforcement is subject to the penalty limitations fixed in the Charter for ordinance violations.

Section 11-107 of the Portland City Charter is added to read:

11-107. **This Article shall be construed as granting additional authority, and not in derogation of any authority granted elsewhere in this Charter. This Article shall not affect authority of the Portland Public Water District concerning local water improvements and the assessment of benefits therefor. The district also shall have all authority now or hereafter granted by statute concerning water works or service.**

Section 11-301 of the Portland City Charter is amended to read:

11-301. The [Council] **Portland Public Water District** may construct, reconstruct, enlarge, alter, modify, equip, operate and maintain a sewage disposal or sewage purification system within or without the corporate limits or both, including but not limited to: all methods of storm drainage, intercepting sewers, diversion sewers, relieving or interconnection sewers, sewers to separate storm and sanitary sewage, pump or ejector stations and equipment, and plants for the treatment and disposal of sewage. For that purpose the [City] **district** may acquire by any lawful means property, real or personal, interests in property, equipment, and related facilities and may make all expenditures which the [Council] **district** finds [*necessary or appropriate to carry out such purposes*] **that the acquisitions and expenditures have a close and direct connection to providing clean and safe sanitary sewer service**, either within or without the corporate limits. The [City] **district** may sell or otherwise dispose of any or all by-products or salvage products from this operation. The City also may contract with any other person, public or private, to [*further*] **provide or obtain goods or services that have a close and direct connection to the purification of public waters or protection of the public health through sanitary sewer service.**

Section 11-302 of the Portland City Charter is amended to read:

11-302. For all purposes relating to design, construction, acquisition, operation, maintenance and contract requirements of sewage treatment or purification facilities and related facilities, the [Council] **Portland Public Water District** may fix fees and charges for connection or use or both of sewers and sewage purification or disposal systems to be paid by property which is served or is capable of being served for use of the sewage disposal system. [*Sewer user service charges may be collected by the Water Bureau which shall be compensated for such service as determined by the Council.*] The [City] **district** may establish procedures for collection of **fees and charges** and may provide for penalties, interest and costs. The [City] **district** may establish requirements and impose regulations **for connection or use of sewers and sewage purification or disposal systems** as it finds appropriate. Sewer user service charges shall be paid for all premises connected with [City] **district** sewers, directly or indirectly, notwithstanding that such premises may have been assessed or may in the future be assessed for construction of sewers under local improvement assessment procedures or may have otherwise paid for sewers.

The [City] **district** may enter into contracts relating to sewage disposal, treatment or purification [*or all such functions*] **that have a close and direct connection to providing clean and safe sanitary sewer service**. The [City] **district** may impose charges for sewage transportation, disposal, treatment or purification or any or all such functions, on property outside the [City] **district** served through [City] **district** facilities, at rates no less than those imposed for similar service inside the [City] **district** to similar classifications.

Proceeds of such charges shall be placed in the Sewage Disposal Fund, **which shall be held by the district**, and may be expended for any matter **closely and directly** connected with the sewer or sewage disposal or treatment system of the City, and bonded debt and debt service related thereto.

Upon the written directions of the Portland Public Water District, the City shall from time to time issue bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system, to be repaid, to the extent permitted or to be permitted by law, solely out of revenues of the district. Such bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system shall be issued by the City in accordance with the procedures established by law and as the City may prescribe by ordinance. The maximum term of any bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system shall not exceed 30 years. Approval of the Council is not required for bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money to be issued at the direction of the district.

Section 11-303 of the Portland City Charter is amended to read:

11-303. The [Council] **Portland Public Water District** may require any property located within one hundred (100) feet of a right of way in which there is a [City] **district** sewer to connect to that sewer.

The [Council] **district** may prohibit discharge of sewage or harmful matter or impurities into any stream or river within the City. This prohibition may extend to any source whatever, including ships, houseboats and water craft of all kinds. These sources may be required to connect to the [City's] **district's** sewer system when physically possible, or otherwise to construct and use a prescribed sewage or waste disposal system.

To facilitate sewage treatment and protect the [City's] **district's** sewage facilities, the [City] **district** may limit the classes or kinds of sewage that may be discharged or may continue to be discharged into public sewers, may prohibit discharge of wastes other than domestic sanitary sewage into public sewers or facilities, and may require private pretreatment before discharge, upon terms fixed by the [City Engineer] **district**.

Section 11-304 of the Portland City Charter is amended to read:

11-304. This Article shall be construed as granting additional authority, and not in derogation of any authority granted elsewhere in this Charter. This Article shall not affect authority of the **Portland Public Water District** concerning local sewer improvements and the assessment of benefits therefor. The [Council] **district** also shall have all authority now or hereafter granted by statute concerning disposal and purification of sewage and waste.

Transfer and Transition

This Charter amendment takes effect June 1, 2014.

The following sections of this Charter amendment and sections amended by this Charter amendment become operative January 1, 2015: 2-15, 9-501, 9-502, 9-503, 9-701, 9-702, 9-704, 9-705, 9-801, 9-802, 9-803, 9-804, 9-805, 9-806, 11-101, 11-102, 11-103, 11-104, 11-105, 11-106, 11-107, 11-301, 11-302, 11-303, 11-304, 16-101, 16-102, and 16-103.

The City may take any action before the operative date specified in this section that is necessary to carry out the provisions of this Charter amendment.

Nothing in this Charter amendment shall be construed in any way to impair the obligations or agreements of the City of Portland with respect to bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water and sewer system prior to adoption of this Charter. The district shall take all actions necessary to ensure full compliance with all indentures, resolutions, declarations, agreements and other documents issued with respect to the bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water and sewer system prior to adoption of this Charter amendment.

Not later than July 15, 2014, the Council shall divide the district into seven zones as nearly equal in census population as may be practicable, using voting precinct boundaries. If possible, the Council shall establish the zones so that a distinct community of interest or neighborhood is within a zone. In establishing the zones, the Council shall consult with the Population Research Center at Portland State University.

To the extent feasible and consistent with law, the zones established shall be:

- (1) Coextensive with the zones established for the board of Portland Public Schools;
and
- (2) Designated to avoid having elections for contiguous zones in the same election.

Notwithstanding sections 3-101 and 3-105 of this Charter, as amended by this 2014 measure:

- (1) All seven positions on the board of the Portland Public Water District shall be filled by election in the 2014 general election without a primary election. The candidate who receives the highest number of votes cast shall be elected.
- (2)
 - (a) The initial terms of Positions 1, 2, and 3 expire December 31, 2016.
 - (b) The initial terms of Positions 4 and 5 expire December 31, 2017.
 - (c) The initial terms of Positions 6 and 7 expire December 31, 2018.

On January 1, 2015, the City shall:

- (1) Deliver to the Portland Public Water District all records, property, and funds within the jurisdiction of the City that relate to the duties, functions and powers transferred to and assumed by the district, including but not limited to the systems of accounting for water and sewer service.
- (2) Transfer to the district those employees engaged primarily in the exercise of the duties, functions and powers transferred to and assumed by the district.

The Portland Public Water District shall take possession of the records and property, including funds, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by this section.

The unexpended balances of amounts authorized to be expended by the City for the fiscal year beginning July 1, 2014, from revenues dedicated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by this Charter amendment are transferred to and are available for expenditure by the Portland Public Water District beginning January 1, 2015, for the purpose of administering and enforcing the duties, functions and powers transferred by this Charter amendment.

The transfer of duties, functions and powers to the Portland Public Water District by this Charter amendment does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Portland Public Water District is substituted for the City in the action, proceeding or prosecution.

Nothing in this Charter amendment relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by this

Charter amendment. The Portland Public Water District may undertake the collection or enforcement of any such liability, duty or obligation.

The rights and obligations of the City related to the duties, functions, and powers transferred by this Charter amendment and legally incurred under contracts, leases and business transactions executed, entered into or begun before the effective date of this Charter amendment are transferred to the Portland Public Water District. For the purpose of succession to these rights and obligations, the district is a continuation of the City for and is not a new authority.

Notwithstanding the transfer of duties, functions and powers by this Charter amendment, the ordinances and resolutions of the City in effect on the effective date of this Charter amendment that relate to a duty, function of power transferred by this Charter amendment continue in effect until superseded or repealed by ordinances and resolutions of the Portland Public Water District.

References in ordinances and resolutions of the City, or to an officer or employee of the City, related to the powers and obligations transferred by this Charter amendment are considered to be references to the Portland Public Water District or to an officer or employee of the district.

Whenever, in any ordinance or resolution of the City or in any rule, document, contract, record or proceeding authorized by the City, reference is made to the Water Bureau or an officer or employee of the Water Bureau, the reference is considered to be a reference to the Portland Public Water District or an officer or employee of the district.

Whenever, in any ordinance or resolution of the City or in any rule, document, contract, record or proceeding authorized by the City, reference is made to the Bureau of Environmental Services related to sewers and sewage purification or disposal systems or an officer or employee of the Bureau related to sewers and sewage purification or disposal systems, the reference is considered to be a reference to the Portland Public Water District or an officer or employee of the district.

Petition ID PDX 4
Ballot Title

AUDITOR 06/08/13 PM12:41

Caption: Amends Charter: Creates water and sewer district with elected board (10)

Question: Shall Portland create independent utility district to administer water and sewer services, with new legislative board elected from seven zones? (20)

Summary: Measure creates Portland Public Water District as independent agency of City; transfers operation of water and sewer systems from City Council to district board, including control over property and right of way used by systems. Seven uncompensated board members would be elected for three year terms, from zones coextensive with Portland Public School zone boundaries. Board vacancies filled by appointment. Certain persons disqualified from board or working for district. Board could adopt ordinances and resolutions, with civil and criminal liability for violations. Board could hire and discharge employees. City water and sewer employees would be transferred to district. District would set rates for water and sewer, and adopt annual budgets, with financial audits. District could purchase and condemn property; borrow funds; direct Council to issue water and sewer bonds; and assess properties for water and sewer local improvement districts. District cannot "regionalize or privatize" (undefined) water or sewer; commingle Bull Run water with other than existing sources, except in catastrophic emergencies; or adopt less-protective regulations for Bull Run watershed. No cost estimate provided with measure. (175)

PROPOSED

Petition ID PDX4

Ballot Title

Caption: Amends Charter: Creates water and sewer district with elected board (10)

Question: Shall Portland create independent utility district to administer water and sewer services, with new legislative board elected from seven zones? (20)

Summary: Measure creates Portland Public Water District as independent City agency; transfers operation of water and sewer systems from City Council to district board, including control over system property and rights of way. Seven uncompensated board members would be elected for three year terms, from zones of approximately equal population size, roughly corresponding to voting districts and public school zones. Certain persons disqualified from board, or serving as legal counsel or independent financial auditor. Board could adopt ordinances and resolutions, with civil and criminal liability for violations. Board could hire and discharge employees. City water and sewer employees would be transferred to district. District would set rates for water and sewer, and adopt annual budgets, with financial audits. District could purchase and condemn property; borrow funds; direct Council to issue water and sewer bonds; and assess properties for water and sewer local improvement districts. District cannot "regionalize or privatize" (undefined) water or sewer; cannot commingle Bull Run water with other than existing sources, except in catastrophic emergencies; and cannot adopt less-protective regulations for Bull Run watershed. (175)

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

COUNTY OF MULTNOMAH

FLOY JONES, an Oregon elector; and
KENT CRAFORD, an Oregon elector,

Petitioners,

v.

JAMES H. VAN DYKE, City Attorney,
City of Portland, Oregon,

Respondent.

) Case No. _____

)
) **DECLARATION OF FLOY JONES IN**
) **SUPPORT OF PETITION FOR**
) **BALLOT TITLE REVIEW OF CITY**
) **INITIATIVE**

I, Floy Jones, do declare as follows under the penalty of perjury:

1. I am one of the petitioners in this action and one of the Chief Petitioners for Initiative Petition ID PDX 4 ("IP 4"). I make this declaration from personal knowledge, and I am competent to testify in court to the same. If called as a witness my testimony would be as follows.

2. I am an elector of the City of Portland, and am registered to vote in City of Portland elections. I am dissatisfied with the Ballot Title given by Respondent for IP4.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

[approved by Petitioner, original to be filed]

Floy Jones

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

FLOY JONES, an Oregon elector; and)
KENT CRAFORD, an Oregon elector,)
)
) Petitioners,)
)
) v.)
)
) JAMES H. VAN DYKE, City Attorney,)
) City of Portland, Oregon,)
)
) Respondent.)

Case No. _____
DECLARATION OF KENT
CRAFORD IN SUPPORT OF
PETITION FOR BALLOT TITLE
REVIEW OF CITY INITIATIVE

I, Kent Craford, do declare as follows under the penalty of perjury:

1. I am one of the petitioners in this action and one of the Chief Petitioners for Initiative Petition ID PDX 4 ("IP 4"). I make this declaration from personal knowledge, and I am competent to testify in court to the same. If called as a witness my testimony would be as follows.

2. I am an elector of the City of Portland, and am registered to vote in City of Portland elections. I am dissatisfied with the Ballot Title given by Respondent for IP4.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.



Kent Craford

1 CERTIFICATE OF SERVICE

2 I hereby certify that I served the foregoing PETITION FOR JUDICIAL REVIEW,
3 EXHIBITS, MEMORANDUM OF LAW, and DECLARATIONS OF KENT CRAFORD,
4 FLOY JONES and KRISTIAN ROGGENDORF, ESQ., upon:

5 Deborah Scroggin
6 City Elections Officer
7 Elections Division
1221 S.W. 4th Avenue, Room 320
Portland, Oregon 97204

James H. Van Dyke
City Attorney
1221 SW 4th Avenue, Rm 430
Portland OR 97204

8 via hand delivery to the above offices on August 19, 2013.

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10 DATED this 19th day of August, 2013.

11 **ROGGENDORF LAW LLC**

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13 _____
14 Kristian Roggendorf, OSB #013990

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Roggendorf Law LLC

5200 Meadows Road, Suite 150
Lake Oswego, OR 97035
Phone: (503)726-59271 Fax: (503)726-5911

Submission F

2	PDX4			
4	Required number	R	29,786	
5	Stage 1: Verify First Sample from Submission F			
6	Date		2/6/2014	
7	Description	Notation	Number	% Sub F
8	Submission F size	N _F	48,249	100.00%
9	Sample F1			
10	Sample size	n _{F1}	4,825	10.00%
11	# valid signatures	y _{F1}	3,672	
12	Electors with multiple signatures			
13	#pairs	FF ₁	29	
14	#triplicates	FFF ₁	0	
16	Equations			
17	Proportion valid	$\bar{y}_{F1} = y_{F1}/n_{F1}$	0.7610	
18	Expansion factor	$F_{F1} = N_F/n_{F1}$	9.9998	
19	# valid signatures	$Y_{F1} = F_{F1} * y_{F1}$	36,719.24	76.10%
20	# multiple signatures	$D_{F1} = F_{F1} * F_{F1} * (e_2 + e_3) + F_{F1} * e_3$	2,899.88	6.01%
21	# valid signatures in Sample F1	$M_{F1} = Y_{F1} - D_{F1}$	33,819.36	70.09%
22	Margin of Error		960.74	1.99%
23	$MOE = 1.645 * \text{sqrt}\{[N_F(N_F - n_{F1})/n_{F1}] * [\bar{y}_{F1} * (1 - \bar{y}_{F1}) + D_{F1}(1/n_{F1} + (-3 + 4 * \bar{y}_{F1})/N_F)]\}$			
25	Lower confidence limit for M	$M_L = M_{F1} - MOE$	32,858.62	68.10%
26	Is M _L >= required number:	29,786	Yes	3,072.62
28	Stage 2: Verify Second Sample from Submission F			
29	Sample F2			
30	Sample size	n _{F2}		0.00%
31	# valid signatures	y _{F2}		
32	Electors with multiple signatures			
33	#pairs	FF ₂		
34	#triplicates	FFF ₂		
35	Sample F (combined sample)			
36	Sample size	$n_F = n_{F1} + n_{F2}$	4,825	10.00%
37	# valid signatures	$y_F = y_{F1} + y_{F2}$	3,672	
38	Electors with multiple signatures			
39	#pairs	$e_{F2} = FF_1 + FF_2$	29	
40	#triplicates	$e_{F3} = FFF_1 + FFF_2$	0	
42	Equations			
43	Expansion factor	$F_F = N_F/n_F$	9.9998	
44	# valid signatures	$Y_F = F_F * y_F$	36,719.24	76.10%
45	# multiple signatures	$D_F = F_F * F_F * (e_{F2} + e_{F3}) + F_F * e_{F3}$	2,899.88	6.01%
46	# electors signing Submission F	$M_F = Y_F - D_F$	33,819.36	70.09%
47	Is M _F >= required number:	29,786	Yes	4,033.36

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

OCT 18 '13 9:42:58AM

AUDITOR

FLOY JONES, an Oregon elector, and
KENT CRAFT, an Oregon elector,

Petitioners,

v.

JAMES H. VAN DYKE, City Attorney,
City of Portland, Oregon,

Respondent.

Case No. 1308-12012

CERTIFICATION OF BALLOT TITLE

Case No. 1308-12024

VANESSA KEITGES,

Petitioner,

v.

JAMES H. VAN DYKE, in his official
capacity as City Attorney for the City of
Portland,

Respondent.

Upon review pursuant to ORS 250.296, The Court in the above entitled proceedings certifies the following ballot title for Initiative Petition ID PDX 4:


Caption: Amends Charter: Creates water and sewer district with elected board (10)

Question: Shall Portland create district not subject to city council control, with elected board, transfer city water, sewer services to it? (20)

Summary: Measure creates water and sewer district outside City Council or City Auditor supervision; transfers control of water and sewer operations and assets to board of seven uncompensated members elected (initially by plurality vote) for three year terms from zones approximating Portland Public School zones (area outside Portland Public School District not

addressed). Board fills board vacancies by appointment. Persons disqualified as Board candidates: persons holding any elected position; persons formerly working or contracting with City related to water/sewer; current District contractors and employees. Earlier City employment disqualifies lawyer or auditor to work for District. Board can legislate; create civil and criminal liability; hire and fire employees; set rates; adopt budgets; provide for financial audits; purchase and condemn property; borrow funds; create City sewer and water bond liability; assess properties for water and sewer local improvement districts. City water and sewer employees transfer to District. District cannot mix Bull Run water except with water from existing well field, without emergency; cannot make watershed regulations less "protective," by undefined standard; cannot take certain other actions. Other provisions.
(175)

DATED October 9, 2013.



Leslie M. Roberts
Circuit Court Judge

I find that the measure requires at least substantial conformity to the Portland School District zone boundaries, but not inflexible conformity where not legal or practical. There is a serious issue about what would be the result of the large area of the city not within the Portland School District, but it is not possible for the court to project what is the result of that mis-match – whether it is the exclusion of those areas from the District, or whether it is the abandonment altogether of the zones as described in the measure. Therefore the ballot title states what the ballot measure would mandate: boundaries approximately those of the Portland School District zones with no explanation of what happens to the areas not in the Portland School District. In public debate the consequences of this problem can be discussed.

2. “Independent” board.

I agree that the title is insufficient in describing the district as ‘independent’ without specifying from what, and in what way, it is ‘independent.’ I have specified in the question and in the summary that the district is relieved from city council and city auditor supervision.

3. Disqualifications as board members,

The disqualification provisions are significant effects of the measure. The disqualifications are not adequately described in either the City Attorney’s title, nor in the suggestions of petitioners. I have altered the description of those disqualifications to state, in general terms, the thrust of the measure’s provisions within the limitations of a ballot title to provide detail. Petitioner Krieges raised the special question of whether elected district board members are disqualified for reelection. Petitioners Jones and Craford dispute this. I think that petitioner Krieges is correct because even if the no-reelection effect was not consciously intended by these particular petitioners, or by other drafters, no available interpretation of the language would have a different result absent bald judicial amendment.

The draft proposed by petitioner Krieges did not provide any language about reelection, and the plain statement of the measure’s effect in disallowing persons holding elective office would seem to state it well enough. I have adopted that approach as well, stating that “any”

elected office disqualifies a person from running for this board. Argument about the wisdom or unintended inclusion of some particular elected officials, can continue in the public debate over the measure.

Petitioner Krieges also contended that the effect of the provisions would be the disqualification of a customer of the water or sewer services from running. I am not prepared to interpret the terms of the measure to have that effect, necessarily. In context, the measure can be reasonably interpreted to address only a person who provides services to the district as a ‘contractor,’ not every person who may have a contractual agreement (such as an easement agreement, or a consumer water account). Again, this matter is appropriate for public debate.

4. Plurality election.

Petitioner Krieges contends, the city attorney concedes, and I find, that the fact that the initial board elections are by plurality vote deserves mention. I have amended the title accordingly.

5. District cannot adopt less protective regulations, “regionalize” and “privatize.”

Petitioner Krieges objects to description of prohibitions in undefined (but politically loaded) terms. (Contrary to Krieges argument, the use of terms used in a measure is not broadly and in all cases forbidden. Quoting self-promoting language is not, of course, useful or good practice.)

The phrase “less protective” regulations (than those in place July 1, 2013) is not defined in the measure. The City Council, now, and the District if the measure is adopted, necessarily must adopt legislation regarding the Bull Run. Providing that (subject to future interpretation) the regulations are not be ‘less’ protective of the resource is appropriate for description of the measure. I have included the fact that “protective” is not defined within the measure.

The City Attorney draft also specifies that the District cannot “privatize” or “regionalize” services. These terms (while evocative) are far less subject to common usage interpretation than the term “protective.” Moreover, while whatever entity controlling Bull Run must regulate it (hence, the issue of whether regulations are more or less protective would invariably arise), no party made an argument that an issue exists or would exist about “privatization” or “regionalization.” The measure would have a “major effect” by preventing these actions only if there was some recognizable public debate or issue about them. Without any designation in the measure of what “regionalization” refers to, the court is at a loss to find its prohibition to be a “major” effect of the measure. Privatization is a word with some meaning (in general, as transfer of government function to private enterprise) but, again, there is no argument that privatization of any significant aspect of water or sewer service is reasonably within current or future contemplation of the City Council or an hypothetical board. I cannot see that the prohibition of either, without further definition, could be a “major” effect worth highlighting in this brief summary statement. (A provision that the District would “make the area safe from tigers,” for instance, would not be a major effect of any legislation, even with language to that end, and even if the District, if brought into being, would duly make provisions (which would no doubt be effective) against invasion of the Portland area by large, striped predators.) I have therefore subsumed these issues under the phrase “cannot take other actions.”

6. Costs.


Petitioners Jones and Craford protest the inclusion of a statement that the costs of the measure are unspecified. The parties debated the nature and extend of the costs imposed. A cost estimate is not required of city measures. The absence of such an estimate is not a major effect of the measure. A debate regarding the nature of the costs and the extent of costs implied is a matter for public debate on the measure. To inject in the ballot title the question of whether these are, and how extensive would be, the financial consequences of the proposed measure would be to enter the fray. There may well be significant public costs of implementing this measure but on this record, the mere undetermined nature of the costs cannot be made a ‘major effect’ of the measure. I have omitted it.

7. Other provisions.

The City concedes, Petitioner Krieges points out, and the Petitioners Jones and Craford do not object to, the inclusion of a statement that the title summary does not discuss all provisions of the measure. I have included a statement to that effect.

The revised ballot title attached is therefore certified to the City election officer as the ballot title for the measure.

DATED October 9, 2013.



Leslie M. Roberts
Circuit Court Judge

Caption: Amends Charter: Creates water and sewer district with elected board (10)

Question: Shall Portland create district not subject to city council control, with elected board, transfer city water, sewer services to it? (20)

Summary: Measure creates water and sewer district outside City Council or City Auditor supervision; transfers control of water and sewer operations and assets to board of seven uncompensated members elected (initially by plurality vote) for three year terms from zones approximating Portland Public School zones (area outside Portland Public School District not addressed). Board fills board vacancies by appointment. Persons disqualified as Board candidates: persons holding any elected position; persons formerly working or contracting with City related to water/sewer; current District contractors and employees. Earlier City employment disqualifies lawyer or auditor to work for District. Board can legislate; create civil and criminal liability; hire and fire employees; set rates; adopt budgets; provide for financial audits; purchase and condemn property; borrow funds; create City sewer and water bond liability; assess properties for water and sewer local improvement districts. City water and sewer employees transfer to District. District cannot mix Bull Run water except with water from existing well field, without emergency; cannot make watershed regulations less "protective," by undefined standard; cannot take certain other actions. Other provisions. (175)

Caption: Amends Charter: Creates water and sewer district with elected board (10)

Question: Shall Portland create district not subject to city council control, with elected board, transfer city water, sewer services to it? (20)

Summary: Measure creates water and sewer district outside City Council or City Auditor supervision; transfers control of water and sewer operations and assets to board of seven uncompensated members elected (initially by plurality vote) for three year terms from zones approximating Portland Public School zones (area outside Portland Public School District not addressed). Board fills board vacancies by appointment. Persons disqualified as Board candidates: persons holding any elected position; persons formerly working or contracting with City related to water/sewer; current District contractors and employees. Earlier City employment disqualifies lawyer or auditor to work for District. Board can legislate; create civil and criminal liability; hire and fire employees; set rates; adopt budgets; provide for financial audits; purchase and condemn property; borrow funds; create City sewer and water bond liability; assess properties for water and sewer local improvement districts. City water and sewer employees transfer to District. District cannot mix Bull Run water except with water from existing well field, without emergency; cannot make watershed regulations less "protective," by undefined standard; cannot take certain other actions. Other provisions. (175)

PORTLAND PUBLIC WATER DISTRICT

Establishment of the Portland Public Water District

Chapter 16 is added to and made a part of the Portland City Charter.

Section 16-100 (Findings)

The people of the City of Portland find that:

1. Water service and sewer service, including stormwater management, are inextricably linked to providing clean drinking water and sanitation that promotes the health and wellbeing of the residents and businesses of Portland.

2. Water and sewer service should be managed by representatives of the people of the City of Portland who have no obligations or allegiances other than to the operation, financing, protection, and enhancement of the sewer and water systems of the City.

Section 16-101 (Establishment)

The Portland Public Water District is established as an independent agency of the City of Portland.

Section 16-102 (Governance)

The Portland Public Water District shall be administered by a governing board of seven (7) directors elected by zone from among the electors of the City.

Section 16-103 (Powers)

The powers of the Council relating to the operation, financing, protection, and enhancement of the sewer and water systems of the City, including control of the property used for the water and sewer systems, including stormwater management, under the Portland City Charter are transferred to and vested in the Portland Public Water District.

The powers of the Council over the Bull Run Watershed granted to the City of Portland by ORS 448.295 to ORS 448.325 and the Charter are transferred to the district.

The district may not regionalize or privatize water or sewer service or, except in a catastrophic emergency or to comply with an intergovernmental agreement entered into before July 1, 2013, commingle drinking water from the Bull Run Watershed with drinking water from a source of drinking water other than the Columbia South Shore Well Field.

The district may not adopt regulations for the Bull Run Watershed that are less protective or enhancing of water quality than the regulations in place on July 1, 2013.

To carry out the powers transferred to and vested in the Portland Public Water District, the district shall have power for and on behalf of the City to perform the following acts in the following manner:

3. The district shall have authority to make orders, rules, and regulations in the form of resolutions to carry out the authority granted the district in this Charter, certified copies of which resolutions shall, forthwith upon their adoption, be transmitted to the Auditor of the City, who shall cause the same to be transcribed at length in a record kept for that purpose or to be filed in a special record of such resolutions. Such record shall be public and copies thereof shall be accessible to the public under like terms as ordinances and resolutions of the City. All such resolutions of the district (other than purely administrative regulations, or those of a temporary nature) shall be subject to amendment, repeal or alteration or enactment under the referendum or initiative to the same extent as ordinances of the City. All such resolutions shall require an affirmative vote of four (4) members of the district board and shall take effect thirty (30) days after adoption unless some other date is fixed in such resolution.

4. The board:

- (a) Shall, from among its members, elect a Chair to preside at board meetings. The maximum number of years a member may serve consecutively as Chair is three.
- (b) May appoint, employ and discharge such officers, employees and agents as the district finds necessary or convenient for the efficient and economical performance of the district's duties, and to fix and provide for their compensation, including through the negotiation and approval of collective bargaining agreements.

5. The district:

- (a) May, subject to the procedures and limitations prescribed in this Charter, borrow money, negotiate federal advances of funds and execute notes as evidence of obligations, accept gifts, federal grants-in-aid, advances or other moneys, negotiate loans and advances, and pledge property acquired or any part thereof.
- (b) Shall be responsible for the design, installation, operation, and maintenance of an accounting system that will conform to the requirements of generally accepted accounting principles, state laws and Charter provisions regarding budgeting, expenditure, receipt and custody of public funds, as they may be amended.
- (c) Shall provide for an annual comprehensive independent audit of all funds and accounts of the district by a qualified Certified Public Accountant or firm of such accountants. The audits shall be prepared and adopted in accordance with state law and include the benchmarking of district cost and performance measures against the cost and performance measures of

similarly sized American cities. Copies of each audit report shall be filed with the City Auditor.

- (d) Shall annually prepare and adopt a budget that incorporates the goals adopted by the district board. The budget shall be prepared and adopted in accordance with state law.
- (e) Shall be granted access to and control of all public rights of way and places necessary to carry out any of the powers transferred or granted to the district by this Charter amendment. The board shall, by ordinance, adopt a process for the coordination with other agencies of the City for the use of public rights of way and places under the control of the district.

The following sections of the Portland City Charter do not apply to the Portland Public Water District: 2-109, 2-403, and 2-404.

Section 16-104 (Elections)

To qualify as a candidate for a position and serve on the board of the Portland Public Water District, an individual must be an elector of the City of Portland who resides in the zone the from which the person is nominated

A candidate for election as a member of the board shall be nominated by filing with the elections officer a petition for nomination signed by at least 100 electors from the zone the candidate will serve.

The petition must state the number of the position or zone to which the candidate seeks election.

If the petition is for a regular district election or the first election at which members of the board are elected, then the candidate must file the petition not sooner than the 101st day before the date of the election and not later than the 61st day before date of the election. A candidate for a regular election or the first election may withdraw a petition not later than the 61st day before the date of the election.

If the petition is not for a regular district election or the first election, then the candidate must file the petition not sooner than the 110th day before the election and not later than the 70th day before the date of the election. A candidate for other than a regular election or the first election may withdraw a petition not later than the 70th day before the date of the election.

A candidate shall be elected by the electors of the zone in which the candidate resides.

A vacancy on the board shall occur upon the death, resignation, removal, inability to serve, or failure of a member without cause to attend three (3) successive regular meetings. Resignation when made shall be addressed to and accepted by the remaining members or the chair of the board. A successor shall be appointed by the board for the unexpired term

of any vacancy and must be an individual qualified to be a candidate from the zone in which the vacancy occurs

The board shall adjust the boundaries of the zones as necessary to reflect changes in the boundaries of the zones of the Portland Public Schools.

Section 16-105 (Conflicts of Interest)

Members of the board of the Portland Public Water District shall serve without salary or compensation of any nature, but may be reimbursed for reasonable and necessary travel expenses incurred in carrying out the duties of the board.

The following individuals may not run for election to or serve on the board of the Portland Public Water District:

- 1. An individual serving in a public position to which an individual may be elected.**
- 2. An employee or officer of the City of Portland.**
- 3. An employee or officer of the Portland Public Water District.**
- 4. An individual who was, within 72 months preceding the election, an employee of the Portland Public Water District or of the City of Portland in a position related to the provision of water or sewer services.**
- 5. An individual who has or who is an employee of an individual or firm that has a contractual relationship with the Portland Public Water District or with the City of Portland related to the provision of water or sewer services.**
- 6. An individual who, within 72 months preceding the election, had or who was an employee of an individual or firm that, within 72 months preceding the election, had a contractual relationship with the Portland Public Water District or with the City of Portland related to the provision of water or sewer services.**
- 7. An individual who, within 72 months preceding the election, was employed by a Commissioner who administered the Water Bureau or the Bureau of Environmental Services in the 72 months preceding the election.**
- 8. An individual who is or, within 36 months preceding the election was, a member of Portland Utility Review Board or a budget advisory committee of the Water Bureau or Bureau of Environmental Services .**

If a candidate for the district board has or has had a financial relationship with the City relating to water or sewer service other than the relationship of water or sewer customer, the candidate shall, in any voters' pamphlet statement, disclose the nature and amount of the financial relationship.

All actions undertaken by employees of the Portland Public Water District must conform to the State Government Standards and Practices Statutes as may from time to time be amended.

The Portland Public Water District may not employ as legal counsel attorneys who, in the preceding 36 months, have been employees of the City have provided legal services to the City, or have been employees or members of law firms that provided legal services to the City during the time that the person was an employee or member.

The Portland Public Water District shall employ as auditors certified public accountants who are not employees of the City, who are not providing auditing or accounting functions to the City, and who are not employees or members of accounting firms that provide auditing or accounting services to the City.

Sections 2-504(a)(1) and (3) and 2-505, prescribing the duties and authorities of the Auditor of the City of Portland, do not apply to the Portland Public Water District. However, the district may request and the Auditor may conduct financial and performance audits that are in addition to audits conducted by the auditors of the district.

Amendments to Existing Sections

Section 2-105 of the Portland City Charter is amended to read:

The City of Portland by its Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter or in statute, to exercise any power or authority granted to the City by statute, general or special, or by this Charter, and may do any other act necessary or appropriate to carry out such authority, or exercise any other power implied by the specific power granted; **provided that such power and authority, with respect to water and sewer services and property shall reside with and be exercised through the board of the Portland Public Water District.**

- (a) Among such specific powers, the City has power and authority:
 - 1. To exercise within the City and City-owned property, all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said areas, and to make and enforce within said areas all necessary or appropriate water, local, police, sanitary and safety laws and regulations.
 - 2. To secure the protection of persons and property and to provide for the health, cleanliness, ornament, peace, safety and good order of the City.
 - 3. To provide for entering into contracts by the City for a period not exceeding five (5) years and the extension or renewal thereof by option or otherwise, for not to exceed an additional five (5) years, except as to property contracts which may extend for more than five (5) years, or as otherwise permitted by this Charter or by statute.

4. To enter into agreements without limitation as to term, as the Council, **or the Portland Public Water District, as applicable**, finds appropriate, for cooperation, consolidation of services, joint acquisition or ownership and maintenance of facilities or services, with any other public corporation or unit of government.
5. To establish, construct, maintain, equip and alter buildings and facilities found necessary or appropriate for administration of government or for use by or for the public.
6. To purchase, or acquire by condemnation or otherwise, or to lease, for such term as the Council, **or the Portland Public Water District, as applicable**, may find appropriate, which need not be limited to five (5) years, such property, real and personal, as may be needed for public use; in purchasing property, to enter into lease-purchase agreements or other contracts of purchase which may extend for more than a five (5) year period; to obtain options; and to mortgage for the term of the purchase as security for the purchase price the property being purchased. In exercising this power and authority, only the payments to be made during the year in which the purchase, condemnation, lease, lease-purchase, option, or purchase price mortgage is entered into shall be considered for purposes of applying Section 7-102 thereto.
7. To provide for the purchase of property levied upon under execution in favor of the City.
8. To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Portland, and to sell and convey the same. But the sum bid by the City on or for any such property so sold for a delinquent tax or assessment, shall not exceed the amount of all taxes and assessments plus interest and penalties, and the necessary costs and expenses.
9. To sell by bid or public auction abandoned or impounded and unclaimed property, and property for which storage charges and removal charges, if any, have not been paid.
10. To provide a seal for the City and seals for the several boards and officers thereof.
11. To establish and regulate the fees and compensation of all officers of the City, and for all official services not otherwise provided for in this Charter.
12. To fix by ordinance the hours during which all offices and departments of the City shall be kept open for business.
13. To appropriate money to pay the debts, liabilities and expenditures of the City or any part or item thereof.

14. To appropriate annually to the Mayor two thousand dollars (\$2,000) as and for a discretionary Fund and such appropriation shall be made.
15. To issue City bonds authorized by this Charter or statute or expressly authorized by vote of the City electors, certificates, warrants, checks and other evidences of indebtedness, but otherwise the City shall not have the power to issue its bonds for any indebtedness or for any purpose, or to increase the bonded indebtedness of the City in any amount or for any purpose whatsoever.
16. To fix fees for establishing street grades, surveying and marking the boundaries of streets, lots or blocks, granting permits for the opening or temporary use of street surfaces, planning of improvements, laying sidewalks, vacating street area, processing of all types of applications, erection and inspection of buildings or facilities, and any special services or functions performed by the City or bureaus thereof.
17. To grant licenses with the object of raising revenue or of regulation, or both, for any and all lawful acts, things or purposes, and to fix by ordinance the amount to be paid therefor, and to provide for the revoking of the same. No license shall be granted to continue for a longer period than one year from the date thereof.
18. To provide for the opening, laying out, establishing, altering, extending, widening, enlarging, vacating and closing, or for establishing and changing the grades, of streets, squares, parks or public places, and to provide for the improving and repairing of streets, squares, parks and public places or of any land over which any right of way has been obtained or granted for any purpose of public travel or use, by means of any kind of work, improvement or repair which the Council, or the Portland Public Water District, as applicable, finds necessary or appropriate. 19. To provide for lighting the streets, public grounds, buildings and places, and furnishing the City with light, heat and power, by contract or by means of its own plant.
20. To provide for surveying the blocks and streets of the City and for marking the boundary lines of such blocks and streets; to change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any tract of land within the City not numbered, lettered or designated. A certified copy of such ordinance shall be transmitted by the Auditor to the recording officer of the County, who shall record the same in the record of plats of said County and shall make a reference to the record of such ordinance upon the recorded plat on file. No charge shall be made by the recording officer.
21. To set apart as a boulevard or boulevards any street or streets, or portion thereof.
22. To regulate the numbering of houses and lots on the streets, boulevards and avenues and the naming of streets, boulevards and avenues.

23. To regulate and control for any and every purpose the use of streets, highways, alleys, sidewalks, public thoroughfares, and public places within the City and City parks and properties within or without the City, and to regulate the use of streets, roads, highways and public places for transportation or use of every description, and for installation of any kind.
24. To provide or require conduits under the streets, lanes, alleys and public places of the City or any part or parts thereof for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing said conduits itself or authorizing or requiring their construction by others upon such terms and conditions as the Council, **or the Portland Public Water District, as applicable,** may impose, and to regulate and control the use of such conduits, and to prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purpose for which it desires to use such conduits, without such person, firm or corporation first obtaining, as provided in this Charter, a franchise for such business, purpose or use.
25. To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions, and to make the cost of removal a lien upon any property from which such obstruction originated or to which such obstruction was attached, to be placed upon the lien docket and collected as the Council may direct.
26. To control and limit traffic and classes thereof, and vehicles and classes thereof on the streets, avenues and elsewhere.
27. To prevent and prohibit planting of trees or shrubbery which may be detrimental to [sewers,] streets, sidewalks, utilities lines **other than water lines**, fire hydrants, or use thereof, or which may interfere with safe travel or vision or may constitute a nuisance, and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien upon the property, to be placed upon the lien docket and collected as the Council may direct, **and, notwithstanding any other regulation of the City, through the Portland Public Water District, to prevent and prohibit propagation and planting of trees or shrubbery which may be detrimental to sewage disposal, treatment or purification, water works, or water systems and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien upon the property, to be placed upon the lien docket and collected as the district may direct.**

28. To prescribe rates to be charged for transportation of passengers or property within the City and area outside the City over which City jurisdiction is authorized or recognized by statute, by means of vehicles of every description.
29. To provide for the establishment of market houses and places, and transportation terminals, and to regulate the location and management thereof.
30. To, **through the Portland Public Water District**, provide for the location, construction, repair and maintenance in or outside the City, of any ditch, canal, pipe or other facility for the impoundment, storage or conduct of water, and any drain, sewer or culvert or other facility in or outside the City for conduct, storage or treatment of storm or sanitary drainage or both, as it may deem necessary or convenient; for such purpose to enter upon any land for the purpose of examining, locating and surveying the line or location of such water or sewer facility, doing no unnecessary damage thereby; to appropriate said land or so much thereof as may be necessary for the construction or installation of said facility in any manner permitted by the laws of this State; to appropriate and divert from its natural course or channel temporarily or permanently, any spring or stream of water; and to compel the extension of utility connections from the main line or pipe to the curb line, property line or the sidewalks of all public streets, as the [Council] **district** may determine.
31. To, **through the Portland Public Water District**, provide for furnishing the City and its residents with water, and to sell water to or for nonresidents.
32. To regulate the plumbing, drainage and sewerage of buildings and structures and the installation and use of appliances or facilities for heat, light, cooling and energy; to provide for the registration and qualification of specialists in trades or in installation or use of appliances and facilities; to provide inspection for such installation or use.
33. To, **through the Portland Public Water District**, compel all persons erecting or maintaining privies, water closets or other toilets or cesspools, septic tanks or private sanitary sewerage systems within one hundred (100) feet or one-half block, whichever is greater, of any street in which a public sewer has or may hereafter be constructed, to connect the same therewith; and where a public sewer is not available, to prescribe disposal so as to protect the public, property, health and welfare.
34. To, **through the Portland Public Water District**, regulate, restrain and prohibit use of public sewers for any substance which may be harmful or detrimental to the sewers, to sewage disposal and treatment, or hazardous to workers, to property or to the public.
35. To regulate the construction, care, use and management of buildings and structures in the City for the better protection of the lives and health of persons dwelling in or using the same or of the public, and for the public welfare.

36. To regulate, restrain and to provide for the exclusion from the City, or any part thereof, of trades, occupations or businesses which are offensive or may in the opinion of the Council create or constitute a nuisance, and to regulate uses of land and structures within the City.
37. To prevent the erection or cause the removal, demolition or repair of buildings or structures wherever situated, found to be unsafe or dangerous to the occupants, to passers-by or to other property, or which are found to obstruct a street, and to make the cost of such removal, tearing down or repair a lien upon the property, which liens may upon the order of the Council be entered into the docket of City liens and thereafter collected in such manner as the Council may direct.
38. To regulate or prevent the moving of buildings or structures over City streets and limit the locations to which such buildings or structures may be moved.
39. To define and classify the fire limits and to prohibit the erection or repair of buildings constructed of particular materials within all or any such fire limits.
40. To regulate or limit the height, construction, size, materials, setbacks, yards, inspection and repair of all private and public buildings, structures, and fences within the City and to provide City inspection thereof.
41. To require adequate fire escapes, apparatus and appliances for protection against fire, to be provided in buildings and structures, or in connection with specific uses.
42. To make regulations to prevent the introduction of contagious diseases into the City, and to remove persons afflicted with such diseases to suitable hospitals which the City may designate or provide for that purpose either within or without said City; and to regulate such hospitals.
43. To provide a standard of weights and measures and to authorize inspection of weights, measures, food, beverages, and fuel; to regulate the commodity, size, weight and ingredients of food or beverage products and fuel, and to prevent the sale of adulterated, unhealthful or unwholesome food and beverages, and to provide for the seizure and forfeiture of food or food products, beverages and fuel offered for sale or sold contrary to said regulations.
44. To prevent and remove nuisances, to declare what shall constitute the same, to punish persons committing or suffering nuisances, to provide the manner of removal of nuisances, and to make the cost of such removal a lien upon the property where such nuisance existed; and to fill up or drain any lots, blocks or parcels of land subject to flood or where any stagnant water stands, to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Liens for abatement of nuisances may upon the order of the Council be entered in the docket of City liens and thereafter collected in such manner as the Council may direct.

45. To regulate or prevent the storage, manufacture, sale, use and transportation of dangerous, explosive, radioactive or combustible materials or weapons, and to provide for the inspection of the same, and to prevent by all proper means risks of injury or damage therefrom.
46. To regulate, prevent and prohibit loud or unnecessary noise.
47. To prevent trespassing and punish trespassers upon real and personal property.
48. To restrain and punish intoxication, fighting and quarreling in the City, and any disturbance, riot or riotous assemblage or participation therein, or any unlawful or indecent practice, and to define what shall constitute the same.
49. To prevent and suppress gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets; to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress use of narcotics and dangerous drugs and houses and places kept therefor, and to punish any keeper of such house or place, or person who frequents the same.
50. To prohibit persons from roaming the streets at unseasonable hours.
51. To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals or children, and to authorize the payment of the same or any part thereof to any person or society that shall have officially aided in such conviction.
52. To provide for the punishment by fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment not exceeding two (2) years, or both, of any person or persons who may injure, deface, interfere with or destroy any property belonging to the City or in which the City has any interest, right or estate, and to provide that the district court or the circuit court of the State of Oregon for the County of Multnomah shall have jurisdiction to enforce such punishment or punishments.
53. To establish, change, discontinue, or re-establish City jails, prisons, police stations, workhouses and houses of detention, punishment, confinement or rehabilitation, within or without the City.
54. To regulate and restrain the keeping of all pets, birds, fowl, reptiles, and animals of any kind, and to prevent any and all animals from running at large within the City or any part thereof, and to punish persons who allow animals to run at large or to be unlicensed; to provide for impounding, sale and disposition when found at large, or when kept against City regulations or when no license has been obtained or tax paid as provided by the Council.

55. To regulate, prevent and prohibit the erection, maintenance or display of signboards, billboards, signs, posters and advertisements designed to attract the attention of persons on sidewalks, streets or public places.
56. To regulate and prohibit the exhibition and hanging of material in or across the street or from houses or other buildings or structures.
57. To regulate and control water-borne commerce and recreational uses within the City, and uses of and activities in or upon bodies of water within the City.
58. To provide for the removal of obstructions, debris and deleterious matter from waters within the City limits and to prohibit putting or negligently or willfully suffering the same to be put therein.
59. To regulate the building of wharves, and the driving of piles in any body of water or watercourse within the limits of the City and to establish lines beyond which wharves shall not be built nor piles be driven.
60. To provide for the construction and regulation of public facilities and landings at the foot of the streets terminating at a watercourse or body of water within the City.
61. To appropriate money for the deepening, widening, docking, covering, walling, altering or changing channels, water, or watercourses within the City, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks and levees, and all such other work as may be required for the accommodation of commerce or recreation; to control and regulate the use thereof and to provide for the acquisition by condemnation or otherwise of all such work or works by the City, and for the construction, maintenance and ownership of the same by the City.
62. To provide for entering into contracts by the City with publicly or privately owned utilities or other governmental agencies for a period not exceeding forty (40) years for the transmission, sale or exchange of the capacity of and electric power generated by hydroelectric power generating facilities owned by the City and for operation and maintenance of the facilities.

Section 2-201 of the Portland City Charter is amended to read:

2-201. There shall be no elective officers of the City of Portland other than the Mayor, four (4) Commissioners [*and*], the Auditor **and the seven (7) members of the board of the Portland Public Water District.** [*All said officers*] **The Mayor, Commissioners, Auditor** shall be elected at large by the legal voters of the City of Portland and for a term of four (4) years, except as otherwise provided.

Section 3-101 of the Portland City Charter is amended to read:

3-101. Beginning with elections held in 2006, if any candidate for the office of Mayor, Commissioner, [*or*] Auditor, **or member of the board of the Portland Public Water District** receives a majority of the votes cast in a primary election for that office, that candidate shall be elected. If no candidate for such an office receives a majority of the votes cast in the primary election, the names of the two candidates receiving the highest number of votes cast shall be declared nominees and their names shall appear on the general election ballot in that same year. The nominee receiving the highest number of votes in the general election shall be elected.

Except as otherwise provided in this charter, those elected shall take office on the following January 1 and shall hold office for four years. If, at the end of four years, no successor is yet elected and qualified, the incumbent shall continue to hold office until a successor is elected and qualified.

Except as otherwise provided in this charter[,]:

(a) The Mayor and Commissioners for positions 1 and 4 shall be elected every fourth year beginning in 2004[*and*].

(b) The Auditor and Commissioners for positions 2 and 3 shall be elected every fourth year beginning in 2006.

(c) **Positions 1, 2, and 3 of the board of the Portland Public Water District shall be elected every third year beginning in 2016.**

(d) **Positions 4 and 5 of the board of the Portland Public Water District shall be elected every third year beginning in 2017.**

(e) **Positions 6 and 7 of the board of the Portland Public Water District shall be elected every third year beginning in 2018.**

Section 3-105 of the Portland City Charter is amended to read:

3-105. Nomination of Mayor, Auditor, [*and*] Commissioners **and members of the board of the Portland Public Water District**, the elective officers under this Charter, shall be nonpartisan and shall be made in conformity with primary methods hereinafter prescribed and provided, subject to the provisions elsewhere contained in this Charter relating to filling of vacancies.

The positions of the Commissioners shall be designated as Position No. 1, Position No. 2, Position No. 3, or Position No. 4. Commissioners shall be designated by the same position as the Commissioner whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the office of Commissioner, every petition and individual nomination certificate or declaration for nomination, nominee's acceptance and certificate of election, ballot, or other document used in connection with nominations for Commissioner, shall state the official number of the position as Commissioner, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. At all elections each such office of Commissioner to be filled shall be separately

designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon. In case no nomination is made at the primary election, nominations may be made at the general election as set forth in this Charter for vacancies occurring at a subsequent date.

The positions of the board of the Portland Public Water District shall be designated as Position No. 1, Position No. 2, Position No. 3, Position No. 4, Position No. 5 Position No. 6, or Position No. 7. Members of the board shall be designated by the same position as the member whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the board, every petition, acceptance and certificate of election, ballot, or other document used in connection with nominations for board member, shall state the official number of the position as board member, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. At all elections each such office of board member to be filled shall be separately designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon.

Section 9-501 of the Portland City Charter is amended to read:

9-501. When the [*Council*] **Portland Public Water District** has declared its intention to construct a sewer or sewer system and has fixed the boundaries of the assessment district to be benefitted and assessed therefor, the [*Auditor*] **district** shall mail notice of such intention to the property owners within the proposed district, in accordance with procedures prescribed by ordinance. The procedures shall provide that an owner of any property within the proposed assessment district or such owner's agent who files proof of his or her authority, may file with the [*Auditor*] **district** a written remonstrance against the proposed sewer or the plans therefor, and the [*Council*] **district board**, upon hearing the remonstrance, may discontinue proceedings in the matter. The period for filing of written objections or remonstrances shall be set by ordinance but shall not exceed sixty days from the date notice is mailed. The [*Council*] **district board**, however, may overrule any and all remonstrances and may order the improvement. The [*Council*] **district board** also may require changes in the proposed plans or changes in the boundaries of the proposed assessment district, and declare by resolution its intention to proceed on the revised basis. Such resolution shall be published and remonstrance period given as in the first instance. The improvement shall conform substantially to the plans and specifications adopted by the [*Council*] **district board**.

Section 9-502 of the Portland City Charter is amended to read:

9-502. The [*Council*] **Portland Public Water District** may take action and proceedings for the construction of any sewer or drain jointly with any County; may levy and collect special assessments of benefits therefor; may enter into an agreement or agreements with any county for the construction, maintenance and use of sewers or drains and paying the cost thereof; may issue bonds to finance that portion of the cost agreed to be chargeable to property outside of the City; may do all other things necessary or proper to provide for the construction of sewers or drains when the design, plan or method of construction will render them beneficial to property both within and without the limits of the City; and may perform all acts necessary to implement

statutes relating thereto, **provided the acts have a close and direct connection to providing clean and safe sanitary sewer and stormwater service.**

Section 9-503 of the Portland City Charter is amended to read:

9-503. Bonds may be issued and sold after construction of any such sewer or drain has been authorized, and each bond issue shall be limited to an amount that does not exceed the portion of the cost of such sewer or drain agreed upon with the County as the amount justly and equitably to be borne by property lying beyond the City limits. Such bonds shall not be issued for longer than twenty (20) years, and may be general obligations of the City. No bonds shall be issued when the total of such bonds then outstanding would exceed five hundred thousand dollars (\$500,000). In lieu of issuing bonds, the [Council] **Portland Public Water District** may provide for financing part or all of the cost agreed upon as chargeable to property outside of the City from [City] district funds. The [Council] district has authority to levy and collect an assessment against the property benefitted by any sewer or drain lying beyond the City limits whenever that property is included within the City limits, if no previous assessments therefor have been made on the property, and to apply the money so collected toward payment of such bonds, or to reimburse the [City] district for any payment, expenditure or advancement for such sewer or drain. Any agreement with the County may provide for the levy and collection by the County of an assessment against property whenever the sewer or drain may immediately benefit the property because of construction of an extension, lateral, branch, or otherwise.

Section 9-701 of the Portland City Charter is amended to read:

If the Council, **or the Portland Public Water District, as applicable**, finds that a particular lot, tract, or parcel of land within the boundaries of a local improvement assessment district does not in fact receive any special and peculiar benefit from that improvement, [it] **the Council, or the Portland Public Water District, as applicable**, may exclude that property or show the assessment at zero (0) when apportioning costs of the local improvement in accordance with benefits and spreading the assessment.

Section 9-702 of the Portland City Charter is amended to read:

The Portland Public Water District shall establish procedures by ordinance for the estimated assessment, assessment, and reassessment of properties specially and peculiarly benefitted by local improvements for the operation, financing, protection, and enhancement of the sewer and water systems of the City. The Council shall establish procedures by ordinance for the estimated assessment, assessment, and reassessment of benefitted properties **for local improvements other than for the operation, financing, protection, and enhancement of the sewer and water systems of the City.** An assessment shall not exceed the apportioned share of actual costs nor exceed the amount of the benefits. Each parcel of land shall be considered benefitted by the local improvement to the full amount of the assessment levied on it. Delays, mistakes, errors or irregularities in any act or proceeding in an improvement, in notices, in entry of assessment or in any related matter shall not prejudice or invalidate any final assessment, but the defect may be corrected by subsequent action.

Section 9-704 of the Portland City Charter is amended to read:

The Treasurer, **or the administrative head of the Portland Public Water District, as applicable**, shall proceed to collect the unpaid assessments by advertising and selling the assessed land in the manner provided by State law or *[City]* by ordinance. Rates of penalty and interest shall be determined by ordinance. The sale price shall include all assessment principal and interest due, penalties and charges due, and all costs associated with the sale of the property.

Whenever the market valuation for tax purposes of land assessed and subject to sale for collection of unpaid assessment exceeds the sum payable to the City **or to the district, as applicable**, of the unpaid assessment, interest and estimated costs plus the total of any past due taxes by twenty-five percent or more of the City **or of the district, as applicable**, and tax liens, the Treasurer **or the administrative head of the district, as applicable**, may, subject to general guidelines of the Commissioner In Charge and/or the Council, **or the board of the district, as applicable**, withhold or withdraw such property from public sale and in lieu thereof may sell the property by private sale to the City, **or the district, as applicable**, upon payment, **in the case of the City**, by the City from the Assessment Collection Fund, elsewhere provided in this Charter, **and in the case of the district, by the district from a fund created for the collection of assessments**, of the unpaid assessment, interest and costs. If land is not valued for tax purposes, the market value estimated by the City shall be considered the market valuation for tax purposes under this Section.

For properties subject to assessment by the City, the Treasurer shall report to the Council the sales and collections on delinquencies and the City official designated by ordinance shall make proper entries in the lien docket. **For properties subject to assessment by the district, the administrative head of the district shall report to the district board the sales and collections on delinquencies and, at the request of the district board, the City official designated by ordinance shall make proper entries in the lien docket.** Thereafter no transfer or assignment of any certificate of sale hereunder shall be valid unless entry of that transfer or assignment has been noted in the lien docket after appropriate filing with the City. In case any property remains unsold, that property again may be offered for sale in like manner.

Section 9-705 of the Portland City Charter is amended to read:

[The] A City **or Portland Public Water District** ordinance, **as applicable**, authorizing sale of property for delinquent assessments and the notice of sale to persons with an interest in the property stating that the property has been sold shall clearly state the provisions for redemption of the property by the prior owner as provided by State law or *[City]* by ordinance.

Section 9-801 of the Portland City Charter is amended to read:

Within thirty (30) days after notice of an assessment, deficit assessment or reassessment for a local improvement is first mailed, if the assessment exceeds a minimum fixed by the Council **or the board of the Portland Public Water District, as applicable**, the owner of the property assessed may file a written application to pay the assessment in installments. The application shall provide that the owner agrees to pay the assessment in installments including interest and charges as specified by the Council **or district board, as applicable**. The application also shall describe the applicant's property assessed for the improvement.

Section 9-802 of the Portland City Charter is amended to read:

After the time expires for filing applications to pay assessments in installments, the City or **district official, as applicable**, designated by ordinance shall enter all applications received in a docket kept for that purpose under separate heading for each improvement. Thereafter, that docket shall stand as a bond lien docket in favor of the City or **Portland Public Water District, as applicable**, for the amount of the unpaid assessments docketed therein, with interest on unpaid assessments at a rate determined by ordinance, against each parcel of land assessed, until the assessments and interest are paid. All unpaid assessments and interest are a lien upon each parcel of land in favor of the City or **district, as applicable**, and that lien shall have priority over all other liens and encumbrances.

Section 9-803 of the Portland City Charter is amended to read:

After the bond lien docket is made up for the particular local improvement, the Council or **Portland Public Water District, as applicable**, shall authorize by ordinance the issuance of bonds not exceeding the actual costs of the unpaid improvement assessments as shown on the bond lien docket.

Section 9-804 of the Portland City Charter is amended to read:

Bonded assessments shall be paid in installments, plus accrued interest, penalties, and charges, as specified by ordinance. If payment of any installment is delinquent thirty (30) days, the entire unpaid balance is immediately due and payable, and the installment contract may be declared void. The property owner may execute a new agreement as provided by City Code, or the City or **Portland Public Water District, as applicable**, may collect the total amount due in the manner as provided by ordinance. Prior to sale of the property for collection, the owner may remove the property from the sale list in the manner provided by Code.

Section 9-805 of the Portland City Charter is amended to read:

After issuance of improvement bonds covering unpaid bonded assessment for a particular improvement, the City or **Portland Public Water District official, as applicable**, designated by ordinance shall keep an account of money paid upon bonded improvement assessments separate from other [City] funds, as provided by ordinance.

Whenever improvement bonds issued upon bonded assessments are redeemable and it appears to the Council or **district board, as applicable**, as advantageous to redeem them, but money available in the sinking fund account is insufficient, the Council or **district board, as applicable**, may transfer money from another sinking fund or sinking fund account as a temporary loan to the sinking fund account to be redeemed, to be repaid with interest at the rate fixed by the Council or **district board, as applicable**. The Council or **district board, as applicable**, may authorize and provide for issuance and sale of new bonds upon bonded assessments to redeem outstanding bonds. Such new bonds shall be limited in amount to the

amount of bonds to be redeemed from the proceeds, shall bear interest, be sold and be redeemable as provided in this Charter. In case of a temporary loan, if property owners fail to pay into the sinking fund a sufficient amount to repay the temporary loan, when needed, the **Council or district board, as applicable**, shall provide money for repayment by the sale of bonds as provided in this Section.

Section 9-806 of the Portland City Charter is amended to read:

To facilitate collection of delinquent assessments and to assist in financing local improvements, the **Council or board of the Portland Public Water District, as applicable**, may issue and dispose of bonds to be known as Assessment-Collection Bonds. The total amount of these bonds shall not exceed one million five hundred thousand dollars (\$1,500,000) outstanding at any one time. The bonds shall be general obligations of the City and shall be issued and sold in any denominations in the same manner as other bonds of the City. The rate of interest thereon shall not exceed the maximum rate permitted under State law, and their maturity shall not exceed twenty (20) years.

Money from the sale of the bonds related to properties specially and peculiarly benefitted by local improvements for the operation, financing, protection, and enhancement of the sewer and water systems of the City, after paying from the proceeds the costs of advertising and sale, shall be deposited in a special fund known as the "District Assessment Collection Fund," which may be used under direction of the district board for purchasing property by and in the name of the City, for use of the district, at a sale for district assessments, and at foreclosure sales for delinquent taxes, to protect the interest and rights of the district in the property. Net proceeds from the sale of property purchased from the District Assessment Collection Fund shall be credited to that fund.

Money from the sale of the bonds **for other than for the operation, financing, protection, and enhancement of the sewer and water systems of the City**, after paying from the proceeds the costs of advertising and sale, shall be deposited in a special fund known as the "City Assessment Collection Fund," which may be used under Council direction for purchasing property by and in the name of the City at Treasurer's sale or other sale for City assessments, and at foreclosure sales for delinquent taxes, to protect the interest and rights of the City in the property. Net proceeds from the sale of property purchased from the Assessment Collection Fund shall be credited to that fund.

In selling property purchased from the **District Assessment Collection Fund or the City Assessment Collection Fund**, or [*Treasurer's*] certificates thereon, no transfer of certificate of sale or deed to the City shall be held void or insufficient because of any omission, error, defect or objection, jurisdictional or otherwise, in the assessment or other proceedings if, at some stage of the proceedings before assessment was made, notice was given, and if the description of the property in the certificate or deed is reasonably sufficient to identify it. This provision is intended to be curative as fully as the people may enact, as to all matters affecting the validity of the certificate or deed. Every certificate of sale or deed shall be presumptive evidence of the regularity and sufficiency of all things affecting its validity. In any case where this curative provision is found insufficient, the money realized from the attempted sale shall be treated as not applying to the payment of the attempted assessment, and shall not discharge any obligation of

the owner of the property to bear a fair and just proportion of the cost of the local improvement for which the attempted assessment was made. **Proceeds from an attempted sale related to operation, financing, protection, and enhancement of the sewer and water systems of the City shall be refunded to the District Assessment Collection Fund and the district board may make a reassessment against that property.** Proceeds from the attempted sale related to other than to operation, financing, protection, and enhancement of the sewer and water systems of the City shall be refunded to the City Assessment Collection Fund and the Council may make a reassessment against that property.

The Council may renew the City Assessment Collection Fund from time to time by selling additional bonds, subject to the limitation in this Article on total amount. **The district board may renew the District Assessment Collection Fund from time to time by selling additional bonds, subject to the limitation in this Article on total amount.**

The district board may provide for the sale and assignment of certificates of sale related to operation, financing, protection, and enhancement of the sewer and water systems of the City and the assignment or conveyance of the rights of the district board in such property either before or after receiving the deed from district or City officials; may provide for sale of the property under contract for not more than ten (10) years; may pay real estate commissions, court costs, legal and clerical services and all other expenses related to the purchase and clearance of title; may purchase or redeem any certificates of sale outstanding against the property; may pay any tax liens outstanding against the property; may provide for waiving all or part of accrued penalties; may pay any bonded or open liens outstanding against the property and cancel assessments against it; and may enact ordinances to give full effect to this Section.

The Council may provide for the sale and assignment of certificates of sale related to other than operation, financing, protection, and enhancement of the sewer and water systems of the City and the assignment or conveyance of the rights of the City in such property either before or after receiving the deed from the City Treasurer or from County officials; may provide for sale of the property under contract for not more than ten (10) years; may pay real estate commissions, court costs, legal and clerical services and all other expenses related to the purchase and clearance of title; may purchase or redeem any Treasurer's certificates of sale outstanding against the property; may pay any tax liens outstanding against the property; may transfer money from the Assessment Collection Fund to the General Fund, provided that provision is made for redemption of outstanding Assessment-Collection Bonds; may provide for waiving all or part of accrued penalties; may pay any bonded or open liens outstanding against the property and cancel assessments against it; and may enact ordinances to give full effect to this Section.

The District Assessment Collection Fund may also be used to purchase and hold warrants issued upon any special local improvement fund formed or to be formed by the district. The face amount and interest on warrants so purchased shall be credited, upon payment, to the District Assessment Collection Fund.

The City Assessment Collection Fund may also be used to purchase and hold warrants issued upon any special local improvement fund formed or to be formed by the City. The face amount

and interest on warrants so purchased shall be credited, upon payment, to the **City Assessment Collection Fund**.

Section 11-101 of the Portland City Charter is amended to read:

11-101. The *[City]* **Portland Public Water District** may construct, reconstruct, purchase or otherwise acquire, keep, maintain, improve, alter and change water works and all plants and facilities found appropriate by the *[Council]* **district** for furnishing water to the City, its property, its inhabitants, and the places and people along or in the vicinity of the pipes, conduits or aqueducts constructed or used for that purpose. The *[City]* **district** may acquire by purchase or otherwise, own and possess real and personal property or interests therein, within and without the limits of the City, which the *[Council]* **district** finds necessary *[or convenient]* **to provide clean and safe water to the City**. The *[Council]* **district** may establish and maintain headworks and supply sources, with all convenient reservoirs, tanks, pumps, supply systems, distribution and related facilities, including land and interests in land, and may acquire other water systems serving property within present or future boundaries of the City. The *[Council]* **district** may make all necessary expenditures to carry out these purposes and may enter into contracts for supply of water by the City or supply of water to the City or its inhabitants. Any surplus water may be sold to persons, public or private, outside the City, on terms and conditions the *[Council]* **district** finds *[appropriate]* **to be in the best interests of the City's water customers**.

Section 11-102 of the Portland City Charter is amended to read:

11-102. The *[City]* **Portland Public Water District** may employ personnel, contract for services and perform services under contract or otherwise, *[found]* **that the district finds** necessary *[or convenient]* to carry out the powers granted in this Article. The *[Council]* **district** may obtain materials and supplies and do any acts in the operation, maintenance, improvement and extension of City water works which the *[Council]* **district** finds *[necessary or advantageous]* **to have a close and direct connection to providing clean and safe water to the residents and businesses of the City**.

The *[Council]* **Portland Public Water District** may prescribe regulations relating to water supply, distribution and service, and may impose conditions, and require deposits or cost contributions for water main extensions and water distribution system. **If the [Council] district finds that renting or leasing equipment of facilities or selling or otherwise disposing of property, facilities, supplies or equipment has a close and direct connection to providing clean and safe water to the residents and businesses of the City, the district may rent or lease equipment or facilities to or from others, and may sell or otherwise dispose of [City] property, facilities, supplies or equipment[, as it finds convenient] under the control of the district.**

[In]* Notwithstanding section 16-03(3)(a) of this Charter, the administrative head of the *[Bureau of Water,]* **Portland Public Water District** and the Engineer in charge of the engineering staff, *the person in charge of the business office, and the head of the Bureau* **of the Portland Public Water District** shall not be subject to Civil Service requirements of this Charter. **Unless provided otherwise by contract, the administrative head of district and the Engineer serve at the pleasure of the district board.*

Section 11-103 of the Portland City Charter is amended to read:

11-103. In order to provide funds for construction, reconstruction, replacement, extension, acquisition and maintenance of water plant and property, and the acquisition of water systems, the [Council] **Portland Public Water District** may **direct the Council to** issue bonds of the City in denominations and for terms the [Council] **district** determines, in the same manner other bonds of the City are issued. These bonds shall be [*general obligations of the City, but primarily*] payable from water revenue. These bonds shall not be included within the debt limit elsewhere prescribed in this Charter. [*No bonds shall be issued under this section in any year which, with the net outstanding water bond indebtedness, would exceed the total original cost of existing plant and property of the water works and system.*]

Upon the written directions of the Portland Public Water District, the City shall from time to time issue bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system, to be repaid, to the extent permitted or to be permitted by law, solely out of revenues of the district. Such bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system shall be issued by the City in accordance with the procedures established by law and as the City may prescribe by ordinance. The maximum term of any bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system shall not exceed 30 years. Approval of the Council is not required for bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money to be issued at the direction of the district.

Section 11-104 of the Portland City Charter is amended to read:

11-104. After payment of expenses for issuance of water bonds, the proceeds shall be placed in the Water Construction Fund, **which shall be held by the Portland Public Water District.**

Money from the sale of water and charges related to water works or service shall be placed in the Water Fund, **which shall be held by the Portland Public Water District.** After deducting sinking fund requirements, operating expenses of the water works and plant and the [Water Bureau] **Portland Public Water District**, which may include depreciation on plant and property, and maintenance expense found necessary or appropriate, the [Council] **district** may transfer any excess in the Water Fund to the Water Construction Fund.

[*The Council may make transfers between funds in the Water Bureau, but*] The funds and accounts of the [Water Bureau relating to water plant and works] **Portland Public Water District** shall be separate from other accounts and funds of the City and treated as a separate municipal operation. **Upon the affirmative vote of the district board**, the Council may impose charges [*it finds equitable*] upon the operation of the water system for municipal services of other departments, bureaus and officers[,] and [*may impose*] fees of the same character as for public utilities. Otherwise, money in the Water Fund or the Water Construction Fund shall not

be transferred to the General Fund of the City or to special funds unrelated to the water works, water system and the sinking funds for water bond debt service.

Section 11-105 of the Portland City Charter is amended to read:

11-105. For each fiscal year the [*Council*] **Portland Public Water District** shall fix water rates which will provide an estimated income to equal expenses and debt service relating to water bonds. No charge shall be made for water used in extinguishing fires in the City.

The [*Council*] **Portland Public Water District** may fix special charges for connections, disconnections, turn-ons, discontinuances of service, all special services or work, and other contingencies, situations or conditions, which it finds advantageous or appropriate from time to time. Charges and bills may be adjusted as found just and equitable.

Section 11-106 of the Portland City Charter is amended to read:

11-106. The [*Council*] **Portland Public Water District** may make regulations, impose conditions, penalties and forfeitures and institute civil or penal process it finds necessary or appropriate to collect bills for water or charges, and in addition may refuse or discontinue water service to premises for which a bill or charge remains unpaid. Penal enforcement is subject to the penalty limitations fixed in the Charter for ordinance violations.

Section 11-107 of the Portland City Charter is added to read:

11-107. **This Article shall be construed as granting additional authority, and not in derogation of any authority granted elsewhere in this Charter. This Article shall not affect authority of the Portland Public Water District concerning local water improvements and the assessment of benefits therefor. The district also shall have all authority now or hereafter granted by statute concerning water works or service.**

Section 11-301 of the Portland City Charter is amended to read:

11-301. The [*Council*] **Portland Public Water District** may construct, reconstruct, enlarge, alter, modify, equip, operate and maintain a sewage disposal or sewage purification system within or without the corporate limits or both, including but not limited to: all methods of storm drainage, intercepting sewers, diversion sewers, relieving or interconnection sewers, sewers to separate storm and sanitary sewage, pump or ejector stations and equipment, and plants for the treatment and disposal of sewage. For that purpose the [*City*] **district** may acquire by any lawful means property, real or personal, interests in property, equipment, and related facilities and may make all expenditures which the [*Council*] **district** finds [*necessary or appropriate to carry out such purposes*] **that the acquisitions and expenditures have a close and direct connection to providing clean and safe sanitary sewer service**, either within or without the corporate limits. The [*City*] **district** may sell or otherwise dispose of any or all by-products or salvage products from this operation. The City also may contract with any other person, public or private, to [*further*] **provide or obtain goods or services that have a close and direct connection to the purification of public waters or protection of the public health through sanitary sewer service.**

Section 11-302 of the Portland City Charter is amended to read:

11-302. For all purposes relating to design, construction, acquisition, operation, maintenance and contract requirements of sewage treatment or purification facilities and related facilities, the [Council] **Portland Public Water District** may fix fees and charges for connection or use or both of sewers and sewage purification or disposal systems to be paid by property which is served or is capable of being served for use of the sewage disposal system. [*Sewer user service charges may be collected by the Water Bureau which shall be compensated for such service as determined by the Council.*] The [City] **district** may establish procedures for collection of **fees and charges** and may provide for penalties, interest and costs. The [City] **district** may establish requirements and impose regulations **for connection or use of sewers and sewage purification or disposal systems** as it finds appropriate. Sewer user service charges shall be paid for all premises connected with [City] **district** sewers, directly or indirectly, notwithstanding that such premises may have been assessed or may in the future be assessed for construction of sewers under local improvement assessment procedures or may have otherwise paid for sewers.

The [City] **district** may enter into contracts relating to sewage disposal, treatment or purification [*or all such functions*] **that have a close and direct connection to providing clean and safe sanitary sewer service.** The [City] **district** may impose charges for sewage transportation, disposal, treatment or purification or any or all such functions, on property outside the [City] **district** served through [City] **district** facilities, at rates no less than those imposed for similar service inside the [City] **district** to similar classifications.

Proceeds of such charges shall be placed in the Sewage Disposal Fund, **which shall be held by the district**, and may be expended for any matter **closely and directly** connected with the sewer or sewage disposal or treatment system of the City, and bonded debt and debt service related thereto.

Upon the written directions of the Portland Public Water District, the City shall from time to time issue bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system, to be repaid, to the extent permitted or to be permitted by law, solely out of revenues of the district. Such bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system shall be issued by the City in accordance with the procedures established by law and as the City may prescribe by ordinance. The maximum term of any bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system shall not exceed 30 years. Approval of the Council is not required for bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money to be issued at the direction of the district.

Section 11-303 of the Portland City Charter is amended to read:

11-303. The [Council] **Portland Public Water District** may require any property located within one hundred (100) feet of a right of way in which there is a [City] **district** sewer to connect to that sewer.

The [Council] **district** may prohibit discharge of sewage or harmful matter or impurities into any stream or river within the City. This prohibition may extend to any source whatever, including ships, houseboats and water craft of all kinds. These sources may be required to connect to the [City's] **district's** sewer system when physically possible, or otherwise to construct and use a prescribed sewage or waste disposal system.

To facilitate sewage treatment and protect the [City's] **district's** sewage facilities, the [City] **district** may limit the classes or kinds of sewage that may be discharged or may continue to be discharged into public sewers, may prohibit discharge of wastes other than domestic sanitary sewage into public sewers or facilities, and may require private pretreatment before discharge, upon terms fixed by the [City Engineer] **district**.

Section 11-304 of the Portland City Charter is amended to read:

11-304. This Article shall be construed as granting additional authority, and not in derogation of any authority granted elsewhere in this Charter. This Article shall not affect authority of the **Portland Public Water District** concerning local sewer improvements and the assessment of benefits therefor. The [Council] **district** also shall have all authority now or hereafter granted by statute concerning disposal and purification of sewage and waste.

Transfer and Transition

This Charter amendment takes effect June 1, 2014.

The following sections of this Charter amendment and sections amended by this Charter amendment become operative January 1, 2015: 2-15, 9-501, 9-502, 9-503, 9-701, 9-702, 9-704, 9-705, 9-801, 9-802, 9-803, 9-804, 9-805, 9-806, 11-101, 11-102, 11-103, 11-104, 11-105, 11-106, 11-107, 11-301, 11-302, 11-303, 11-304, 16-101, 16-102, and 16-103.

The City may take any action before the operative date specified in this section that is necessary to carry out the provisions of this Charter amendment.

Nothing in this Charter amendment shall be construed in any way to impair the obligations or agreements of the City of Portland with respect to bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water and sewer system prior to adoption of this Charter. The district shall take all actions necessary to ensure full compliance with all indentures, resolutions, declarations, agreements and other documents issued with respect to the bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water and sewer system prior to adoption of this Charter amendment.

Not later than July 15, 2014, the Council shall divide the district into seven zones as nearly equal in census population as may be practicable, using voting precinct boundaries. If possible, the Council shall establish the zones so that a distinct community of interest or neighborhood is within a zone. In establishing the zones, the Council shall consult with the Population Research Center at Portland State University.

To the extent feasible and consistent with law, the zones established shall be:

**(1) Coextensive with the zones established for the board of Portland Public Schools;
and**

(2) Designated to avoid having elections for contiguous zones in the same election.

Notwithstanding sections 3-101 and 3-105 of this Charter, as amended by this 2014 measure:

(1) All seven positions on the board of the Portland Public Water District shall be filled by election in the 2014 general election without a primary election. The candidate who receives the highest number of votes cast shall be elected.

(2) (a) The initial terms of Positions 1, 2, and 3 expire December 31, 2016.

(b) The initial terms of Positions 4 and 5 expire December 31, 2017.

(c) The initial terms of Positions 6 and 7 expire December 31, 2018.

On January 1, 2015, the City shall:

(1) Deliver to the Portland Public Water District all records, property, and funds within the jurisdiction of the City that relate to the duties, functions and powers transferred to and assumed by the district, including but not limited to the systems of accounting for water and sewer service.

(2) Transfer to the district those employees engaged primarily in the exercise of the duties, functions and powers transferred to and assumed by the district.

The Portland Public Water District shall take possession of the records and property, including funds, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by this section.

The unexpended balances of amounts authorized to be expended by the City for the fiscal year beginning July 1, 2014, from revenues dedicated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by this Charter amendment are transferred to and are available for expenditure by the Portland Public Water District beginning January 1, 2015, for the purpose of administering and enforcing the duties, functions and powers transferred by this Charter amendment.

The transfer of duties, functions and powers to the Portland Public Water District by this Charter amendment does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Portland Public Water District is substituted for the City in the action, proceeding or prosecution.

Nothing in this Charter amendment relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by this

Charter amendment. The Portland Public Water District may undertake the collection or enforcement of any such liability, duty or obligation.

The rights and obligations of the City related to the duties, functions, and powers transferred by this Charter amendment and legally incurred under contracts, leases and business transactions executed, entered into or begun before the effective date of this Charter amendment are transferred to the Portland Public Water District. For the purpose of succession to these rights and obligations, the district is a continuation of the City for and is not a new authority.

Notwithstanding the transfer of duties, functions and powers by this Charter amendment, the ordinances and resolutions of the City in effect on the effective date of this Charter amendment that relate to a duty, function of power transferred by this Charter amendment continue in effect until superseded or repealed by ordinances and resolutions of the Portland Public Water District.

References in ordinances and resolutions of the City, or to an officer or employee of the City, related to the powers and obligations transferred by this Charter amendment are considered to be references to the Portland Public Water District or to an officer or employee of the district.

Whenever, in any ordinance or resolution of the City or in any rule, document, contract, record or proceeding authorized by the City, reference is made to the Water Bureau or an officer or employee of the Water Bureau, the reference is considered to be a reference to the Portland Public Water District or an officer or employee of the district.

Whenever, in any ordinance or resolution of the City or in any rule, document, contract, record or proceeding authorized by the City, reference is made to the Bureau of Environmental Services related to sewers and sewage purification or disposal systems or an officer or employee of the Bureau related to sewers and sewage purification or disposal systems, the reference is considered to be a reference to the Portland Public Water District or an officer or employee of the district.

May 2014 Primary Election - Official Results

CITY MEASURES

<u>Measure 26-156</u>	Multnomah	Clackamas	Washington	Total	%
Yes	29,805	87	91	29,983	26.63%
No	82,395	93	123	82,611	73.37%
TOTAL	112,200	180	214	112,594	100%

Petition ID PDX 3

PORTLAND PUBLIC WATER DISTRICT

Establishment of the Portland Public Water District

Chapter 16 is added to and made a part of the Portland City Charter.

Section 16-100 (Findings)

The people of the City of Portland find that:

1. Water service and sewer service, including stormwater management, are inextricably linked to providing clean drinking water and sanitation that promotes the health and wellbeing of the residents and businesses of Portland.
2. Water and sewer service should be managed by representatives of the people of the City of Portland who have no obligations or allegiances other than to the operation, financing, protection, and enhancement of the sewer and water systems of the City.

Section 16-101 (Establishment)

The Portland Public Water District is established as an independent agency of the City of Portland.

Section 16-102 (Governance)

The Portland Public Water District shall be administered by a governing board of seven (7) directors elected by zone from among the electors of the City.

Section 16-103 (Powers)

The powers of the Council relating to the operation, financing, protection, and enhancement of the sewer and water systems of the City, including control of the property used for the water and sewer systems, including stormwater management, under the Portland City Charter are transferred to and vested in the Portland Public Water District.

The powers of the Council over the Bull Run Watershed granted to the City of Portland by ORS 448.295 to ORS 448.325 and the Charter are transferred to the district.

The district may not regionalize or privatize water or sewer service or, except in a catastrophic emergency or to comply with an intergovernmental agreement entered into before July 1, 2013, commingle drinking water from the Bull Run Watershed with drinking water from a source of drinking water other than the Columbia South Shore Well Field.

The district may not adopt regulations for the Bull Run Watershed that are less protective or enhancing of water quality than the regulations in place on July 1, 2013.

To carry out the powers transferred to and vested in the Portland Public Water District, the district shall have power for and on behalf of the City to perform the following acts in the following manner:

3. The district shall have authority to make orders, rules, and regulations in the form of resolutions to carry out the authority granted the district in this Charter, certified copies of which resolutions shall, forthwith upon their adoption, be transmitted to the Auditor of the City, who shall cause the same to be transcribed at length in a record kept for that purpose or to be filed in a special record of such resolutions. Such record shall be public and copies thereof shall be accessible to the public under like terms as ordinances and resolutions of the City. All such resolutions of the district (other than purely administrative regulations, or those of a temporary nature) shall be subject to amendment, repeal or alteration or enactment under the referendum or initiative to the same extent as ordinances of the City. All such resolutions shall require an affirmative vote of four (4) members of the district board and shall take effect thirty (30) days after adoption unless some other date is fixed in such resolution.

4. The board:

- (a) Shall, from among its members, elect a Chair to preside at board meetings. The maximum number of years a member may serve consecutively as Chair is three.
- (b) May appoint, employ and discharge such officers, employees and agents as the district finds necessary or convenient for the efficient and economical performance of the district's duties, and to fix and provide for their compensation, including through the negotiation and approval of collective bargaining agreements.

5. The district:

- (a) May, subject to the procedures and limitations prescribed in this Charter, borrow money, negotiate federal advances of funds and execute notes as evidence of obligations, accept gifts, federal grants-in-aid, advances or other moneys, negotiate loans and advances, and pledge property acquired or any part thereof.
- (b) Shall be responsible for the design, installation, operation, and maintenance of an accounting system that will conform to the requirements of generally accepted accounting principles, state laws and Charter provisions regarding budgeting, expenditure, receipt and custody of public funds, as they may be amended.
- (c) Shall provide for an annual comprehensive independent audit of all funds and accounts of the district by a qualified Certified Public Accountant or firm of such accountants. The audits shall be prepared and adopted in accordance with state law and include the benchmarking of district cost and performance measures against the cost and performance measures of

similarly sized American cities. Copies of each audit report shall be filed with the City Auditor.

- (d) Shall annually prepare and adopt a budget that incorporates the goals adopted by the district board. The budget shall be prepared and adopted in accordance with state law.
- (e) Shall be granted access to and control of all public rights of way and places necessary to carry out any of the powers transferred or granted to the district by this Charter amendment. The board shall, by ordinance, adopt a process for the coordination with other agencies of the City for the use of public rights of way and places under the control of the district.

The following sections of the Portland City Charter do not apply to the Portland Public Water District: 2-109, 2-403, and 2-404.

Section 16-104 (Elections)

To qualify as a candidate for a position and serve on the board of the Portland Public Water District, an individual must be an elector of the City of Portland who resides in the zone the from which the person is nominated

A candidate for election as a member of the board shall be nominated by filing with the elections officer a petition for nomination signed by at least 100 electors from the zone the candidate will serve.

The petition must state the number of the position or zone to which the candidate seeks election.

If the petition is for a regular district election or the first election at which members of the board are elected, then the candidate must file the petition not sooner than the 101st day before the date of the election and not later than the 61st day before date of the election. A candidate for a regular election or the first election may withdraw a petition not later than the 61st day before the date of the election.

If the petition is not for a regular district election or the first election, then the candidate must file the petition not sooner than the 110th day before the election and not later than the 70th day before the date of the election. A candidate for other than a regular election or the first election may withdraw a petition not later than the 70th day before the date of the election.

A candidate shall be elected by the electors of the zone in which the candidate resides.

A vacancy on the board shall occur upon the death, resignation, removal, inability to serve, or failure of a member without cause to attend three (3) successive regular meetings. Resignation when made shall be addressed to and accepted by the remaining members or the chair of the board. A successor shall be appointed by the board for the unexpired term

of any vacancy and must be an individual qualified to be a candidate from the zone in which the vacancy occurs

The board shall adjust the boundaries of the zones as necessary to reflect changes in the boundaries of the zones of the Portland Public Schools.

Section 16-105 (Conflicts of Interest)

Members of the board of the Portland Public Water District shall serve without salary or compensation of any nature, but may be reimbursed for reasonable and necessary travel expenses incurred in carrying out the duties of the board.

The following individuals may not run for election to or serve on the board of the Portland Public Water District:

1. An individual serving in a public position to which an individual may be elected.
2. An employee or officer of the City of Portland.
3. An employee or officer of the Portland Public Water District.
4. An individual who was, within 72 months preceding the election, an employee of the Portland Public Water District or of the City of Portland in a position related to the provision of water or sewer services.
5. An individual who has or who is an employee of an individual or firm that has a contractual relationship with the Portland Public Water District or with the City of Portland related to the provision of water or sewer services.
6. An individual who, within 72 months preceding the election, had or who was an employee of an individual or firm that, within 72 months preceding the election, had a contractual relationship with the Portland Public Water District or with the City of Portland related to the provision of water or sewer services.
7. An individual who, within 72 months preceding the election, was employed by a Commissioner who administered the Water Bureau or the Bureau of Environmental Services in the 72 months preceding the election.
8. An individual who is or, within 36 months preceding the election was, a member of Portland Utility Review Board or a budget advisory committee of the Water Bureau or Bureau of Environmental Services .

If a candidate for the district board has or has had a financial relationship with the City relating to water or sewer service other than the relationship of water or sewer customer, the candidate shall, in any voters' pamphlet statement, disclose the nature and amount of the financial relationship.

All actions undertaken by employees of the Portland Public Water District must conform to the State Government Standards and Practices Statutes as may from time to time be amended.

The Portland Public Water District may not employ as legal counsel attorneys who, in the preceding 36 months, have been employees of the City have provided legal services to the City, or have been employees or members of law firms that provided legal services to the City during the time that the person was an employee or member.

The Portland Public Water District shall employ as auditors certified public accountants who are not employees of the City, who are not providing auditing or accounting functions to the City, and who are not employees or members of accounting firms that provide auditing or accounting services to the City.

Sections 2-504(a)(1) and (3) and 2-505, prescribing the duties and authorities of the Auditor of the City of Portland, do not apply to the Portland Public Water District. However, the district may request and the Auditor may conduct financial and performance audits that are in addition to audits conducted by the auditors of the district.

Amendments to Existing Sections

Section 2-105 of the Portland City Charter is amended to read:

The City of Portland by its Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter or in statute, to exercise any power or authority granted to the City by statute, general or special, or by this Charter, and may do any other act necessary or appropriate to carry out such authority, or exercise any other power implied by the specific power granted; **provided that such power and authority, with respect to water and sewer services and property shall reside with and be exercised through the board of the Portland Public Water District.**

- (a) Among such specific powers, the City has power and authority:
1. To exercise within the City and City-owned property, all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said areas, and to make and enforce within said areas all necessary or appropriate water, local, police, sanitary and safety laws and regulations.
 2. To secure the protection of persons and property and to provide for the health, cleanliness, ornament, peace, safety and good order of the City.
 3. To provide for entering into contracts by the City for a period not exceeding five (5) years and the extension or renewal thereof by option or otherwise, for not to exceed an additional five (5) years, except as to property contracts which may extend for more than five (5) years, or as otherwise permitted by this Charter or by statute.

4. To enter into agreements without limitation as to term, as the Council, **or the Portland Public Water District, as applicable**, finds appropriate, for cooperation, consolidation of services, joint acquisition or ownership and maintenance of facilities or services, with any other public corporation or unit of government.
5. To establish, construct, maintain, equip and alter buildings and facilities found necessary or appropriate for administration of government or for use by or for the public.
6. To purchase, or acquire by condemnation or otherwise, or to lease, for such term as the Council, **or the Portland Public Water District, as applicable**, may find appropriate, which need not be limited to five (5) years, such property, real and personal, as may be needed for public use; in purchasing property, to enter into lease-purchase agreements or other contracts of purchase which may extend for more than a five (5) year period; to obtain options; and to mortgage for the term of the purchase as security for the purchase price the property being purchased. In exercising this power and authority, only the payments to be made during the year in which the purchase, condemnation, lease, lease-purchase, option, or purchase price mortgage is entered into shall be considered for purposes of applying Section 7-102 thereto.
7. To provide for the purchase of property levied upon under execution in favor of the City.
8. To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Portland, and to sell and convey the same. But the sum bid by the City on or for any such property so sold for a delinquent tax or assessment, shall not exceed the amount of all taxes and assessments plus interest and penalties, and the necessary costs and expenses.
9. To sell by bid or public auction abandoned or impounded and unclaimed property, and property for which storage charges and removal charges, if any, have not been paid.
10. To provide a seal for the City and seals for the several boards and officers thereof.
11. To establish and regulate the fees and compensation of all officers of the City, and for all official services not otherwise provided for in this Charter.
12. To fix by ordinance the hours during which all offices and departments of the City shall be kept open for business.
13. To appropriate money to pay the debts, liabilities and expenditures of the City or any part or item thereof.

14. To appropriate annually to the Mayor two thousand dollars (\$2,000) as and for a discretionary Fund and such appropriation shall be made.
15. To issue City bonds authorized by this Charter or statute or expressly authorized by vote of the City electors, certificates, warrants, checks and other evidences of indebtedness, but otherwise the City shall not have the power to issue its bonds for any indebtedness or for any purpose, or to increase the bonded indebtedness of the City in any amount or for any purpose whatsoever.
16. To fix fees for establishing street grades, surveying and marking the boundaries of streets, lots or blocks, granting permits for the opening or temporary use of street surfaces, planning of improvements, laying sidewalks, vacating street area, processing of all types of applications, erection and inspection of buildings or facilities, and any special services or functions performed by the City or bureaus thereof.
17. To grant licenses with the object of raising revenue or of regulation, or both, for any and all lawful acts, things or purposes, and to fix by ordinance the amount to be paid therefor, and to provide for the revoking of the same. No license shall be granted to continue for a longer period than one year from the date thereof.
18. To provide for the opening, laying out, establishing, altering, extending, widening, enlarging, vacating and closing, or for establishing and changing the grades, of streets, squares, parks or public places, and to provide for the improving and repairing of streets, squares, parks and public places or of any land over which any right of way has been obtained or granted for any purpose of public travel or use, by means of any kind of work, improvement or repair which the Council, or the **Portland Public Water District, as applicable**, finds necessary or appropriate. 19. To provide for lighting the streets, public grounds, buildings and places, and furnishing the City with light, heat and power, by contract or by means of its own plant.
20. To provide for surveying the blocks and streets of the City and for marking the boundary lines of such blocks and streets; to change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any tract of land within the City not numbered, lettered or designated. A certified copy of such ordinance shall be transmitted by the Auditor to the recording officer of the County, who shall record the same in the record of plats of said County and shall make a reference to the record of such ordinance upon the recorded plat on file. No charge shall be made by the recording officer.
21. To set apart as a boulevard or boulevards any street or streets, or portion thereof.
22. To regulate the numbering of houses and lots on the streets, boulevards and avenues and the naming of streets, boulevards and avenues.

23. To regulate and control for any and every purpose the use of streets, highways, alleys, sidewalks, public thoroughfares, and public places within the City and City parks and properties within or without the City, and to regulate the use of streets, roads, highways and public places for transportation or use of every description, and for installation of any kind.
24. To provide or require conduits under the streets, lanes, alleys and public places of the City or any part or parts thereof for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing said conduits itself or authorizing or requiring their construction by others upon such terms and conditions as the Council, **or the Portland Public Water District, as applicable,** may impose, and to regulate and control the use of such conduits, and to prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purpose for which it desires to use such conduits, without such person, firm or corporation first obtaining, as provided in this Charter, a franchise for such business, purpose or use.
25. To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions, and to make the cost of removal a lien upon any property from which such obstruction originated or to which such obstruction was attached, to be placed upon the lien docket and collected as the Council may direct.
26. To control and limit traffic and classes thereof, and vehicles and classes thereof on the streets, avenues and elsewhere.
27. To prevent and prohibit planting of trees or shrubbery which may be detrimental to [sewers,] streets, sidewalks, utilities lines **other than water lines**, fire hydrants, or use thereof, or which may interfere with safe travel or vision or may constitute a nuisance, and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien upon the property, to be placed upon the lien docket and collected as the Council may direct, **and, notwithstanding any other regulation of the City, through the Portland Public Water District, to prevent and prohibit propagation and planting of trees or shrubbery which may be detrimental to sewage disposal, treatment or purification, water works, or water systems and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien upon the property, to be placed upon the lien docket and collected as the district may direct.**

28. To prescribe rates to be charged for transportation of passengers or property within the City and area outside the City over which City jurisdiction is authorized or recognized by statute, by means of vehicles of every description.
29. To provide for the establishment of market houses and places, and transportation terminals, and to regulate the location and management thereof.
30. To, **through the Portland Public Water District**, provide for the location, construction, repair and maintenance in or outside the City, of any ditch, canal, pipe or other facility for the impoundment, storage or conduct of water, and any drain, sewer or culvert or other facility in or outside the City for conduct, storage or treatment of storm or sanitary drainage or both, as it may deem necessary or convenient; for such purpose to enter upon any land for the purpose of examining, locating and surveying the line or location of such water or sewer facility, doing no unnecessary damage thereby; to appropriate said land or so much thereof as may be necessary for the construction or installation of said facility in any manner permitted by the laws of this State; to appropriate and divert from its natural course or channel temporarily or permanently, any spring or stream of water; and to compel the extension of utility connections from the main line or pipe to the curb line, property line or the sidewalks of all public streets, as the [Council] district may determine.
31. To, **through the Portland Public Water District**, provide for furnishing the City and its residents with water, and to sell water to or for nonresidents.
32. To regulate the plumbing, drainage and sewerage of buildings and structures and the installation and use of appliances or facilities for heat, light, cooling and energy; to provide for the registration and qualification of specialists in trades or in installation or use of appliances and facilities; to provide inspection for such installation or use.
33. To, **through the Portland Public Water District**, compel all persons erecting or maintaining privies, water closets or other toilets or cesspools, septic tanks or private sanitary sewerage systems within one hundred (100) feet or one-half block, whichever is greater, of any street in which a public sewer has or may hereafter be constructed, to connect the same therewith; and where a public sewer is not available, to prescribe disposal so as to protect the public, property, health and welfare.
34. To, **through the Portland Public Water District**, regulate, restrain and prohibit use of public sewers for any substance which may be harmful or detrimental to the sewers, to sewage disposal and treatment, or hazardous to workers, to property or to the public.
35. To regulate the construction, care, use and management of buildings and structures in the City for the better protection of the lives and health of persons dwelling in or using the same or of the public, and for the public welfare.

36. To regulate, restrain and to provide for the exclusion from the City, or any part thereof, of trades, occupations or businesses which are offensive or may in the opinion of the Council create or constitute a nuisance, and to regulate uses of land and structures within the City.
37. To prevent the erection or cause the removal, demolition or repair of buildings or structures wherever situated, found to be unsafe or dangerous to the occupants, to passers-by or to other property, or which are found to obstruct a street, and to make the cost of such removal, tearing down or repair a lien upon the property, which liens may upon the order of the Council be entered into the docket of City liens and thereafter collected in such manner as the Council may direct.
38. To regulate or prevent the moving of buildings or structures over City streets and limit the locations to which such buildings or structures may be moved.
39. To define and classify the fire limits and to prohibit the erection or repair of buildings constructed of particular materials within all or any such fire limits.
40. To regulate or limit the height, construction, size, materials, setbacks, yards, inspection and repair of all private and public buildings, structures, and fences within the City and to provide City inspection thereof.
41. To require adequate fire escapes, apparatus and appliances for protection against fire, to be provided in buildings and structures, or in connection with specific uses.
42. To make regulations to prevent the introduction of contagious diseases into the City, and to remove persons afflicted with such diseases to suitable hospitals which the City may designate or provide for that purpose either within or without said City; and to regulate such hospitals.
43. To provide a standard of weights and measures and to authorize inspection of weights, measures, food, beverages, and fuel; to regulate the commodity, size, weight and ingredients of food or beverage products and fuel, and to prevent the sale of adulterated, unhealthful or unwholesome food and beverages, and to provide for the seizure and forfeiture of food or food products, beverages and fuel offered for sale or sold contrary to said regulations.
44. To prevent and remove nuisances, to declare what shall constitute the same, to punish persons committing or suffering nuisances, to provide the manner of removal of nuisances, and to make the cost of such removal a lien upon the property where such nuisance existed; and to fill up or drain any lots, blocks or parcels of land subject to flood or where any stagnant water stands, to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Liens for abatement of nuisances may upon the order of the Council be entered in the docket of City liens and thereafter collected in such manner as the Council may direct.

45. To regulate or prevent the storage, manufacture, sale, use and transportation of dangerous, explosive, radioactive or combustible materials or weapons, and to provide for the inspection of the same, and to prevent by all proper means risks of injury or damage therefrom.
46. To regulate, prevent and prohibit loud or unnecessary noise.
47. To prevent trespassing and punish trespassers upon real and personal property.
48. To restrain and punish intoxication, fighting and quarreling in the City, and any disturbance, riot or riotous assemblage or participation therein, or any unlawful or indecent practice, and to define what shall constitute the same.
49. To prevent and suppress gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets; to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress use of narcotics and dangerous drugs and houses and places kept therefor, and to punish any keeper of such house or place, or person who frequents the same.
50. To prohibit persons from roaming the streets at unseasonable hours.
51. To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals or children, and to authorize the payment of the same or any part thereof to any person or society that shall have officially aided in such conviction.
52. To provide for the punishment by fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment not exceeding two (2) years, or both, of any person or persons who may injure, deface, interfere with or destroy any property belonging to the City or in which the City has any interest, right or estate, and to provide that the district court or the circuit court of the State of Oregon for the County of Multnomah shall have jurisdiction to enforce such punishment or punishments.
53. To establish, change, discontinue, or re-establish City jails, prisons, police stations, workhouses and houses of detention, punishment, confinement or rehabilitation, within or without the City.
54. To regulate and restrain the keeping of all pets, birds, fowl, reptiles, and animals of any kind, and to prevent any and all animals from running at large within the City or any part thereof, and to punish persons who allow animals to run at large or to be unlicensed; to provide for impounding, sale and disposition when found at large, or when kept against City regulations or when no license has been obtained or tax paid as provided by the Council.

55. To regulate, prevent and prohibit the erection, maintenance or display of signboards, billboards, signs, posters and advertisements designed to attract the attention of persons on sidewalks, streets or public places.
56. To regulate and prohibit the exhibition and hanging of material in or across the street or from houses or other buildings or structures.
57. To regulate and control water-borne commerce and recreational uses within the City, and uses of and activities in or upon bodies of water within the City.
58. To provide for the removal of obstructions, debris and deleterious matter from waters within the City limits and to prohibit putting or negligently or willfully suffering the same to be put therein.
59. To regulate the building of wharves, and the driving of piles in any body of water or watercourse within the limits of the City and to establish lines beyond which wharves shall not be built nor piles be driven.
60. To provide for the construction and regulation of public facilities and landings at the foot of the streets terminating at a watercourse or body of water within the City.
61. To appropriate money for the deepening, widening, docking, covering, walling, altering or changing channels, water, or watercourses within the City, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks and levees, and all such other work as may be required for the accommodation of commerce or recreation; to control and regulate the use thereof and to provide for the acquisition by condemnation or otherwise of all such work or works by the City, and for the construction, maintenance and ownership of the same by the City.
62. To provide for entering into contracts by the City with publicly or privately owned utilities or other governmental agencies for a period not exceeding forty (40) years for the transmission, sale or exchange of the capacity of and electric power generated by hydroelectric power generating facilities owned by the City and for operation and maintenance of the facilities.

Section 2-201 of the Portland City Charter is amended to read:

2-201. There shall be no elective officers of the City of Portland other than the Mayor, four (4) Commissioners [*and*], the Auditor **and the seven (7) members of the board of the Portland Public Water District.** [*All said officers*] **The Mayor, Commissioners, Auditor** shall be elected at large by the legal voters of the City of Portland and for a term of four (4) years, except as otherwise provided.

Section 3-101 of the Portland City Charter is amended to read:

3-101. Beginning with elections held in 2006, if any candidate for the office of Mayor, Commissioner, [or] Auditor, **or member of the board of the Portland Public Water District** receives a majority of the votes cast in a primary election for that office, that candidate shall be elected. If no candidate for such an office receives a majority of the votes cast in the primary election, the names of the two candidates receiving the highest number of votes cast shall be declared nominees and their names shall appear on the general election ballot in that same year. The nominee receiving the highest number of votes in the general election shall be elected.

Except as otherwise provided in this charter, those elected shall take office on the following January 1 and shall hold office for four years. If, at the end of four years, no successor is yet elected and qualified, the incumbent shall continue to hold office until a successor is elected and qualified.

Except as otherwise provided in this charter[,]:

(a) The Mayor and Commissioners for positions 1 and 4 shall be elected every fourth year beginning in 2004[, and].

(b) The Auditor and Commissioners for positions 2 and 3 shall be elected every fourth year beginning in 2006.

(c) **Positions 1, 2, and 3 of the board of the Portland Public Water District shall be elected every third year beginning in 2016.**

(d) **Positions 4 and 5 of the board of the Portland Public Water District shall be elected every third year beginning in 2017.**

(e) **Positions 6 and 7 of the board of the Portland Public Water District shall be elected every third year beginning in 2018.**

Section 3-105 of the Portland City Charter is amended to read:

3-105. Nomination of Mayor, Auditor, [and] **Commissioners and members of the board of the Portland Public Water District**, the elective officers under this Charter, shall be nonpartisan and shall be made in conformity with primary methods hereinafter prescribed and provided, subject to the provisions elsewhere contained in this Charter relating to filling of vacancies.

The positions of the Commissioners shall be designated as Position No. 1, Position No. 2, Position No. 3, or Position No. 4. Commissioners shall be designated by the same position as the Commissioner whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the office of Commissioner, every petition and individual nomination certificate or declaration for nomination, nominee's acceptance and certificate of election, ballot, or other document used in connection with nominations for Commissioner, shall state the official number of the position as Commissioner, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. At all elections each such office of Commissioner to be filled shall be separately designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon. In case no nomination is made at the primary election,

nominations may be made at the general election as set forth in this Charter for vacancies occurring at a subsequent date.

The positions of the board of the Portland Public Water District shall be designated as Position No. 1, Position No. 2, Position No. 3, Position No. 4, Position No. 5 Position No. 6, or Position No. 7. Members of the board shall be designated by the same position as the member whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the board, every petition, acceptance and certificate of election, ballot, or other document used in connection with nominations for board member, shall state the official number of the position as board member, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. At all elections each such office of board member to be filled shall be separately designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon.

Section 9-501 of the Portland City Charter is amended to read:

9-501. When the [*Council*] **Portland Public Water District** has declared its intention to construct a sewer or sewer system and has fixed the boundaries of the assessment district to be benefitted and assessed therefor, the [*Auditor*] **district** shall mail notice of such intention to the property owners within the proposed district, in accordance with procedures prescribed by ordinance. The procedures shall provide that an owner of any property within the proposed assessment district or such owner's agent who files proof of his or her authority, may file with the [*Auditor*] **district** a written remonstrance against the proposed sewer or the plans therefor, and the [*Council*] **district board**, upon hearing the remonstrance, may discontinue proceedings in the matter. The period for filing of written objections or remonstrances shall be set by ordinance but shall not exceed sixty days from the date notice is mailed. The [*Council*] **district board**, however, may overrule any and all remonstrances and may order the improvement. The [*Council*] **district board** also may require changes in the proposed plans or changes in the boundaries of the proposed assessment district, and declare by resolution its intention to proceed on the revised basis. Such resolution shall be published and remonstrance period given as in the first instance. The improvement shall conform substantially to the plans and specifications adopted by the [*Council*] **district board**.

Section 9-502 of the Portland City Charter is amended to read:

9-502. The [*Council*] **Portland Public Water District** may take action and proceedings for the construction of any sewer or drain jointly with any County; may levy and collect special assessments of benefits therefor; may enter into an agreement or agreements with any county for the construction, maintenance and use of sewers or drains and paying the cost thereof; may issue bonds to finance that portion of the cost agreed to be chargeable to property outside of the City; may do all other things necessary or proper to provide for the construction of sewers or drains when the design, plan or method of construction will render them beneficial to property both within and without the limits of the City; and may perform all acts necessary to implement statutes relating thereto, **provided the acts have a close and direct connection to providing clean and safe sanitary sewer and stormwater service.**

Section 9-503 of the Portland City Charter is amended to read:

9-503. Bonds may be issued and sold after construction of any such sewer or drain has been authorized, and each bond issue shall be limited to an amount that does not exceed the portion of the cost of such sewer or drain agreed upon with the County as the amount justly and equitably to be borne by property lying beyond the City limits. Such bonds shall not be issued for longer than twenty (20) years, and may be general obligations of the City. No bonds shall be issued when the total of such bonds then outstanding would exceed five hundred thousand dollars (\$500,000). In lieu of issuing bonds, the [Council] **Portland Public Water District** may provide for financing part or all of the cost agreed upon as chargeable to property outside of the City from [City] **district** funds. The [Council] **district** has authority to levy and collect an assessment against the property benefitted by any sewer or drain lying beyond the City limits whenever that property is included within the City limits, if no previous assessments therefor have been made on the property, and to apply the money so collected toward payment of such bonds, or to reimburse the [City] **district** for any payment, expenditure or advancement for such sewer or drain. Any agreement with the County may provide for the levy and collection by the County of an assessment against property whenever the sewer or drain may immediately benefit the property because of construction of an extension, lateral, branch, or otherwise.

Section 9-701 of the Portland City Charter is amended to read:

If the Council, or the **Portland Public Water District, as applicable**, finds that a particular lot, tract, or parcel of land within the boundaries of a local improvement assessment district does not in fact receive any special and peculiar benefit from that improvement, [it] **the Council, or the Portland Public Water District, as applicable**, may exclude that property or show the assessment at zero (0) when apportioning costs of the local improvement in accordance with benefits and spreading the assessment.

Section 9-702 of the Portland City Charter is amended to read:

The Portland Public Water District shall establish procedures by ordinance for the estimated assessment, assessment, and reassessment of properties specially and peculiarly benefitted by local improvements for the operation, financing, protection, and enhancement of the sewer and water systems of the City. The Council shall establish procedures by ordinance for the estimated assessment, assessment, and reassessment of benefitted properties **for local improvements other than for the operation, financing, protection, and enhancement of the sewer and water systems of the City.** An assessment shall not exceed the apportioned share of actual costs nor exceed the amount of the benefits. Each parcel of land shall be considered benefitted by the local improvement to the full amount of the assessment levied on it. Delays, mistakes, errors or irregularities in any act or proceeding in an improvement, in notices, in entry of assessment or in any related matter shall not prejudice or invalidate any final assessment, but the defect may be corrected by subsequent action.

Section 9-704 of the Portland City Charter is amended to read:

The Treasurer, or the administrative head of the Portland Public Water District, as applicable, shall proceed to collect the unpaid assessments by advertising and selling the

assessed land in the manner provided by State law or [City] by ordinance. Rates of penalty and interest shall be determined by ordinance. The sale price shall include all assessment principal and interest due, penalties and charges due, and all costs associated with the sale of the property.

Whenever the market valuation for tax purposes of land assessed and subject to sale for collection of unpaid assessment exceeds the sum payable to the City or to the district, as applicable, of the unpaid assessment, interest and estimated costs plus the total of any past due taxes by twenty-five percent or more of the City or of the district, as applicable, and tax liens, the Treasurer or the administrative head of the district, as applicable, may, subject to general guidelines of the Commissioner In Charge and/or the Council, or the board of the district, as applicable, withhold or withdraw such property from public sale and in lieu thereof may sell the property by private sale to the City, or the district, as applicable, upon payment, in the case of the City, by the City from the Assessment Collection Fund, elsewhere provided in this Charter, , and in the case of the district, by the district from a fund created for the collection of assessments, of the unpaid assessment, interest and costs. If land is not valued for tax purposes, the market value estimated by the City shall be considered the market valuation for tax purposes under this Section.

For properties subject to assessment by the City, the Treasurer shall report to the Council the sales and collections on delinquencies and the City official designated by ordinance shall make proper entries in the lien docket. For properties subject to assessment by the district, the administrative head of the district shall report to the district board the sales and collections on delinquencies and, at the request of the district board, the City official designated by ordinance shall make proper entries in the lien docket. Thereafter no transfer or assignment of any certificate of sale hereunder shall be valid unless entry of that transfer or assignment has been noted in the lien docket after appropriate filing with the City. In case any property remains unsold, that property again may be offered for sale in like manner.

Section 9-705 of the Portland City Charter is amended to read:

The City or Portland Public Utility Board ordinance, as applicable, authorizing sale of property for delinquent assessments and the notice of sale to persons with an interest in the property stating that the property has been sold shall clearly state the provisions for redemption of the property by the prior owner as provided by State law or [City] by ordinance.

Section 9-801 of the Portland City Charter is amended to read:

Within thirty (30) days after notice of an assessment, deficit assessment or reassessment for a local improvement is first mailed, if the assessment exceeds a minimum fixed by the Council or the board of the Portland Public Utility Board, as applicable, the owner of the property assessed may file a written application to pay the assessment in installments. The application shall provide that the owner agrees to pay the assessment in installments including interest and charges as specified by the Council or district board, as applicable. The application also shall describe the applicant's property assessed for the improvement.

Section 9-802 of the Portland City Charter is amended to read:

After the time expires for filing applications to pay assessments in installments, the City or **district official, as applicable**, designated by ordinance shall enter all applications received in a docket kept for that purpose under separate heading for each improvement. Thereafter, that docket shall stand as a bond lien docket in favor of the **City or Portland Public Water District, as applicable**, for the amount of the unpaid assessments docketed therein, with interest on unpaid assessments at a rate determined by ordinance, against each parcel of land assessed, until the assessments and interest are paid. All unpaid assessments and interest are a lien upon each parcel of land in favor of the **City or district, as applicable**, and that lien shall have priority over all other liens and encumbrances.

Section 9-803 of the Portland City Charter is amended to read:

After the bond lien docket is made up for the particular local improvement, the **Council or Portland Public Water District, as applicable**, shall authorize by ordinance the issuance of bonds not exceeding the actual costs of the unpaid improvement assessments as shown on the bond lien docket.

Section 9-804 of the Portland City Charter is amended to read:

Bonded assessments shall be paid in installments, plus accrued interest, penalties, and charges, as specified by ordinance. If payment of any installment is delinquent thirty (30) days, the entire unpaid balance is immediately due and payable, and the installment contract may be declared void. The property owner may execute a new agreement as provided by City Code, or the **City or Portland Public Water District, as applicable**, may collect the total amount due in the manner as provided by ordinance. Prior to sale of the property for collection, the owner may remove the property from the sale list in the manner provided by Code.

Section 9-805 of the Portland City Charter is amended to read:

After issuance of improvement bonds covering unpaid bonded assessment for a particular improvement, the **City or Portland Public Water District official** designated by ordinance shall keep an account of money paid upon bonded improvement assessments separate from other *[City]* funds, as provided by ordinance.

Whenever improvement bonds issued upon bonded assessments are redeemable and it appears to the **Council or district board, as applicable**, as advantageous to redeem them, but money available in the sinking fund account is insufficient, the **Council or district board, as applicable**, may transfer money from another sinking fund or sinking fund account as a temporary loan to the sinking fund account to be redeemed, to be repaid with interest at the rate fixed by the **Council or district board, as applicable**. The **Council or district board, as applicable**, may authorize and provide for issuance and sale of new bonds upon bonded assessments to redeem outstanding bonds. Such new bonds shall be limited in amount to the amount of bonds to be redeemed from the proceeds, shall bear interest, be sold and be redeemable as provided in this Charter. In case of a temporary loan, if property owners fail to pay into the sinking fund a sufficient amount to repay the temporary loan, when needed, the **Council or district board, as applicable**, shall provide money for repayment by the sale of bonds as provided in this Section.

Section 9-806 of the Portland City Charter is amended to read:

To facilitate collection of delinquent assessments and to assist in financing local improvements, the Council or board of the Portland Public Water District, as applicable, may issue and dispose of bonds to be known as Assessment-Collection Bonds. The total amount of these bonds shall not exceed one million five hundred thousand dollars (\$1,500,000) outstanding at any one time. The bonds shall be general obligations of the City and shall be issued and sold in any denominations in the same manner as other bonds of the City. The rate of interest thereon shall not exceed the maximum rate permitted under State law, and their maturity shall not exceed twenty (20) years.

Money from the sale of the bonds related to properties specially and peculiarly benefitted by local improvements for the operation, financing, protection, and enhancement of the sewer and water systems of the City, after paying from the proceeds the costs of advertising and sale, shall be deposited in a special fund known as the "District Assessment Collection Fund," which may be used under direction of the district board for purchasing property by and in the name of the City, for use of the district, at a sale for district assessments, and at foreclosure sales for delinquent taxes, to protect the interest and rights of the district in the property. Net proceeds from the sale of property purchased from the District Assessment Collection Fund shall be credited to that fund.

Money from the sale of the bonds for other than for the operation, financing, protection, and enhancement of the sewer and water systems of the City, after paying from the proceeds the costs of advertising and sale, shall be deposited in a special fund known as the "City Assessment Collection Fund," which may be used under Council direction for purchasing property by and in the name of the City at Treasurer's sale or other sale for City assessments, and at foreclosure sales for delinquent taxes, to protect the interest and rights of the City in the property. Net proceeds from the sale of property purchased from the Assessment Collection Fund shall be credited to that fund.

In selling property purchased from the District Assessment Collection Fund or the City Assessment Collection Fund, or [Treasurer's] certificates thereon, no transfer of certificate of sale or deed to the City shall be held void or insufficient because of any omission, error, defect or objection, jurisdictional or otherwise, in the assessment or other proceedings if, at some stage of the proceedings before assessment was made, notice was given, and if the description of the property in the certificate or deed is reasonably sufficient to identify it. This provision is intended to be curative as fully as the people may enact, as to all matters affecting the validity of the certificate or deed. Every certificate of sale or deed shall be presumptive evidence of the regularity and sufficiency of all things affecting its validity. In any case where this curative provision is found insufficient, the money realized from the attempted sale shall be treated as not applying to the payment of the attempted assessment, and shall not discharge any obligation of the owner of the property to bear a fair and just proportion of the cost of the local improvement for which the attempted assessment was made. **Proceeds from an attempted sale related to operation, financing, protection, and enhancement of the sewer and water systems of the City shall be refunded to the District Assessment Collection Fund and the district board may make a reassessment against that property. Proceeds from the attempted sale related to other than to operation, financing, protection, and enhancement of the sewer and water**

systems of the City shall be refunded to the City Assessment Collection Fund and the Council may make a reassessment against that property.

The Council may renew the City Assessment Collection Fund from time to time by selling additional bonds, subject to the limitation in this Article on total amount. **The district board may renew the District Assessment Collection Fund from time to time by selling additional bonds, subject to the limitation in this Article on total amount.**

The district board may provide for the sale and assignment of certificates of sale related to operation, financing, protection, and enhancement of the sewer and water systems of the City and the assignment or conveyance of the rights of the district board in such property either before or after receiving the deed from district or City officials; may provide for sale of the property under contract for not more than ten (10) years; may pay real estate commissions, court costs, legal and clerical services and all other expenses related to the purchase and clearance of title; may purchase or redeem any certificates of sale outstanding against the property; may pay any tax liens outstanding against the property; may provide for waiving all or part of accrued penalties; may pay any bonded or open liens outstanding against the property and cancel assessments against it; and may enact ordinances to give full effect to this Section.

The Council may provide for the sale and assignment of certificates of sale **related to other than operation, financing, protection, and enhancement of the sewer and water systems of the City** and the assignment or conveyance of the rights of the City in such property either before or after receiving the deed from the City Treasurer or from County officials; may provide for sale of the property under contract for not more than ten (10) years; may pay real estate commissions, court costs, legal and clerical services and all other expenses related to the purchase and clearance of title; may purchase or redeem any Treasurer's certificates of sale outstanding against the property; may pay any tax liens outstanding against the property; may transfer money from the Assessment Collection Fund to the General Fund, provided that provision is made for redemption of outstanding Assessment-Collection Bonds; may provide for waiving all or part of accrued penalties; may pay any bonded or open liens outstanding against the property and cancel assessments against it; and may enact ordinances to give full effect to this Section.

The District Assessment Collection Fund may also be used to purchase and hold warrants issued upon any special local improvement fund formed or to be formed by the district. The face amount and interest on warrants so purchased shall be credited, upon payment, to the District Assessment Collection Fund.

The City Assessment Collection Fund may also be used to purchase and hold warrants issued upon any special local improvement fund formed or to be formed **by the City**. The face amount and interest on warrants so purchased shall be credited, upon payment, to the City Assessment Collection Fund.

Section 11-101 of the Portland City Charter is amended to read:

11-101. The *[City]* **Portland Public Water District** may construct, reconstruct, purchase or otherwise acquire, keep, maintain, improve, alter and change water works and all plants and facilities found appropriate by the *[Council]* **district** for furnishing water to the City, its property, its inhabitants, and the places and people along or in the vicinity of the pipes, conduits or aqueducts constructed or used for that purpose. The *[City]* **district** may acquire by purchase or otherwise, own and possess real and personal property or interests therein, within and without the limits of the City, which the *[Council]* **district** finds necessary *[or convenient]* **to provide clean and safe water to the City**. The *[Council]* **district** may establish and maintain headworks and supply sources, with all convenient reservoirs, tanks, pumps, supply systems, distribution and related facilities, including land and interests in land, and may acquire other water systems serving property within present or future boundaries of the City. The *[Council]* **district** may make all necessary expenditures to carry out these purposes and may enter into contracts for supply of water by the City or supply of water to the City or its inhabitants. Any surplus water may be sold to persons, public or private, outside the City, on terms and conditions the *[Council]* **district** finds *[appropriate]* **to be in the best interests of the City's water customers**.

Section 11-102 of the Portland City Charter is amended to read:

11-102. The *[City]* **Portland Public Water District** may employ personnel, contract for services and perform services under contract or otherwise, *[found]* **that the district finds** necessary *[or convenient]* to carry out the powers granted in this Article. The *[Council]* **district** may obtain materials and supplies and do any acts in the operation, maintenance, improvement and extension of City water works which the *[Council]* **district** finds *[necessary or advantageous]* **to have a close and direct connection to providing clean and safe water to the residents and businesses of the City**.

The *[Council]* **Portland Public Water District** may prescribe regulations relating to water supply, distribution and service, and may impose conditions, and require deposits or cost contributions for water main extensions and water distribution system. **If the *[Council]* district finds that renting or leasing equipment of facilities or selling or otherwise disposing of property, facilities, supplies or equipment has a close and direct connection to providing clean and safe water to the residents and businesses of the City, the district may rent or lease equipment or facilities to or from others, and may sell or otherwise dispose of *[City]* property, facilities, supplies or equipment[, as it finds convenient] under the control of the district.**

[In] **Notwithstanding section 16-03(3)(a) of this Charter, the administrative head of the *[Bureau of Water,] Portland Public Water District and the Engineer in charge of the engineering staff[, the person in charge of the business office, and the head of the Bureau] of the Portland Public Water District shall not be subject to Civil Service requirements of this Charter. Unless provided otherwise by contract, the administrative head of district and the Engineer serve at the pleasure of the district board.***

Section 11-103 of the Portland City Charter is amended to read:

11-103. In order to provide funds for construction, reconstruction, replacement, extension, acquisition and maintenance of water plant and property, and the acquisition of water systems, the *[Council]* **Portland Public Water District may direct the Council to issue bonds of the**

City in denominations and for terms the [Council] district determines, in the same manner other bonds of the City are issued. These bonds shall be [*general obligations of the City, but primarily*] payable from water revenue. These bonds shall not be included within the debt limit elsewhere prescribed in this Charter. [*No bonds shall be issued under this section in any year which, with the net outstanding water bond indebtedness, would exceed the total original cost of existing plant and property of the water works and system.*]

Upon the written directions of the Portland Public Water District, the City shall from time to time issue bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system, to be repaid, to the extent permitted or to be permitted by law, solely out of revenues of the district. Such bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system shall be issued by the City in accordance with the procedures established by law and as the City may prescribe by ordinance. The maximum term of any bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water system shall not exceed 30 years. Approval of the Council is not required for bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money to be issued at the direction of the district.

Section 11-104 of the Portland City Charter is amended to read:

11-104. After payment of expenses for issuance of water bonds, the proceeds shall be placed in the Water Construction Fund, **which shall be held by the Portland Public Water District.**

Money from the sale of water and charges related to water works or service shall be placed in the Water Fund, **which shall be held by the Portland Public Water District.** After deducting sinking fund requirements, operating expenses of the water works and plant and the [*Water Bureau*] **Portland Public Water District**, which may include depreciation on plant and property, and maintenance expense found necessary or appropriate, the [Council] district may transfer any excess in the Water Fund to the Water Construction Fund.

[*The Council may make transfers between funds in the Water Bureau, but*] The funds and accounts of the [*Water Bureau relating to water plant and works*] **Portland Public Water District** shall be separate from other accounts and funds of the City and treated as a separate municipal operation. **Upon the affirmative vote of the district board**, the Council may impose charges [*it finds equitable*] upon the operation of the water system for municipal services of other departments, bureaus and officers[,] and [*may impose*] fees of the same character as for public utilities. [*Otherwise,*] Money in the Water Fund or the Water Construction Fund shall not be transferred to the General Fund of the City or to special funds unrelated to the water works, water system and the sinking funds for water bond debt service.

Section 11-105 of the Portland City Charter is amended to read:

11-105. For each fiscal year the [Council] **Portland Public Water District** shall fix water rates which will provide an estimated income to equal expenses and debt service relating to water bonds. No charge shall be made for water used in extinguishing fires in the City.

The [Council] **Portland Public Water District** may fix special charges for connections, disconnections, turn-ons, discontinuances of service, all special services or work, and other contingencies, situations or conditions, which it finds advantageous or appropriate from time to time. Charges and bills may be adjusted as found just and equitable.

Section 11-106 of the Portland City Charter is amended to read:

11-106. The [Council] **Portland Public Water District** may make regulations, impose conditions, penalties and forfeitures and institute civil or penal process it finds necessary or appropriate to collect bills for water or charges, and in addition may refuse or discontinue water service to premises for which a bill or charge remains unpaid. Penal enforcement is subject to the penalty limitations fixed in the Charter for ordinance violations.

Section 11-107 of the Portland City Charter is added to read:

11-107. This Article shall be construed as granting additional authority, and not in derogation of any authority granted elsewhere in this Charter. This Article shall not affect authority of the Portland Public Water District concerning local water improvements and the assessment of benefits therefor. The district also shall have all authority now or hereafter granted by statute concerning water works or service.

Section 11-301 of the Portland City Charter is amended to read:

11-301. The [Council] **Portland Public Water District** may construct, reconstruct, enlarge, alter, modify, equip, operate and maintain a sewage disposal or sewage purification system within or without the corporate limits or both, including but not limited to: all methods of storm drainage, intercepting sewers, diversion sewers, relieving or interconnection sewers, sewers to separate storm and sanitary sewage, pump or ejector stations and equipment, and plants for the treatment and disposal of sewage. For that purpose the [City] **district** may acquire by any lawful means property, real or personal, interests in property, equipment, and related facilities and may make all expenditures which the [Council] **district** finds *[necessary or appropriate to carry out such purposes]* **that the acquisitions and expenditures have a close and direct connection to providing clean and safe sanitary sewer service**, either within or without the corporate limits. The [City] **district** may sell or otherwise dispose of any or all by-products or salvage products from this operation. The City also may contract with any other person, public or private, to *[further]* **provide or obtain goods or services that have a close and direct connection to the purification of public waters or protection of the public health through sanitary sewer service.**

Section 11-302 of the Portland City Charter is amended to read:

11-302. For all purposes relating to design, construction, acquisition, operation, maintenance and contract requirements of sewage treatment or purification facilities and related facilities, the [Council] **Portland Public Water District** may fix fees and charges for connection or use or both of sewers and sewage purification or disposal systems to be paid by property which is served or is capable of being served for use of the sewage disposal system. *[Sewer user service charges may be collected by the Water Bureau which shall be compensated for such service as determined by the Council.]* The [City] **district** may establish procedures for collection of fees and charges and may provide for penalties, interest and costs. The [City] **district** may establish

requirements and impose regulations for connection or use of sewers and sewage purification or disposal systems as it finds appropriate. Sewer user service charges shall be paid for all premises connected with [City] district sewers, directly or indirectly, notwithstanding that such premises may have been assessed or may in the future be assessed for construction of sewers under local improvement assessment procedures or may have otherwise paid for sewers.

The [City] district may enter into contracts relating to sewage disposal, treatment or purification [or all such functions] that have a close and direct connection to providing clean and safe sanitary sewer service. The [City] district may impose charges for sewage transportation, disposal, treatment or purification or any or all such functions, on property outside the [City] district served through [City] district facilities, at rates no less than those imposed for similar service inside the [City] district to similar classifications.

Proceeds of such charges shall be placed in the Sewage Disposal Fund, which shall be held by the district, and may be expended for any matter closely and directly connected with the sewer or sewage disposal or treatment system of the City, and bonded debt and debt service related thereto.

Upon the written directions of the Portland Public Water District, the City shall from time to time issue bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system, to be repaid, to the extent permitted or to be permitted by law, solely out of revenues of the district. Such bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system shall be issued by the City in accordance with the procedures established by law and as the City may prescribe by ordinance. The maximum term of any bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the sewer system shall not exceed 30 years. Approval of the Council is not required for bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money to be issued at the direction of the district. Section 11-303 of the Portland City Charter is amended to read:

11-303. The [Council] Portland Public Water District may require any property located within one hundred (100) feet of a right of way in which there is a [City] district sewer to connect to that sewer.

The [Council] district may prohibit discharge of sewage or harmful matter or impurities into any stream or river within the City. This prohibition may extend to any source whatever, including ships, houseboats and water craft of all kinds. These sources may be required to connect to the [City's] district's sewer system when physically possible, or otherwise to construct and use a prescribed sewage or waste disposal system.

To facilitate sewage treatment and protect the [City's] district's sewage facilities, the [City] district may limit the classes or kinds of sewage that may be discharged or may continue to be discharged into public sewers, may prohibit discharge of wastes other than domestic sanitary sewage into public sewers or facilities, and may require private pretreatment before discharge, upon terms fixed by the [City Engineer] district.

Section 11-304 of the Portland City Charter is amended to read:

11-304. This Article shall be construed as granting additional authority, and not in derogation of any authority granted elsewhere in this Charter. This Article shall not affect authority of the **Portland Public Water District** concerning local sewer improvements and the assessment of benefits therefor. The [*Council*] **district** also shall have all authority now or hereafter granted by statute concerning disposal and purification of sewage and waste.

Transfer and Transition

This Charter amendment takes effect June 1, 2014.

The following sections of this Charter amendment and sections amended by this Charter amendment become operative January 1, 2015: 2-15, 9-501, 9-502, 9-503, 9-701, 9-702, 9-704, 9-705, 9-801, 9-802, 9-803, 9-804, 9-805, 9-806, 11-101, 11-102, 11-103, 11-104, 11-105, 11-106, 11-107, 11-301, 11-302, 11-303, 11-304, 16-101, 16-102, and 16-103.

The City may take any action before the operative date specified in this section that is necessary to carry out the provisions of this Charter amendment.

Nothing in this Charter amendment shall be construed in any way to impair the obligations or agreements of the City of Portland with respect to bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water and sewer system prior to adoption of this Charter. The district shall take all actions necessary to ensure full compliance with all indentures, resolutions, declarations, agreements and other documents issued with respect to the bonds, notes, certificates of participation, financing agreements or other agreements for the borrowing of money issued for the water and sewer system prior to adoption of this Charter amendment.

Not later than July 15, 2014, the Council shall divide the district into seven zones as nearly equal in census population as may be practicable, using voting precinct boundaries. If possible, the Council shall establish the zones so that a distinct community of interest or neighborhood is within a zone. In establishing the zones, the Council shall consult with the Population Research Center at Portland State University.

To the extent feasible and consistent with law, the zones established shall be:

- (1) Coextensive with the zones established for the board of Portland Public Schools;
and**
- (2) Designated to avoid having elections for contiguous zones in the same election.**

Notwithstanding sections 3-101 and 3-105 of this Charter, as amended by this 2014 measure:

- (1) All seven positions on the board of the Portland Public Water District shall be filled by election in the 2014 general election without a primary election. The candidate who receives the highest number of votes cast shall be elected.**

- (2) (a) The initial terms of Positions 1, 2, and 3 expire December 31, 2016.
- (b) The initial terms of Positions 4 and 5 expire December 31, 2017.
- (c) The initial terms of Positions 6 and 7 expire December 31, 2018.

On January 1, 2015, the City shall:

- (a) Deliver to the Portland Public Water District all records, property, and funds within the jurisdiction of the City that relate to the duties, functions and powers transferred to and assumed by the district, including but not limited to the systems of accounting for water and sewer service.
- (b) Transfer to the district those employees engaged primarily in the exercise of the duties, functions and powers transferred to and assumed by the district.

The Portland Public Water District shall take possession of the records and property, including funds, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by this section.

The unexpended balances of amounts authorized to be expended by the City for the fiscal year beginning July 1, 2014, from revenues dedicated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by this Charter amendment are transferred to and are available for expenditure by the Portland Public Water District beginning January 1, 2015, for the purpose of administering and enforcing the duties, functions and powers transferred by this Charter amendment.

The transfer of duties, functions and powers to the Portland Public Water District by this Charter amendment does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Portland Public Water District is substituted for the City in the action, proceeding or prosecution.

Nothing in this Charter amendment relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by this Charter amendment. The Portland Public Water District may undertake the collection or enforcement of any such liability, duty or obligation.

The rights and obligations of the City related to the duties, functions, and powers transferred by this Charter amendment and legally incurred under contracts, leases and business transactions executed, entered into or begun before the effective date of this Charter amendment are transferred to the Portland Public Water District. For the purpose of succession to these rights and obligations, the district is a continuation of the City for and is not a new authority.

Notwithstanding the transfer of duties, functions and powers by this Charter amendment, the ordinances and resolutions of the City in effect on the effective date of this Charter

amendment that relate to a duty, function of power transferred by this Charter amendment continue in effect until superseded or repealed by ordinances and resolutions of the Portland Public Water District.

References in ordinances and resolutions of the City, or to an officer or employee of the City, related to the powers and obligations transferred by this Charter amendment are considered to be references to the Portland Public Water District or to an officer or employee of the district.

Whenever, in any ordinance or resolution of the City or in any rule, document, contract, record or proceeding authorized by the City, reference is made to the Water Bureau or an officer or employee of the Water Bureau, the reference is considered to be a reference to the Portland Public Water District or an officer or employee of the district.

Whenever, in any ordinance or resolution of the City or in any rule, document, contract, record or proceeding authorized by the City, reference is made to the Bureau of Environmental Services related to sewers and sewage purification or disposal systems or an officer or employee of the Bureau related to sewers and sewage purification or disposal systems, the reference is considered to be a reference to the Portland Public Water District or an officer or employee of the district.

Petition ID PDX 1

BALLOT TITLE

CAPTION: Amends Charter. Prohibits adding certain chemicals, substances to drinking water.

QUESTION: Shall Portland be prohibited from adding certain chemicals, other substances to drinking water except when intended to make water potable?

SUMMARY: The quality of City drinking water is currently subject to state and federal standards. These standards do not expressly prohibit addition of industrial or manufacturing by-products. This measure adds a provision to the City Charter prohibiting the City or its agents from adding by-products of any industrial or manufacturing process to the City's drinking water. The measure would prohibit addition of fluoride that is an industrial or manufacturing by-product. The measure also prohibits the City or its agents from adding any chemical or other substance that could cause the City's drinking water to exceed the United States Environmental Protection Agency's Maximum Contaminant Level Goals. The EPA's Goals are more restrictive than current state and federal standards the City must meet. The measure would not prohibit the addition of substances intended to make water potable. The measure forbids the City to exercise any prior grant of authority under the City Charter to the extent such authority would permit the City to add chemicals or substances in any way the measure prohibits.

TEXT OF INITIATIVE

The Clean Drinking Water Measure shall be added as Article 4 to Chapter 12 of the City of Portland's City Charter and read:

Portland Clean Drinking Water Measure

(1) To protect the purity and quality of the City of Portland's drinking water, the City or any agent of the City, shall not add any chemical or other substance to the City's drinking water that is a by-product of any industrial or manufacturing process, or that could cause the City's drinking water to exceed the United States Environmental Protection Agency's Maximum Contaminant Level Goals.

(2) This prohibition does not apply to the addition of substances intended to make drinking water potable.

(3) To the extent this measure removes or affects any prior grant of authority under the City Charter, that permitted the addition of chemicals or substances described in Section 1, the City is specifically forbidden from exercising such authority in a manner contrary to Section 1.

(4) If any provision of this measure is found to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining prohibitions.

Chief Petitioners:

Kimberly Kaminski
4732 NE Mason Street
Portland, OR 97218

Roger Burt
4035 NE Hazelfern Place
Portland, OR 97232

INSTRUCTIONS FOR CIRCULATORS

- Only active registered voters of the county, city or district may sign a petition.
- It is advisable to have signers use a pen for signing petitions or for certifying petitions.
- Only one circulator may collect signatures on any one sheet of a petition.
- Each circulator must personally witness all signatures the circulator collects.
- Circulators shall not cause to be circulated a petition knowing it to contain a false signature.
- Circulators shall not knowingly make any false statement to any person who signs it or requests information about it.
- Circulators shall not attempt to obtain the signature of a person knowing that the person is not qualified to sign it.
- Circulators shall not offer money or anything of value to another person to sign or not sign a petition.
- Circulators shall not sell or offer to sell signature sheets.
- Circulators shall not write, alter, correct, clarify or obscure any information about the signers unless the signer is disabled and requests assistance or the signer initials after the changes are made.
- Circulators shall not accept compensation to circulate a petition that is base on the number of signatures obtained.

WARNING! Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to five years.

INSTRUCTIONS FOR SIGNERS

- Only active registered voters of the county, city or district may sign a petition. Sign your full name, as you did when you registered to vote.
- Please fill in the date on which you signed the petition, your printed name and your residence address in the spaces provided. Only signers may complete their optional information.
- Initial any changes that you or the circulator makes to your printed name, residence address or date on which you signed the petition.
- It is advisable to use a pen for signing petitions.
- It is unlawful to sign any person's name other than your own. Do not sign another person's name under any circumstances.
- It is unlawful to sign a petition more than once.
- It is unlawful for a person to knowingly sign a petition when the person is not qualified to sign it.

Petition for Local Initiative Referendum Measure Signature Sheet

Petition ID PDX 01

1 Some circulators for this petition are being paid. It is unlawful to sign a petition more than one time. This petition is intended for the ballot on: MAY 26, 2014
This is a local petition. Signers of this page must be active registered voters of the jurisdiction at the time of signing.

To the County Election Filing Officer/City Recorder (Auditor), County/City District of: CITY OF PORTLAND
We, the undersigned voters, request this measure to be submitted to the residents of the county/city/district for their approval or rejection. A full and correct copy of this measure was made available for review and I have not previously signed a petition sheet for this measure.

Insert Caption of Ballot Title or Number of Ordinance/Resolution and Date Adopted
AMENDS CHARTER. PROHIBITS ADDING CERTAIN CHEMICALS, SUBSTANCES TO DRINKING WATER

→ Signers must initial any changes that they or the circulator makes to their printed name, residence address or date they signed the petition.
Signature _____ Date Signed mm/dd/yy _____ Print Name _____ Residence Address street, city, zip code _____

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____
- 6 _____
- 7 _____
- 8 _____
- 9 _____
- 10 _____

Circulator Certification This certification must be signed by the circulator!

You should not collect any additional signatures on this sheet once you have signed and dated the certification!
I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and I believe each person is a qualified voter in the county/city/district. (ORS 250.165, 250.265, 255.135, 193.750, 221.031) I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature _____ Date Signed mm/dd/yy _____

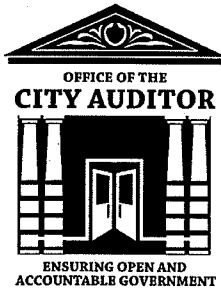
Printed Name of Circulator _____ Circulator's Address street, city, zip code _____

County Elections Official Certification
I hereby certify _____ signatures on this petition are those of active registered voters in _____ County/City/District of Oregon.

Signature of County Elections Official _____ Date Certified mm/dd/yy _____

SEL 373 Rev. 7/12 ORS 193.250, 221.031, 250.165, 250.265

Sheet Number _____



CITY OF PORTLAND

Office of City Auditor

Elections Division
1221 S.W. 4th Avenue, Room 140, Portland, Oregon 97204
phone: (503) 823-3546



Date: January 17th, 2013

To: Kimberly Kaminski VIA U.S. POST, EMAIL
4732 NE Mason St.
Portland, Oregon 97218

Roger Burt VIA U.S. POST, EMAIL
4035 NE Hazelfern Place
Portland, Oregon 97232

From: Deborah Scroggin, City Elections Officer

Re: Signature and Cover Sheet (SEL 373) - PDX 01


The Elections Division has reviewed the cover and signature sheet, form SEL 373 received by the office on January 17th, 2013 for the Initiative Petition ID PDX 1 "Amends Charter. Prohibits adding certain chemicals, substances to drinking water." The petition was initially submitted on August 22, 2012. The Elections Division finds both sheets complete and correct for circulation. Please find the attached copies of your approved signature and cover sheets as well as a certification that your petition has been approved for circulation.

The Elections Division has approved the petition for circulation on white, 8 1/2" x 11", 20 pound weight, uncoated paper with cover and signature sheets back to back. Any variations of the cover and signature sheets must be approved in writing by the Elections Division prior to circulation.

Before circulating the petition, please review the "Guidelines for Circulating Petitions" and "Certification of Signature Sheets" from the 2012 County, City and District Initiative and Referendum Manual which you have received. It is your responsibility as Chief Petitioners to instruct circulators on the guidelines for circulating a petition and to monitor their activities. Each circulator must have a copy of the measure text available for review by petition signers.

The number of valid signatures required to place this initiative on the Primary ballot of May 20th, 2014 is 29,786. These signatures must be filed at the Elections Division of the City of Portland no later than 5:00 p.m., January 17th, 2014 (4 months prior to election date) for the May 20th, 2014 Primary Election.

Please let me know if you have any questions.


Deborah Scroggin
City Elections Officer

ATTACHED:

Certified Signature and Cover Sheet for Initiative Petition ID PDX 1
Certification of Signature and Cover Sheet for Initiative Petition ID PDX 1

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY
MULTNOMAH COUNTY COURTHOUSE
1021 SW FOURTH PORTLAND OREGON 97204

November 20, 2012

LINLY F REES
Attorney at Law
1221 SW 4TH AVENUE RM 430
PORTLAND OR 97204

Bar#: 94509

Rader Mel/Van Dyke James H
Case#: 120911646 C Civil Other

NOTICE OF ENTRY OF JUDGMENT

A General Judgment was entered in the register of the court in the above-noted case on November 19, 2012. This judgment does not create a judgment lien.

This notice is sent in accordance with ORS 18.078.

Client(s) of Addressee:
DYKE JAMES H VAN

CC:
JEREMY D SACKS
THANE W TIENSON

1 IT IS HEREBY ADJUDGED that the following ballot title regarding Prospective
2 Initiative Petition ID PDX 1 is hereby certified to the elections officer for the City of
3 Portland:

4 CAPTION

5 Amends Charter: Prohibits adding certain chemicals,
6 substances to drinking water.

7 QUESTION

8 Shall Portland be prohibited from adding certain chemicals,
9 other substances to drinking water except when intended to
10 make water potable?

11 SUMMARY

12 The quality of City drinking water is currently subject to state
13 and federal standards. These standards do not expressly
14 prohibit addition of industrial or manufacturing by-products.
15 This measure adds a provision to the City Charter prohibiting
16 the City or its agents from adding by-products of any industrial
17 or manufacturing process to the City's drinking water. The
18 measure would prohibit addition of fluoride that is an industrial
19 or manufacturing by-product.

20 The measure also prohibits the City or its agents from adding
21 any chemical or other substance that could cause the City's
22 drinking water to exceed the United States Environmental
23 Protection Agency's Maximum Contaminant Level Goals. The
24 EPA's Goals are more restrictive than current state and federal
25 standards the City must meet.

26 The measure would not prohibit the addition of substances
intended to make water potable.

This measure forbids the City to exercise any prior grant of
authority under the City Charter to the extent such authority
would permit the City to add chemicals or substances in any
way the measure prohibits.

23 IT IS FURTHER ADJUDGED that no costs or disbursements or attorneys' fees will
24 be assessed against any party.

25 ////

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CERTIFICATE OF COMPLIANCE WITH UTCR 5.100

I hereby certify that in accordance with UTCR 5.100(c), a copy of the foregoing GENERAL JUDGMENT was sent to attorneys for Petitioner and Respondent-Intervenor, as outlined below, on November 6, 2012, a date which is not less than three days prior to submission of the GENERAL JUDGMENT to the Court.

CERTIFICATE OF SERVICE

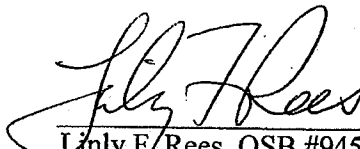
I hereby certify that I served the foregoing GENERAL JUDGMENT on:

Jeremy D. Sacks
Crystal S. Chase
Stoel Rives LLP (Portland)
900 SW 5th Avenue
Suite 2600
Portland OR 97204
Of Attorneys for Petitioner

Thane W. Tienson
Landye Bennett Blumstein LLP
1300 SW Fifth Avenue Suite 3500
Portland OR 97201
Of Attorneys for Respondent-Intervenor Kaminski

on November 6, 2012, by causing a full, true and correct copy thereof, addressed to the last-known address (or fax number) of said petitioners, to be sent by the following method(s):

- by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal Service in Portland, Oregon.
- by **hand delivery**.
- by **email**.
- by **facsimile transmission**.



 Linly E. Rees, OSB #945098
 Sr. Deputy City Attorney
 Email: linly.rees@portlandoregon.gov
 Fax: (503) 823-3089
 Of Attorneys for Respondent

City of Portland Clean Drinking Water Measure

The Clean Drinking Water Measure shall be added as Article 4 to Chapter 12 of the City of Portland's City Charter and read:

Portland Clean Drinking Water Measure

(1) To protect the purity and quality of the City of Portland's drinking water, the City or any agent of the City, shall not add any chemical or other substance to the City's drinking water that is a by-product of any industrial or manufacturing process, or that could cause the City's drinking water to exceed the United States Environmental Protection Agency's Maximum Contaminant Level Goals.

(2) This prohibition does not apply to the addition of substances intended to make drinking water potable.

(3) To the extent this measure removes or affects any prior grant of authority under the City Charter, that permitted the addition of chemicals or substances described in Section 1, the City is specifically forbidden from exercising such authority in a manner contrary to Section 1.

(4) If any provision of this measure is found to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining prohibitions.

NOTICE OF RECEIPT OF BALLOT TITLE

Notice is hereby given that a ballot title for an initiative petition has been filed with the Elections Office of the City of Portland on September 6, 2012.

The ballot title is as follows:

CAPTION:

Amends Charter: Prohibits certain chemicals and substances in drinking water. (10)

QUESTION:

Shall Portland be prohibited from adding certain chemicals, other substances to drinking water except when intended to make water potable? (20)

SUMMARY:

The quality of City drinking water is currently subject to state and federal standards. These standards do not expressly prohibit addition of industrial or manufacturing by-products. This measure adds a provision to the City Charter prohibiting the City or its agents from adding by-products of any industrial or manufacturing process to the City's drinking water. The measure would prohibit addition of fluoride that is an industrial or manufacturing by-product.

The measure also prohibits the City or its agents from adding any chemical or other substance that could cause the City's drinking water to exceed the United States Environmental Protection Agency's Maximum Contaminant Level Goals. The EPA's Goals are more restrictive than current state and federal standards the City must meet.

The measure would not prohibit the addition of substances intended to make water potable.

This measure forbids the City to exercise any prior grant of authority under the City Charter to the extent such authority would permit the City to add chemicals or substances in any way the measure prohibits. (170)

The City Auditor has determined this measure meets the single-subject requirements of Article IV, Sect 1 of the Oregon Constitution. 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 Monday, September 17, 2012.

LAVONNE GRIFFIN-VALADE
Portland City Auditor

Withdrawal of Initiative or Referendum Petition

SEL 375

rev 1/12 ORS 250.029

NOV15'13 12:29PM

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 AMENDS

Date Prospective Petition Filed

CHARTER PROHIBIT ADDING CERTAIN CHEMICALS 8-22-12
SUBSTANCES TO DRINKING WATER.

Petition ID if applicable

Election ID if applicable

PDX 1

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

Kimberly Kaminski [Signature] 11.14.2013
Chief Petitioner Name print Signature Date Signed

ROGER BURT [Signature] 11-14-2013
Chief Petitioner Name print Signature Date Signed

1 _____
Chief Petitioner Name print Signature Date Signed

For Office Use Only

Initials

Petition ID

Receipt Number