

# Auditor Simone Rede

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## Measures & Initiatives 2000 to 2010

Election Date	Subject	Results	
11/7/2000	Exempt Bureau Directors From Civil Service ( <a href="http://www.portlandoregon.gov/auditor/27249?a=5090">http://www.portlandoregon.gov/auditor/27249?a=5090</a> )  Amend Charter Section 4-101 - Measure Referred to Voters by Council	Yes	111,560
		No	77,940
11/7/2000	Changes Police Fire Disability Retirement Board Composition ( <a href="http://www.portlandoregon.gov/auditor/27249?a=5091">http://www.portlandoregon.gov/auditor/27249?a=5091</a> )  Amends Charter Chapter 5 - Measure Referred to Voters by Council	Yes	148,494
		No	51,584
11/7/2000	Prohibits Disability Payments to Incarcerated Beneficiaries After Conviction ( <a href="http://www.portlandoregon.gov/auditor/27249?a=5092">http://www.portlandoregon.gov/auditor/27249?a=5092</a> )  Amends Charter Chapter 5 - Measure Referred to Voters by Council	Yes	170,634
		No	42,603
05/21/2002	Five year levy to restore park services, repairs, recreation programs ( <a href="http://www.portlandoregon.gov/auditor/27249?a=5093">http://www.portlandoregon.gov/auditor/27249?a=5093</a> )  Measure Referred to Voters by Council	Yes*	90,679
		No	38,823
	*Per Article 11, Section 11 (8) of the Oregon Constitution, measure is not authorized due to less than 50 percent turnout. (See <a href="http://www.portlandoregon.gov/auditor/27137?a=5116">voter turnout</a> ( <a href="http://www.portlandoregon.gov/auditor/27137?a=5116">http://www.portlandoregon.gov/auditor/27137?a=5116</a> )figures)		
05/21/2002	Amends Charter: Change form of City Government ( <a href="http://www.portlandoregon.gov/auditor/27249?a=5117">http://www.portlandoregon.gov/auditor/27249?a=5117</a> )  Proposed by Initiative Petition	Yes	29,730
		No	94,179

11/05/2002	5 Year Levy for Children's Investment Fund ( <a href="http://www.portlandoregon.gov/auditor/27249?a=5119">http://www.portlandoregon.gov/auditor/27249?a=5119</a> )	Yes	106,604
		No	89,380
Measure Referred to Voters by Council			
11/05/2002	Five-year levy to restore park services, repairs, recreation programs. ( <a href="http://www.portlandoregon.gov/auditor/27249?a=5120">http://www.portlandoregon.gov/auditor/27249?a=5120</a> )	Yes	127,306
		No	67,562
Measure Referred to Voters by Council			
5/18/2004	Amends Charter: Candidates Receiving Majority Vote at Primary are Elected ( <a href="http://www.portlandoregon.gov/auditor/30976?a=39697">http://www.portlandoregon.gov/auditor/30976?a=39697</a> )	Yes	75,770
		No	48,183
Measure Referred to Voters by Council			
11/7/2006	Amends Charter: Changes Fire and Police Disability and Retirement System ( <a href="http://www.portlandoregon.gov/auditor/article/74173">http://www.portlandoregon.gov/auditor/article/74173</a> )	Yes	160,889
		No	36,254
Measure Referred to Voters by Council			
5/15/2007	Amends Charter: Requires City to periodically review Charter ( <a href="http://www.portlandoregon.gov/auditor/44159">http://www.portlandoregon.gov/auditor/44159</a> ).	Yes	57,622
		No	18,417
Measure Referred to Voters by Council			
5/15/2007	Amends Charter: Updates and clarifies civil service provisions ( <a href="http://www.portlandoregon.gov/auditor/44160">http://www.portlandoregon.gov/auditor/44160</a> )	Yes	41,332
		No	35,593
Measure Referred to Voters by Council			

5/15/2007	Amends Charter: Changes form of City Government. <a href="http://www.portlandoregon.gov/auditor/44161">http://www.portlandoregon.gov/auditor/44161</a>	Yes	19,002
	Measure Referred to Voters by Council	No	60,714
5/15/2007	Amends Charter: Defines mission, increases oversight of PortlandDevelopment Commission. <a href="http://www.portlandoregon.gov/auditor/44162">http://www.portlandoregon.gov/auditor/44162</a>	Yes	41,790
	Measure Referred to Voters by Council	No	37,063
11/6/2007	Amends Charter: Changes Fire and Police Disability members' medical benefits. <a href="http://www.portlandoregon.gov/auditor/45203">http://www.portlandoregon.gov/auditor/45203</a>	Yes	123,123
	Measure Referred to Voters by Council	No	46,187
11/4/2008	Renew five-year levy for Children's Investment Fund <a href="http://www.portlandoregon.gov/auditor/article/185988">http://www.portlandoregon.gov/auditor/article/185988</a>	Yes	203,616
	Measure Referred to Voters by Council	No	77,384
11/2/2010	Continues City public campaign financing for Mayoral, Commissioner, Auditor candidates <a href="http://www.portlandoregon.gov/auditor/article/302430">http://www.portlandoregon.gov/auditor/article/302430</a>	Yes	104,408
	Measure Referred to Voters by Council	No	106,008
11/2/2010	General obligation bonds for fire vehicles and emergency response infrastructure <a href="http://www.portlandoregon.gov/auditor/article/302430">http://www.portlandoregon.gov/auditor/article/302430</a>	Yes	107,453
	Measure Referred to Voters by Council	No	101,813

## 2000 Bureau Directors

*On May 3, 2000, the Portland City Council passed and referred the following measure to be decided by voters at the municipal General Election on November 7, 2000.*

### **BALLOT TITLE:**

CAPTION: Amends City Charter; Exempts Bureau Directors From Civil Service

QUESTION: Shall the Charter be amended to exempt from classified civil services City bureau directors appointed after December 31, 2000?

SUMMARY: Section 4-101 of the City Charter places City employees under a civil service system. There are certain exceptions, however. "All officers chosen by popular election or by appointment by the Council, the members of all boards and commissions, the deputies of the City Attorney, the City Engineer, the Superintendent and Chief Engineer of the Bureau of Water Works, the Secretary of the Civil Service Board and of the Auditor, the Chief Deputy City Auditor, the secretary and administrative staff of each Council member, and the Chief of Police." This measure adds to the list of exempted personnel all bureau directors appointed after December 31, 2000. Employees exempted from civil service are not subject to civil service requirements for selection and dismissal. Exempt employees are appointed and serve at the pleasure of the appointing authority designated by the Charter or City Code. The appointing authority is either the Council, a Council member, or the Auditor.

### **CHARTER AMENDMENT:**

#### ***Section 4-101***

All appointments to and promotions in the subordinate administrative service of the City shall be made solely according to fitness, which shall be ascertained by open competitive examination, and merit and fidelity in service, provided for in this Chapter.

The provisions of this Chapter shall apply to the incumbents of all offices, places and employments in the public service of the City except the following: all officers chosen by popular election or by appointment by the Council, the members of all boards and commissions, the deputies of the City Attorney, the City Engineer, the Superintendent and Chief Engineer of the Bureau of Water Works, the Secretary of the Civil Service Board and of the Auditor, the Chief Deputy City Auditor, the secretary and administrative staff of each Council member, *[and]* the Chief of Police, **and all bureau directors hired after December 31, 2000**. The Mayor shall appoint a Chief of Police, who shall have had ten (10) years of active police service. The Chief of Police shall be subject to removal by the Mayor.

*(New language in bold, deleted language italicized and in brackets.)*

## 2000 FPDR

*On July 19, 2000, the Portland City Council passed and referred the following measure to be decided by voters at the municipal General Election on November 7, 2000.*

### **BALLOT TITLE:**

CAPTION: Amends Charter; Changes Police Fire Disability and Retirement Board Composition.

QUESTION: Shall the composition of disability and Retirement Board be changed to add three citizen positions and delete three beneficiary positions?

SUMMARY: Section 5-201 (a) of the City Charter defines the composition of the Board of Trustees for the Fire and Police Disability and Retirement Fund. The Board is composed of eleven members: the Mayor, the City Auditor, the City Treasurer, the Police Chief, the Fire Chief, three active members from the Fire Bureau and three active members from the Police Bureau. This measure would change the composition of the FPD&R Board while maintaining the current size of the Board. Three citizen members would be added. The two positions held by the Police Chief and Fire Chief would be combined into one position they would share on a rotating basis. The active members elected from the Police Bureau would be reduced from three to two and the active members elected from the Fire Bureau would be reduced from three to two. The citizen members would be appointed thus: the Mayor to appoint one member; the elected members from the Police and Fire Bureaus to appoint one member; and the members of the FPD&R Board to appoint one member.

#### **PROPOSED CHARTER LANGUAGE:**

Charter of the City of Portland, Oregon

#### CHAPTER 5 FIRE AND POLICE DISABILITY, RETIREMENT AND DEATH BENEFIT PLAN

##### Section 5-201. BOARD OF TRUSTEES.

(a) Composition. This Chapter shall be administered by a Board of Trustees, which also shall supervise and control the Fire and Police Disability and Retirement Fund and the Reserve Fund. The Board of Trustees shall be composed of eleven members who shall be the following: The Mayor (who shall act as Chairperson); the City Treasurer (who shall act as Treasurer); the City Auditor (who shall act as Secretary); **one position to be shared by** the Chief Engineer of the Bureau of Fire (Chief of the Bureau of Fire) [;] **and** the Chief of Police **on a rotating basis as established by rule**; [and three] **two** Active Members serving in the Bureau of Fire, to be elected to the Board by all Active Members in the Bureau of Fire; [three] **two** Active Members serving in the Bureau of Police, to be elected to the Board by all Active Members in the Bureau of Police **and three citizens of the City of Portland who are not active or past members of the Fire and Police Disability and Retirement Fund and have not been employed as a City of Portland firefighter or police officer. One citizen who shall not be a member of any public pension fund shall be nominated by the Mayor and appointed by the Council, one citizen shall be appointed by the elected Board members of the Bureau of Police and the Bureau of Fire, and one citizen shall be appointed by a majority of the members of the Board.** In the absence of the Mayor, the City Treasurer and/or City Auditor, the following persons shall be entitled to be substituted on the Board of Trustees to all intents and purposes as if the named officer were present: Whoever is empowered to act in such officer's absence in the respective office; or whoever is designated from such office to serve regularly on the Board in such officer's place; or any Council member designated by the Mayor to serve for the Mayor. In the absence of the Mayor, whoever is empowered to serve for the Mayor shall serve as Chairperson Pro Tempore. All members of the Board **shall receive orientation to the Board and** serve without compensation. References in this Chapter to the "Board" shall mean the Board of Trustees created by this Section.

(b) Election of Board Members. Elections shall be under the supervision of the City Auditor and shall be held in the month of June, at which election one Active Member from the Bureau of Fire and one Active Member from the Bureau of Police shall be elected to the Board for three-year terms to succeed the members whose terms expire the month following the time of said election. Members so elected in June shall take office the following July. Similar elections for unexpired terms shall be held to fill other vacancies within thirty days after they occur. Elections shall be held in a manner prescribed by the rules and regulations adopted by the Board, which must be in writing and filed with the Secretary of the Board. A Board member who ceases to be an Active Member may complete the remainder of the Board member's term. The Board shall keep a record of all of its proceedings and hold regular meetings each month, at a time to be set by the Board. Seven members shall constitute a quorum at any and all meetings of the Board and the affirmative vote of a majority of a quorum shall constitute an action of the Board.

**(c) Appointment of Board Members.** The appointments of the three citizen members shall be as follows: for the Council's appointment, an initial one year term and every three years thereafter; for the elected Board members of the Bureau of Fire and Police appointment, an initial two year term and every three years thereafter; for the Board's appointment, an initial three year term and every three years thereafter. The appointments shall be made in the month of June, at which time citizen members shall be appointed to succeed the member whose term expires in the month following the time of said election. Members appointed in June shall take office the following July. Appointments for unexpired terms shall be made to fill vacancies within thirty days after they occur. The Board may set rules for attendance and any member may be removed by the Board for failure to abide by the attendance rules of the Board.

~~[(c)]~~ **(d) Rehabilitation Subcommittee.** The Board shall have a Rehabilitation Subcommittee consisting of ~~[four]~~ **five** Board members: the Mayor, or the person serving on the Board in place of the Mayor; the City Treasurer, or the person serving on the Board in place of the City Treasurer; one of the Members elected from the Bureau of Fire; and one of the Members elected from the Bureau of Police **and one citizen member.** ~~[Such elected]~~ **The elected and citizen** ~~[M]~~ members shall be chosen by the Board. The Rehabilitation Subcommittee shall oversee the vocational rehabilitation of disabled Members and determine whether such Members are capable of other employment. The Rehabilitation Subcommittee may, by a majority vote of its members, exercise the authority of the Board to suspend or reduce benefits under Paragraph 5-306(c)5 or Subsection 5-307(b). Any Member adversely affected by a decision of the Rehabilitation Subcommittee to reduce or suspend benefits has the right of appeal to the full Board.

**(e) Indemnity.** The members of the Board and the Fund Administrator appointed under Subsection 5-202(b) shall be indemnified by the Fund from any claim or liability, including the cost of legal defense by counsel approved by the City Attorney, that arises from any action or inaction in connection with their functions under this Chapter subject to the following: 1. Coverage shall be limited to actions taken in good faith that the person reasonably believed were not opposed to the best interest of the Fund. 2. Coverage shall be reduced by the extent of any insurance coverage.

#### Section 5-401. Amendment of Chapter.

**(a) Effective Date.** Chapter 5 shall be amended and restated as set forth in Articles 1 through 3 above and this Article 4, effective July 1, 1990. These amended provisions shall apply to all persons who become Members, and to the surviving spouses and Dependent Minor Children of such Members, after the date they are enacted. These amended provisions also shall apply to all other Members, and to the surviving spouses and Dependent Minor Children of such Members, except as provided in Subsections (b) and (c).

**(b) Persons Receiving Benefits.** The benefit rights of Members, Surviving Spouses and Dependent Minor Children actively receiving pensions or benefits on January 1, 1990 shall be controlled by Sections 5-113 through 5-123 and 5-126, set out in Article 5 of this Chapter, and by the Supplementary Retirement Program described in Subsection (d), instead of by Article 3, except as follows:

1. Death benefits payable to a spouse shall continue to be paid regardless of whether the spouse remarries.

2. The Surviving Spouse of a Member who dies after June 30, 1990 and after retirement and who has been married to the Member continuously for the 12-month period prior to death shall receive the death benefit provided by Section 5-118 regardless of not having 5 continuous years of marriage before retirement.

3. The Surviving Spouse of a Member who had a nonservice-connected disability, retired and then dies after June 30, 1990 shall receive the death benefit provided by Section 5-118 if the Member had 10 or more Years of Service.

4. The Board may permit a Member receiving disability benefits on January 1, 1990 to make the election described in Subsection (c) at the same time as other Members if the Member's disability is expected to be of less than one year in duration.

5. A Member receiving disability benefits on January 1, 1990 who was not permitted an election under Paragraph 4, who subsequently returns to service as an Active Member in the Bureau of Fire or Police capable of performing full duty without limitation and who earns two more Years of Service under Subsection 5-302(a) shall be given the opportunity, upon completing such two Years of Service, to make the election described in Subsection (c). Upon making such election, the Member shall receive a refund of the Member contributions paid during such two Years of Service.

(c) Election. The provisions of Article 3 shall apply to persons who became Members before the date of enactment and who are not described in Subsection (b) only if such Members make an irrevocable election to have them apply. The election shall be made on forms and under procedures established by the Board. Benefits for a Member who makes the election, and for the Surviving Spouse and Dependent Minor Children of such a Member, shall be determined under Article 3 and not Article 5. Benefits for a Member who does not make the election, and for the Surviving Spouse and Dependent Minor Children of such a Member, shall be determined under Article 5, as modified by Subsection (b), and by the Supplementary Retirement Program described in Subsection (d), and not under Article 3. A Member who retires between January 1, 1990 and June 30, 1990 shall choose at retirement the level of death benefit after retirement under Section 5-310, which shall apply starting July 1, 1990 unless the Member does not make the election described in this Subsection. A Member who makes the election and starts receiving retirement or disability benefits between January 1, 1990 and June 30, 1990 shall start receiving benefits determined under Article 3 effective July 1, 1990.

(d) Supplementary Retirement Program. The benefits provided by the Supplementary Retirement Program created by Ordinance No. 136977, and amended by Ordinance No. 152182, of the City of Portland shall be paid from the Fund pursuant to this Chapter effective July 1, 1990 to:

1. Persons described in Subsection (b); and

2. Members described in Subsection (c) who do not make the election provided therein, and the Surviving Spouses and Dependent Minor Children of such Members.

(e) Repeal of Prior Sections. Except for the continued applicability of Sections 5-113 through 5-123 and 5-126 as provided in Subsections (b) and (c), the provisions of this Chapter as previously in effect are repealed and superseded.

(f) Continuity of Board. Notwithstanding anything expressed or implied in the amendments to this Chapter enacted in 1989, the members of the Board duly elected and serving as such immediately prior to the effective date of such amendments shall continue after the effective date of such amendments to serve as members of the Board for the remainder of the term for which they were elected.

**(g). Notwithstanding any other provision of law or this Chapter, Chapter 5 shall be amended and restated as set forth above in Articles 2 and 3 and this Article 4, effective July 1, 2001, and said amendments shall apply to all matters existing or arising on or after July 1, 2001 regardless of the date of injury or the date the matter is presented, and this amendment is intended to be fully retroactive so as to apply to all Members whenever sworn, except that the amendments shall not apply to any matter which has received Board approval on or before the date these amendments are approved by the voters.**

**(New language in bold, deleted language italicized and in brackets.)**

## 2000 FPDR Disability

*On July 19, 2000, the Portland City Council passed and referred the following measure to be decided by voters at the municipal General Election on November 7, 2000.*

### **BALLOT TITLE:**

CAPTION: Amends Charter; Prohibits disability payments to incarcerated beneficiaries after conviction.

QUESTION: Shall Fire Police Disability and Retirement Board be prohibited from making disability payments to incarcerated members convicted of a crime?

SUMMARY: Section 5-306 (c) of the City Charter places limits on the amount of disability benefits to members of the Fire and Police Disability and Retirement Fund may receive. This measure would add to Section 5-306 (c). It would prohibit the payment of disability benefits to any member while incarcerated after conviction of a crime. The member's spouse would receive 50% of the disability payment while the member was incarcerated, unless the spouse was also incarcerated. Minor children would receive 50% of the disability payment if there was no spouse or spouse was incarcerated.

### **PROPOSED CHARTER LANGUAGE:**

Charter of the City of Portland, Oregon

#### CHAPTER 5 FIRE AND POLICE DISABILITY, RETIREMENT AND DEATH BENEFIT PLAN

Section 5-306. Service-Connected and Occupational Disability Benefits.

(a) Eligibility for Service-Connected Disability Benefit. An Active Member shall be eligible for the service-connected disability benefit when unable to perform the Member's required duties because of an injury or illness arising out of and in the course of the Member's employment in the Bureau of Police or Fire. The Board shall determine the existence of a disability and whether it arises out of and in the course of such employment. A Member shall not be eligible for the service- connected disability benefit based on an injury suffered in assaults or combats which are not connected to the job



assignment and which amount to a deviation from customary duties or incurred while engaging in, or as the result of engaging in, any recreational or social activities solely for the Member's personal pleasure. A Member shall not be eligible for the service-connected disability benefit on the basis of a condition of stress or mental disorder unless:

1. The employment conditions producing the stress or mental disorder exist in a real and objective sense;
2. The employment conditions producing the stress or mental disorder are conditions other than conditions generally inherent in police or fire employment or reasonable disciplinary, corrective, or job performance evaluation actions by the employer, or cessation of employment;
3. There is a diagnosis of a mental or emotional disorder which is generally recognized in the medical or psychological community;
4. There is clear and convincing evidence that the stress or mental disorder arose out of and in the course of employment as an Active Member; and
5. The Member's employment conditions are the primary cause of the stress or mental disorder.

(b) Eligibility for Occupational Disability Benefit. An Active Member shall be eligible for the occupational disability benefit when unable to perform the Member's required duties because of heart disease, hernia of abdominal cavity or diaphragm, AIDS, AIDS-related complex, tuberculosis, hepatitis B, or pneumonia (except terminal pneumonia). A Member shall not be eligible for an occupational disability benefit because of heart disease unless the Member has five or more Years of Service when the disability arises. The Board shall deny an occupational disability benefit if it determines, by a preponderance of the evidence, that the disability was not contracted as a result of service as a police officer or fire fighter. No Member shall be eligible to receive a benefit for an occupational disability incurred while receiving benefits under Section 5-307, unless such occupational disability is incurred within two years after such Member had commenced and continued to receive benefits under Section 5-307, or unless such occupational disability is a recurrence of an occupational disability which became disabling and was compensated for under this Section.

(c) Amount of Benefits. During the period the Member continues to be eligible under Subsection (a) or (b) benefits shall be paid as follows:

1. During the first year from the date of disability, the Member shall be paid 75 percent of the Member's rate of Base Pay in effect at disability, reduced by 50 percent of any wages earned in other employment during the period the benefit is payable.
2. The Member shall continue to be paid the benefit described in Paragraph 1 after one year from the date of disability until the earliest date on which the Member is both medically stationary and capable of Substantial Gainful Activity. If not medically stationary sooner, the Member shall be treated as medically stationary for purposes of this Section on the fourth anniversary of the date of disability, regardless of the Member's condition. The Member is capable of Substantial Gainful Activity if qualified, physically and by education and experience, to pursue employment with earnings equal to or exceeding one-third of the Member's rate of Base Pay at disability.

3. After the date described in Paragraph 2, the Member shall be paid 50 percent of the Member's rate of Base Pay at disability, reduced by 25 percent of any wages earned in other employment during the same period.

4. The minimum benefit shall be 25 percent of the Member's rate of Base Pay, regardless of the amount of wages earned in other employment.

5. The Board may suspend or reduce the benefit if the Member does not cooperate in treatment of the disability or in vocational rehabilitation or does not pursue other employment.

**6. Notwithstanding any other provision of the Chapter or the City Charter, a disabled Member receiving or eligible to receive Service-Connected and Occupational Disability Benefits under Section 5-306, or Non-Service Connected Disability Benefits under Section 5-307, shall not receive any such benefit for periods of time during which the Member is incarcerated subsequent to and for the conviction of a crime. One-half of such benefit, however, shall be payable to the Member's spouse, if not incarcerated, or Member's minor children, during such periods of incarceration.**

(d) Form of Benefits. The service-connected and occupational disability benefits shall be paid bi-weekly during the first year from the date of disability and paid monthly thereafter. The benefits shall be adjusted to reflect changes in the rate of Base Pay of the position held by the Member at disability. The benefits shall cease when the Member reaches Disability Retirement Age under Subsection 5-304(a).

(e) Medical and Hospital Expenses. In addition to the benefits described above, a Member with a service-connected or occupational injury or illness shall be reimbursed from the Fund for reasonable medical and hospital expenses arising from the injury or illness, as determined by the Board. Such reimbursement shall be allowed for expenses incurred while serving as an Active Member, while the Member's disability benefits under this Section continue and, if the Member continues to receive such benefits until Disability Retirement Age, while retirement benefits under Section 5-304 continue to the Member. The Board may limit reimbursement to particular medical and hospital service providers with which it has made fee arrangements and may join in the purchase of services and administration of claims for other employees of the City of Portland.

(f) Waiver of Other Remedies. By applying for and accepting service-connected or occupational disability benefits, a Member waives any right to recover any other compensation or damages from

Section 5-401. Amendment of Chapter.

(a) Effective Date. Chapter 5 shall be amended and restated as set forth in Articles 1 through 3 above and this Article 4, effective July 1, 1990. These amended provisions shall apply to all persons who become Members, and to the surviving spouses and Dependent Minor Children of such Members, after the date they are enacted. These amended provisions also shall apply to all other Members, and to the surviving spouses and Dependent Minor Children of such Members, except as provided in Subsections (b) and (c).

(b) Persons Receiving Benefits. The benefit rights of Members, Surviving Spouses and Dependent Minor Children actively receiving pensions or benefits on January 1, 1990 shall be controlled by Sections 5-113 through 5-123 and 5-126, set out

in Article 5 of this Chapter, and by the Supplementary Retirement Program described in Subsection (d), instead of by Article 3, except as follows:

1. Death benefits payable to a spouse shall continue to be paid regardless of whether the spouse remarries.
2. The Surviving Spouse of a Member who dies after June 30, 1990 and after retirement and who has been married to the Member continuously for the 12-month period prior to death shall receive the death benefit provided by Section 5-118 regardless of not having 5 continuous years of marriage before retirement.
3. The Surviving Spouse of a Member who had a nonservice-connected disability, retired and then dies after June 30, 1990 shall receive the death benefit provided by Section 5-118 if the Member had 10 or more Years of Service.
4. The Board may permit a Member receiving disability benefits on January 1, 1990 to make the election described in Subsection (c) at the same time as other Members if the Member's disability is expected to be of less than one year in duration.
5. A Member receiving disability benefits on January 1, 1990 who was not permitted an election under Paragraph 4, who subsequently returns to service as an Active Member in the Bureau of Fire or Police capable of performing full duty without limitation and who earns two more Years of Service under Subsection 5-302(a) shall be given the opportunity, upon completing such two Years of Service, to make the election described in Subsection (c). Upon making such election, the Member shall receive a refund of the Member contributions paid during such two Years of Service.

(c) Election. The provisions of Article 3 shall apply to persons who became Members before the date of enactment and who are not described in Subsection (b) only if such Members make an irrevocable election to have them apply. The election shall be made on forms and under procedures established by the Board. Benefits for a Member who makes the election, and for the Surviving Spouse and Dependent Minor Children of such a Member, shall be determined under Article 3 and not Article 5. Benefits for a Member who does not make the election, and for the Surviving Spouse and Dependent Minor Children of such a Member, shall be determined under Article 5, as modified by Subsection (b), and by the Supplementary Retirement Program described in Subsection (d), and not under Article 3. A Member who retires between January 1, 1990 and June 30, 1990 shall choose at retirement the level of death benefit after retirement under Section 5-310, which shall apply starting July 1, 1990 unless the Member does not make the election described in this Subsection. A Member who makes the election and starts receiving retirement or disability benefits between January 1, 1990 and June 30, 1990 shall start receiving benefits determined under Article 3 effective July 1, 1990.

(d) Supplementary Retirement Program. The benefits provided by the Supplementary Retirement Program created by Ordinance No. 136977, and amended by Ordinance No. 152182, of the City of Portland shall be paid from the Fund pursuant to this Chapter effective July 1, 1990 to:

1. Persons described in Subsection (b); and
2. Members described in Subsection (c) who do not make the election provided therein, and the Surviving Spouses and Dependent Minor Children of such Members.

(e) Repeal of Prior Sections. Except for the continued applicability of Sections 5-113 through 5-123 and 5-126 as provided in Subsections (b) and (c), the provisions of this Chapter as previously in effect are repealed and superseded.

(f) Continuity of Board. Notwithstanding anything expressed or implied in the amendments to this Chapter enacted in 1989, the members of the Board duly elected and serving as such immediately prior to the effective date of such amendments shall continue after the effective date of such amendments to serve as members of the Board for the remainder of the term for which they were elected.

**(g). Notwithstanding any other provision of law or this Chapter, Chapter 5 shall be amended and restated as set forth above in Articles 2 and 3 and this Article 4, effective July 1, 2001, and said amendments shall apply to all matters existing or arising on or after July 1, 2001 regardless of the date of injury or the date the matter is presented, and this amendment is intended to be fully retroactive so as to apply to all Members whenever sworn, except that the amendments shall not apply to any matter which has received Board approval on or before the date these amendments are approved by the voters.**

*(New language in bold, deleted language italicized and in brackets.)*

## 2002 May Parks Levy

On January 16, 2001, the Portland City Council passed Ordinance 176201 referring the following measure to be decided by voters at the municipal Election on May 21, 2002.

*\*Ordinance 176201 repealed the previous referral for a Parks Local Option Levy passed by Council December 19, 2001.*

### **BALLOT TITLE:**

CAPTION: Five year levy to restore park services, repairs, recreation programs.

QUESTION: Shall Portland repair, continue to maintain parks, playgrounds, pools; levy \$.39 per \$1,000 assessed valuation for five years beginning 2002? (This measure may cause property taxes to increase more than three percent.)

SUMMARY: This measure may be passed only at an election with at least 50 percent voter turnout.

Since 1997 Portland Parks and Recreation has had to reduce maintenance, repair, safety in parks, playgrounds, play fields, community pools and recreation centers, and reduce park restroom hours because park usage has increased, facilities have aged further, and resources haven't kept up.

The five-year serial levy will repair, restore safety at parks, recreation facilities, natural areas, trails; restore previous cuts and prevent additional cuts to recreation programs.

Levy funds will:

- Restore basic park maintenance including litter removal, restroom cleaning, mowing;
- Correct urgent safety problems with playground equipment, play fields, community centers, pools;
- Repair some playing fields around schools in Centennial, David Douglas, Reynolds, Parkrose and Portland school Districts;
- Prevent additional cuts to after-school tutoring, recreation activities, and summer playground program - providing kids safe, constructive places to go.

If levy fails, park cleaning, repairs, recreation programs will not be restored.

Levy produces an estimated \$48.4 million over 5 years, averaging \$9.7 million per year. Levy is \$.39 per \$1,000 assessed home value. A typical home pays \$59 per year, \$5 per month.

**MEASURE:**

A Measure Referred to the Voters by City Council Ordinance No. 176201, passed and effective January 16, 2001

NOW, THEREFORE, the Council directs:

An Act entitled "A Measure directing a five year local option ad valorem property tax levy within the City of Portland at a rate of \$0.39 per \$1,000 of Measure 50 assessed value, outside certain constitutional limitations, commencing in fiscal year 2002-03, for parks and recreation purposes," be, and the same hereby is submitted to the legal voters of the City of Portland, Oregon for their adoption or rejection at the general election in the City of Portland, Multnomah County, Clackamas County and Washington County, to be held on May 21, 2002. Each voter who votes upon said proposed measure shall vote "yes" or "no" in the space indicated for such voted on the City ballot at said election.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. Pursuant to Section 7-112 of the Charter of the City of Portland, the Council shall levy for each of five successive years commencing with the fiscal year 2002-03, at the time taxes are levied for the payment of expenses of the City, a special tax at a rate of \$0.39 per \$1,000 of Measure 50 assessed value, on all property in the City of Portland not exempt from taxation. The money shall be expended only for the following parks and recreation purposes: restoring, continuing to provide summer and after-school programs for children; improving safety and maintenance of play fields and play structures; operating, maintaining, expanding and improving parks and recreation facilities and programs; safety and maintenance of the urban forest, recreational trails and natural areas; providing security measures for parks and park facilities, providing recreation programs and opportunities for seniors and people with disabilities; providing basic park maintenance such as clean and open restrooms, litter removal, shrub bed and grounds maintenance, safety checks on play equipment, replacement of outdated sprinklers and maintenance of off-leash areas for dogs; restoration of parks and recreation services, programs and activities, funding for which the Council has reduced from its previously adopted

budget for the 2001-02 fiscal year. This local option levy is specifically authorized, and it shall not be counted as within the limitation provided by Section 11 of Article XI of the Constitution of the State of Oregon. This levy shall, however, be subject to proportional reduction under Section 11(11)(c)(B)(i) of Article XI of the Constitution of the State of Oregon. This special tax hereby authorized shall be in addition to all other taxes that may be levied according to law. The proceeds from such levy shall be placed in a special fund to be designated as the Parks Local Option Levy Fund.

## 2002 Form of Government (Good Government)

### BALLOT TITLE

**CAPTION:** Amends Charter: Changes Form of City Government

**QUESTION:** Shall Portland be governed by nine member Council (seven elected by district) and managed by a Mayor with veto authority?

**SUMMARY:** This proposed measure changes the City's government from the Commission form to Mayor/Council form with distinct and separate roles for the Mayor versus Council members. Currently, the executive and legislative branches of the City's government are combined. The Mayor and each Council member manage several departments and vote on legislation. The measure gives the Mayor all executive and administrative authority and the Council all legislative and quasi-judicial authority. The Mayor is not a Council Member, but has veto power, subject to Council override by six affirmative votes. The Council is increased to nine members; two elected at large and seven elected from geographically defined districts. Each Council candidate must have resided in the district for one year. The presiding officer is the President of the Council. Each of the seven district Council members will have an office within their district, and the two at large Council members will have an office at City Hall. Each council member is entitled to at least two paid staff members. No cost estimate has been provided.

View the [measure/charter amendment language](#) prepared by the Chief Petitioner.

### Committee Contact Information

<i>Chief Petitioner Information:</i>	<i>Opposing Committee Information:</i>
Good Government Committee Robert Ball, Chief Petitioner	Committee to Keep Portland Portland Bud Clark, John Russell, Mike Lindberg, Directors

## 2002 Form of Government Language

AN ACT

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND

The City Charter of the City of Portland is amended and restated as follows:

1. Amend Chapter 1, Article 1 – Section 1-104 as follows:

**Section 1-104. Alienability of Public Places and Property and Limitations Thereon.** The City of Portland may not divest itself of title it has or may acquire in and to water front, wharf property, land under water and made land built upon same, or any lands on the water side of the high water or meander lines of navigable waters as established by the original United States surveys and conformed to by the original plats of the City of Portland, or any landing, wharf, dock, highway, bridge, avenue, street, alley, lane, park or any other public place, or like property that it may now own or hereafter may acquire, except as set forth in this Charter or as provided by statute.

The City may vacate street area if such vacation would not interfere with reasonable access to the water front or any transportation terminal. Favorable vote of at least ~~four-fifths~~ **seven-ninths** of all members of the Council shall be required for any ordinance of vacation. The Council may impose such conditions upon the street vacation as it deems appropriate in the public interest. This Section shall not be deemed to prevent replatting of subdivisions wherever situated, nor relocation of streets.

A street shall be held to fulfill its function as a street by being used in any way for the purpose of travel, transportation or distribution by or for the public; and where a street abuts or terminates against a waterway or connects with a railroad terminal it may be occupied by any structure or machinery facilitating or necessary to travel, transportation or distribution, or facilities for the protection of persons or property, which does not prevent access of the public to uses provided; and this clause shall include and apply to all structures necessary in the improvement of the public docks.

Wharves, docks, port and harbor facilities and other City-owned property or structures may be rented, leased or pledged, provided that the present or future right of the public to use thereof is preserved or will be promoted.

No dedication by the City of any park, playground or public place shall be terminated unless the Council finds that such dedicated area is no longer needed for the dedication purpose, or that another public use has a greater need for such property, or that another location would further the public use. When such dedication is terminated, the property may be leased, sold or exchanged.

The Council may rent or lease area below or above parks, public places, streets, viaducts, tunnels and other facilities, where the public use is preserved.

The City may sell, dispose of or exchange any buildings, structures or property, real or personal, which it owns or may acquire not needed for public use, by negotiation, bid, auction or any other method the Council finds appropriate. Favorable vote of at least ~~four-fifths~~ **seven-ninths** of all members of the Council shall be necessary for any ordinance authorizing such sale, disposal or exchange. The City may sell property on contract for such term as the Council finds appropriate, notwithstanding any term limit elsewhere prescribed in the Charter. In cases where property to be exchanged is held by the City upon any trust (including property held as security for bond issues) the properly received in exchange shall be similarly held and any net income therefrom shall be applied to such trust.

The City may rent or lease property which will not be needed for public use during the term of the rental or lease for any term permitted by statute. [Ch. 1903, part of sec. 93; am. June 5, 1911, part of sec. 93; am. Nov. 2, 1912, part of sec. 93; am. May 3, 1913, part of sec. 66; rev. 1914, sec. 7; am. June 7, 1921; 1928 pub., sec. 7; 1942 recod., sec. 1-107; new sec. Nov. 2, 1948; rev. May 18, 1962.]

2. Amend Chapter 1, Article 1 – Section 1-106 as follows:

**Section 1-106. Damage Claims, Insurance.** Notice of and claims for damages arising out of the alleged torts of the City and those of its officers, employees and agents acting within the scope of their employment or duties, must be presented to the City Attorney within the time prescribed by law. The Council shall establish a Loss Reserve Fund and shall annually budget an amount sufficient to maintain such Fund on an actuarially sound basis. The monies in such Fund may be invested and reinvested in the like manner with other City funds and the earnings from such investment and reinvestment shall be credited to the Fund. Payments may be made from the Loss Reserve Fund to pay claims against the City, its officers, employees and agents, procure insurance against such liability, and pay costs related to the payment of claims including but not limited to payment of investigative, legal and administrative expenses. In the event the Council shall deem it advantageous to procure insurance against claims, the existence of insurance shall be considered in determining the funding necessary to maintain the Loss Reserve Fund on an actuarially sound basis. ~~The Commissioner In Charge~~ **Mayor** may negotiate, compromise and settle any claims and may authorize the payment of any claim in an amount not to exceed five thousand dollars (\$5,000). Payment exceeding five thousand dollars (\$5,000) for any claim must be authorized by an ordinance. (Ch. 1903, sec. 9; rev. 1914, sec. 282; 1928 pub., sec. 282; 1942 recod., sec. 1-111; rev. May 18, 1962; rev. Nov. 2, 1976; am. May 20, 1986.)

3. Amend Chapter 2, Article 1 – Section 2-101 to read:

**Section 2-101. Municipal Powers ~~Vested In Council. The power, Allocation. The municipal powers~~ and authority given to the municipal corporation of the City of Portland hereby **are vested as follows: all legislative and quasi-judicial authority** is vested in **the City Council and all executive and administrative authority is vested in the Mayor**, subject to the initiative and referendum and other powers reserved to the people by the ~~constitution~~ **Constitution** of the State of Oregon as defined and prescribed by the provisions of the ~~constitution~~ **Constitution** and general laws relating thereto, and by ~~the provisions of~~ **any more specific allocation as set forth in** this Charter. [May 3, 1913, new sec. 6; rev. 1914, sec. 20; 1928 pub., sec. 20; 1942 recod., sec. 2-101; am. Nov. 6, 1962.]**

4. Amend Chapter 2, Article 1, Section 2-102 to read:

**Section 2-102. City Council.** The City Council of the City of Portland shall consist of a Mayor and ~~four (4) Commissioners.~~ **nine (9) Council Members.** [1942 recod., sec. 2-101; rev. Nov. 6, 1962.]

5. Amend Chapter 2, Article 1, Section 2-103 to read as follows:

**Section 2-103. Boards and Commissions.** The Council may create and establish such boards and commissions as it may deem necessary in addition to boards and commissions established by this Charter, and may abolish or alter from time to time any boards or commissions it has established or may establish. All powers and duties of abolished boards and commissions shall be exercised and performed by the Council. **The Mayor may create such advisory boards or advisory commissions as the Mayor deems necessary or convenient, on such terms as the Mayor deems appropriate.** [1942 recod., sec. 2-102; sec. 2-103; am. Nov. 6, 1962.]

6. Revise Chapter 2, Article 1, Section 2-104 to read as follows:



**Section 2-104. General Powers.** The Council shall have and exercise all legislative and quasi-judicial powers and authority conferred upon the City of Portland by this Charter or by general law, except where such power is herein expressly bestowed upon some other officer, board or commission to the exclusion of the Council. The Council shall not interfere with the exercise by the Mayor of the executive and administrative powers granted to the Mayor under this Charter. The Council may delegate any of its nonlegislative functions or powers to subordinate officers, boards or commissions as it may find appropriate. [May 3, 1913, part of new sec. 56; rev. 1914, sec. 18; 1928 pub., sec. 18; 1942 recod., sec. 2-104; am. Nov. 6, 1962.]

7. Amend Chapter 2, Article 1, Section 2-105 to read as follows:

**2-105. Continuation of Specific Powers.** 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. [Ch. 1903, sec. 73; May 3, 1913, new sec. 34; rev. 1914, sec. 34; 1928 pub., sec. 34; 1942 recod., sec. 2-105; am. Nov. 6, 1962.]

8. Amend Chapter 2, Article 1, Section 2-105(a)(3) as follows:

(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 or by ordinance approved by the Council.

9. Amend Chapter 2, Article 1, Section 2-106, second sentence to read:

**Section 2-106. Enumeration of Powers not a Limitation.** The foregoing or other enumeration of particular powers granted to the Council in this Charter shall not be construed to impair any grant of power herein contained, express or implied, nor to limit any such general grant to powers of the same class or classes as those so enumerated. The City Council may exercise any legislative power or authority, and the Mayor may exercise any executive or administrative power or authority, granted by Oregon statute to municipal corporations at any time and also to cities of a class which includes the City of Portland. [Ch. 1903, sec. 74; rev. 1914, sec. 36; 1928 pub., sec. 36; 1942 recod., sec. 2-120; rev. Nov. 6, 1962.]

10. Amend Chapter 2, Article 1, Section 2-108 to read as follows:

**Section 2-108. Emergency Fund.** There shall be annually appropriated and set apart the sum of five thousand dollars (\$5,000) to be known as the Emergency Fund of the Council and the Council may use and expend such Fund, or any part thereof, in its discretion for any purpose it may deem proper or advantageous to the public welfare, and shall not be required to furnish vouchers showing the purposes for which such expenditures were made. No part of such Fund shall be used as compensation or additional salary or for the personal benefit of the Mayor or any ~~Commissioner.~~ May 3 Council Member. [May 3, 1913, new sec. 33; rev. 1914, sec. 31; 1928 pub., sec. 31; 1942 recod., sec. 2-117; rev. Nov. 6, 1962.]

11. Amend Chapter 2, Article 1, Section 2-110 to read as follows:

**Section 2-110. Organization.** At its first regular meeting each calendar year, or oftener at its option, the Council shall elect a President by majority vote. The ~~Mayor~~ President shall preside at all meetings of the Council. In the ~~Mayor's~~ President's absence or disability, the ~~President of the Council shall perform the duties of the Mayor.~~ In the absence or disability of both President and Mayor, the other members of the Council shall select ~~elect~~ elect one of their number to perform the duties of President ~~and Mayor~~ during such absence. [May 3, 1913, new sec. 35; rev. 1914, sec. 37; 1928 pub., sec. 37; 1942 recod., sec. 2-121; rev. Nov. 6, 1962.]

12. Amend Chapter 2, Article 1, Section 2-113 to read as follows:

**Section 2-113. Calendar.** The Auditor shall produce for distribution at least twenty-four (24) hours before each legislative session a summary of all matters to come before the Council at the next regular legislative session. Only matters contained in said summary shall be considered at such legislative session unless ~~four (4)~~ seven (7) members of the Council shall vote to consider otherwise. [May 3, 1913, new sec. 30; rev. 1914, sec. 38; 1928 pub., sec. 38; 1942 recod., sec. 2-124; rev. Nov. 6, 1962; am. May 19, 1994.]

13. Amend Chapter 2, Article 1, Section 2-117 to read as follows:

**Section 2-117. Transaction of Business.** In the transaction of legislative or judicial business the Council shall act only by the passage of an ordinance. The ayes and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. Every ~~member~~ Council Member, when present, must vote, unless a majority of the remainder of the Council approves the ~~member's~~ member's excuse for disqualification, and every ordinance shall require the affirmative vote of ~~three (3) members.~~ five (5) members. Promptly after the passage of an ordinance the ordinance shall be delivered to the Mayor for signature by the Mayor. The ordinance shall become effective according to its terms when the Mayor has signed the ordinance. If the ordinance is not signed by the Mayor within ten (10) days of being delivered to the Mayor the ordinance shall be effective without the Mayor's signature. Within ten (10) days of the passage of any ordinance, or resolution except for: ordinances that result from the City's exercise of quasi-judicial authority, an ordinance filling a Council Member's vacancy, or an ordinance overriding the Mayor's veto, the Mayor may veto such ordinance by a written veto statement signed by the Mayor. For all ordinances except those adopting or amending the City's budget, the Council may at any subsequent Council meeting within thirty (30) days of the Mayor's veto, override the Mayor's veto by the affirmative vote of six (6) Council members, and the ordinance shall thereby become effective, without the Mayor's signature. [May 3, 1913, new sec. 22; rev. 1914, sec. 44; 1928 pub., sec. 44; 1942 recod., sec. 2-128; rev. Nov. 6, 1962.]

14. Amend Chapter 2, Article 12, Section 2-120, to read as follows:

**Section 2-120. Ordinances, Passage.** Every ordinance except an emergency ordinance shall have two (2) public readings of its title or the effect thereof. At least five (5) days shall elapse between the introduction and final passage of any ordinance and no ordinance shall be amended within five (5) days of its final passage except in the case of an emergency ordinance. An emergency ordinance shall have one public reading of its title or the effect thereof and may be enacted upon the date of its introduction, providing that it contains the statement that an emergency exists and specifies with distinctness the facts or reasons constituting such emergency. The ~~unanimous affirmative~~ **affirmative** vote of all members of the Council present, and of not less than ~~four (4) members~~ **seven (7) affirmative votes** shall be required to pass an emergency ordinance. [May 3, 1913, new sec. 25; rev. 1914, sec. 47; 1928 pub., sec. 47; 1942 recod., sec. 2-131; rev. Nov. 6, 1962; am. May 20, 1980.]

15. Amend Chapter 2, Article 1, Section 2-127, to read as follows:

**Section 2-127. Consent Agenda.** Notwithstanding the provisions of Sections 2-116, 2-117, and 2-120 of this Charter, the Council by rule may publish a procedure under which any ordinance, resolution or other action may be placed on a consent agenda. At any meeting at which there is a consent agenda on the calendar, the ayes and nays shall be taken upon the passage of all items on the consent agenda by a single Council vote. It shall not be necessary that there be a reading or readings of the titles or the effect of the items on a consent agenda or that time elapse between the introduction and final passage of the items. The unanimous vote of all members of the Council present, and of not less than ~~four (4)~~ **seven (7)** members, shall be required to pass a consent agenda. All items to be contained in a consent agenda shall be so listed in the summary of matters to come before the Council prepared under Section 2-113 of this Charter. Items on a consent agenda shall not be subject to amendment or debate. Any item shall be removed from a consent agenda on the request of a Council member, or on the request of any person who wished to be heard on the item, provided the request is made prior to taking the ayes and nays on the consent agenda. An item so removed from a consent agenda shall be treated as a regular calendar item for the meeting for which it was on the consent agenda. [May 20, 1980.]

16. Amend Chapter 2, Article 1 by adding a new Section 2-128 which shall read as follows:

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**Section 2-128 City Budget. The Mayor shall propose a City budget for the City's fiscal year and shall submit the budget to the Council at least thirty (30) days prior to the beginning of the City's fiscal year. The Council may approve of the Mayor's budget or may amend that budget. The budget or an amended budget shall not be effective unless and until it is approved of by: the Mayor and a majority of the Council. All funds of the City shall be expended only in conformance with a Council approved budget, or an amendment to that budget.**

17. Amend Chapter 2, Article 2, Section 2-201 to read as follows:

**Section 2-201. Elective Officers.**

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**(A) There shall be no elective officers of the City of Portland other than the Mayor, four (4) Commissioners nine (9) Council Members, and the Auditor. All said officers shall be elected at large by the legal voters of the City of Portland and for a term of four (4) years. All said officers shall be elected as follows: the Mayor, Auditor and two (2) Council Members shall be elected at large and seven (7) Council Members shall be elected by districts,** except as otherwise provided.

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**(B) The seven (7) Council Members to be elected by districts shall each be elected from one of the districts of the City to be established by the Council on or before January 1, 2004. By that date, the Council shall divide the City into seven (7) geographic districts. The criteria for establishing and, from time to time, redrawing, the districts' boundaries shall be that each district shall be approximately equal in population based on the year 2000 decennial federal census and each subsequent decennial federal census, except as follows. Population variations among districts shall be limited to one (1) percent from the statistical mean population among all districts. Within sixty (60) days following each decennial federal census, the Auditor shall report to the Council on whether the then existing district boundaries continue to meet the above criteria. If it is determined by the Auditor that the then existing districts' boundaries, or some of them, do not, in fact, meet the above criteria, then the Council will redraw the districts' boundaries so as to be in conformance with the above criteria prior to the next primary election.**

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**(C) At large Council Members shall have individual offices provided by the City at City Hall and District Council Members shall have an individual office provided by the City within their respective district. The City shall provide each District Council Member with the right to use meeting rooms and shared office space at City Hall.**

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**(D) No change in the boundary of, or population included in, a district caused by annexation to the City or withdrawal of an area from the City shall abolish or terminate the office of any Council Member. Upon an annexation or withdrawal, the Council may, but need not, redraw district boundaries in accordance with the criteria in subsection B above. Upon an annexation and no adjustment to a district boundary by the Council, the annexed area shall become a part of that existing district with which it is most contiguous.**

[May 3, 1913, new secs. 7 and 8; rev. 1914, sec. 21; 1928 pub., sec. 21; 1942 recod., sec. 2-107; rev. Nov. 6, 1962.]

18. Amend Chapter 2, Section 2-202 to read as follows:

**Section 2-202. Qualifications.** Each elected official shall be a citizen of the United States and of the State of Oregon, and a registered voter who shall have been a resident of the City of Portland or of an area which has become part of the City prior to filing the declaration of candidacy or petition for nomination, for a period of not less than one (1) year immediately preceding the nominating election. If any officer shall be elected without such qualifications or shall cease to have the same, the office shall immediately become vacant. **A Council Member to be elected from a district must have established her/his principal residence in that district at least one (1) year prior to filing for that office and have been a registered voter in that district in the general election immediately preceding the date of filing for that office. If a Council Member moves his/her principal residence outside of the district from which he/she was elected, such action shall constitute resignation of the office of the Council Member.** [May 3, 1913, new sec. 9; rev. 1914, sec. 22; 1928 pub., sec. 22; 1942 recod., sec. 2-108; rev. Nov. 6, 1962; am. Dec. 18, 1984.]

19. Amend Chapter 2, Section 2-206 (a) to read as follows:

**Section 2-206. Vacancies In Office, Filling of Vacancies.**

(a) A vacancy in office shall exist when the Mayor, a Commissioner **Council Member** or the Auditor fails to qualify by taking the oath following his or her election, or when any officer or employee dies, resigns, is removed from office, is convicted of a felony, is judicially declared to be mentally incompetent, is convicted of an offense which constitutes

corruption, malfeasance or delinquency in office, forfeits his or her office under specific provisions of this Charter, or is elected or appointed to a different office, and qualifies, takes and assumes the duties of such different office.

20. Amend Chapter 2, Section 2-206 (f) to read as follows:

(f) If a vacancy occurs in the Office of the ~~Mayor or~~ Auditor, the Council ~~may~~ **shall** fill the ~~office~~ **officer** by appointment pending election as provided ~~therein.~~ **herein, and the appointee need not be a Council Member. If a vacancy occurs in the Council, the Council may appoint a person to act as the Council Member until the election of the Council Member. If the vacancy is in a district Council Member position, the acting Council Member shall meet the residency and voting requirements of Chapter 2, Section 2-202.**

21. Amend Chapter 2, Section 2-206 (g) to read as follows:

(g) In the event of the death or crippling disability preventing the performance of ~~three (3)~~ **five (5)** or more members of the City Council due to natural disaster, calamity, accident or enemy attack, the following City officials in the order named shall succeed to the vacancies on the City Council: City Auditor, City Attorney, Director of Office of Fiscal Administration, executive assistants of disabled Council members in the order of their seniority as an executive assistant. Any individual serving under this Section shall have all qualifications required in this Charter for an elected official. The City Council thus constituted shall serve as an interim Council for the purpose of transacting necessary City business. The interim Council so constituted shall as soon as practical select from among qualified citizens of the City of Portland, as defined by Section 2-202 of this Charter, persons to serve as members of the City Council. The persons so selected shall serve until the next regular election. The City Council as thus constituted shall, ~~it~~ **if** the regularly elected ~~Mayor~~ **President of the Council** is not a member thereof, elect one of their number as ~~Mayor~~ **President of the Council**. Members of the Council as thus constituted shall serve as City ~~Commissioners~~ **Council Members** by this Charter. The Council as constituted under authority of this subsection shall meet in the City Hall, if possible, but may meet at an alternate location which shall be designated in advance by the Council as an alternate site for the transaction of City business. In the event of martial law, the Council shall be organized as by this subsection provided, and it shall function to the extent possible under the order establishing martial law. The provisions of this subsection shall be supreme in the event it shall be employed, notwithstanding any other provisions of this Charter or ordinances of the City in conflict therewith. (May 3, 1913, new secs. 17 and 18; rev. 1914, secs. 29 and 30; 1928 pub., secs. 29 and 30; sec. 29, am. May 18, 1934; sec. 30, am. May 17, 1940; 1942 re cod., secs. 2-115 and 2-116; sub. sec. 5 added to sec. 2-116, Nov. 2, 1954; secs. 2-115 and 2-116 revised and combined Nov. 6, 1962; am. May 26, 1970; am. Dec. 14, 1971; am. May 20, 1980; am. May 17, 1988; am May 18, 1994.]

22. Add the following as subsection (h) of Chapter 2, Section 2-206:

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**(h) Upon the vacancy of the office of Mayor, the Council shall appoint an individual to serve as Mayor until an election can be held to fill the office of the Mayor.**

23. Amend Chapter 2, Article 3, Section 2-301 to read as follows:

**2-301. The Departments.** The executive and administrative powers, authority and duties, not otherwise provided for herein, ~~shall~~ **shall, subject to the overall authority of the Mayor,** be distributed among at least five (5) departments ~~as follows:~~

(a) Department of Public Affairs

(b) Department of Finance and Administration

(c) Department of Public Safety

(d) Department of Public Utilities

(e) Department of Public Works

~~Bureaus and their functions~~

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~~**The Mayor may establish bureaus or offices within Departments and a bureau or office** shall be fixed by the Council by ordinance. The distribution of the bureaus and work among departments shall be made and may be changed **a separate functional component of a Department. The Mayor shall**, from time to time by the Mayor by order which shall be filed and preserved as an ordinance. The names of the departments may be changed in like manner, **allocate work, functions, and responsibilities among Departments, bureaus and offices**. The Mayor may in like manner assign matters relating to any commission **or other city organization or public corporation** to a particular ~~department~~ **Department. Additional Departments may be created by ordinance**. [May 3, 1913, part of new sec. 36; rev. 1914, sec. 54; 1928 pub., sec. 54; 1942 recod., sec. 2-201; rev. Nov. 6, 1962.]~~

24. Delete Chapter 2, Article 3, Section 2-302.

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~~**Section 2-302. Assignment and Authority of Commissioners.** At the first regular meeting after the election of any Council member, the Mayor shall designate one member to be Commissioner In Charge of each department, who shall thereafter be designated as Commissioner of such department, which designation may be changed and a transfer of Commissioners from one department to another be made, whenever it appears that the public service will be benefited thereby. Such assignment shall be made by the Mayor by order which shall be filed and preserved as an ordinance. The Commissioner In Charge of each department shall have the supervision and control of all the affairs and property which belong to that department, subject to the provisions of this Charter and to such regulation as may be prescribed by the Council. [May 3, 1913, new sec. 37; rev. 1914, secs. 55 and 56; 1928 pub., secs. 55 and 56; 1942 recod., sec. 2-202; rev. Nov. 6, 1962.]~~

25. Amend Chapter 2, Article 3, Section 2-303 to read as follows:

**Section 2-303. Assignment of Work to Subordinates.** The Council ~~Mayor~~ shall prescribe the powers and duties of officers and employees, may assign particular officers to one or more of the departments and may require an officer or employee to perform duties in two or more departments. The Council ~~Mayor~~ shall make such rules and regulations as may be necessary and proper for the efficient and economical conduct of the business of the City. [May 3, 1913, part of new sec. 36; rev. 1914, sec. 57; 1928 pub., sec. 57; 1942 recod., sec. 2-203; rev. Nov. 6, 1962.]

26. Amend Chapter 2, Article 4, Section 2-401 to read as follows:

**Section 2-401. Duties, Authority. The Mayor has all of the duties, authorities, and responsibilities as the chief executive officer of the City and has all executive and administrative authority possessed by the City, except to the extent limited by this Charter. The Mayor shall be authorized to submit proposed ordinances and resolutions to the Council.** The Mayor shall exercise a careful supervision over the ~~general affairs~~ **executive and administrative business** of the City. [Ch. 1903, sec. 147; rev. 1914, sec. 59; 1928 pub., sec. 59; 1942 recod., sec. 2-301; rev. Nov. 6, 1962.]

27. Add the following as Section 2-406 to Chapter 2, Article 4:

**Section 2-406. The salary of the Mayor shall be at least equal to the average of the salary of all Department Directors.**

28. Add the following as Section 2-407 to Chapter 2, Article 4:

**Section 2-407. In the event that the Mayor is physically incapacitated for a period of time, and is incapable of performing the responsibilities of that office, but a vacancy in the office of the Mayor has not occurred, then the Mayor's Chief of Staff shall serve as acting Mayor until the incapacity is remedied and the Mayor is capable of performing the responsibilities of the position of Mayor.**

29. Amend Chapter 2, Article 5, Section 2-501 to read as follows:

**Section 2-501. Qualifications and Restrictions on Other City Candidacy.** There shall be an Auditor of the City of Portland who shall possess the same qualifications required of a ~~Commissioner~~ **Council Member**, and in addition, shall at the time of filing a declaration of candidacy, or a nominating petition for the office of Auditor be a Certified Public Accountant, Certified Internal Auditor, or Certified Management Accountant and remain certified as such throughout the term of office, if elected. The Auditor shall be elected at the general municipal election and shall serve for a term of four (4) years. If an Auditor shall be elected without such qualifications or shall cease to have the same, the office shall immediately become vacant. The Auditor shall not run for election to any other City office during his or her term. The act of filing for another City office will be the same as a resignation, which shall be effective as of the date of such filing. [Ch. 1903, sec. 269; am. May 3, 1913, sec. 97; rev. 1914, sec. 64; 1928 pub., sec. 64; 1942 recod., sec. 2-401; rev. Nov. 6, 1962; am. May 15, 1984; am. May 20, 1986; am. May 18, 1994.]

30. Amend Chapter 2, Article 5, Section 2-505(b) to read as follows:

(b) City bureau managers shall respond to audit recommendations made by the Auditor, through the ~~Commissioner In Charge~~ **Mayor**, to the Auditor, in writing within the time specified by the Auditor. All audit reports and responses shall be made available to the public. The Auditor shall retain workpaper files concerning all audit reports issued for at least six years.

31. Amend Chapter 2, Article 6, Section 2-601 to read as follows:

**Section 2-601. Appointive Mayor Appointed Officers, Boards.**

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**(a) The Council Mayor shall appoint the City Attorney subject to the confirmation of the Council. The Mayor shall appoint members of have the authority to appoint, manage and remove the following appointed officers: a Director and a Deputy Director of each Department, bureau or office and such appointed officers shall serve at the pleasure of the Mayor. Each such appointed officer shall possess education, professional training and prior working experience reasonably commensurate with the office to which such person is being appointed. Such appointed officers are not subject to Chapter 4 of this Charter.**

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**(b) The Mayor shall appoint persons to serve on all appointive City boards and commissions subject to Council confirmation. Heads of other offices and bureaus shall be appointed by the Commissioner In Charge of the department to which such office or bureau is assigned by the Council. Such persons may be removed at any time by the Mayor. [May 3, 1913, new sec. 102; rev. 1914, sec. 80; 1928 pub., sec. 80; 1942 recod., sec. 2-501; rev. Nov. 6, 1962; am. May 20, 1980.]**

-

**The City Attorney shall be a member in good standing of the Bar of the State of Oregon. The City Attorney may have one or more deputies who are members of the Bar of the State of Oregon to be appointed by the City Attorney in writing and to continue during the City Attorney's pleasure. The number and compensation of such deputies shall be fixed by the Council and they shall be deemed removed on the removal or resignation of the City Attorney. The Chief of Police shall have had at least ten years active police experience.**

32. Amend Chapter 2, Article 6, Section 2-602 to read as follows:

**Section 2-602. ~~Qualifications and Removals~~ Council Appointed Officers. The Council shall appoint a Council Administrator who shall serve at the pleasure of the Council and who shall not be subject to Chapter 4 of this Charter. The Council Administrator shall be responsible for the administrative activities of the Council that are not duties of the Auditor pursuant to this Charter. The Council may also hire additional staff for the efficient operation of the Council and Council committees.** All officers appointed by the Council shall serve during the pleasure of the Council. Any may be removed for cause at any time by a majority vote of the Council. A statement of reasons for the removal shall be included in the order, and the officer removed shall have the right to make a counter statement in writing which shall be filed and preserved with the order of removal. The order of removal shall not be reviewable. Vacancies in any of such offices shall be filled by the Council. The Council may by ordinance impose any duties upon any officer not inconsistent with the general character of such office, and may divide or consolidate any of said offices. It shall also fix and may change from time to time the salaries of every officer. The officers appointed by the Council shall at the time of their appointment be citizens of the United States.

The City Attorney

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**Each Council Member shall be a member in good standing of the Bar of the State of Oregon. The City Attorney may have one or more deputies who are members of the Bar of the State of Oregon to be appointed by the City Attorney in writing and to continue during the City Attorney's pleasure. The number and compensation of such deputies shall be fixed by the Council entitled to hire two (2) full-time staff assistants at City expense. Such employees shall serve at the pleasure of the Council Member which hired them, and they shall be deemed removed on the removal or resignation of the City Attorney. The Chief of Police shall have had at least ten years active police experience. **not be subject to Chapter 4 of this Charter.****



[May 3, 1913, new sec. 103; rev. 1914, sec. 81; 1928 pub., sec. 81; 1942 recod., sec. 2-502; rev. Nov. 6, 1962.]

33. Amend Chapter 2, Article 6, Section 2-603 to read as follows:

**Section 2-603. Subordinate Offices and Employments.** The ~~Council~~ **Mayor** shall have the power ~~by ordinance~~ to create and abolish all such subordinate offices, places and employments in the service of the City as ~~it~~ **the Mayor** may deem necessary for efficient and economical administration. The Mayor ~~and each Commissioner~~ shall appoint and may suspend or remove the incumbents of all subordinate offices and employments in his or her department, subject to other provisions of this Charter. The Auditor shall appoint and may suspend or remove the incumbents of all subordinate offices and employments within his or her office, or under his or her supervision. The chief executive officer of any board, or commission, when authorized to do so by the board or commission, or the board or commission itself shall appoint and may suspend or remove the incumbents of all subordinate offices and employments within his or her offices, or under his or her supervision. All such appointments, suspensions and removals shall be subject to the civil service rules of this Charter except as to incumbents of positions expressly exempted therefrom. [May 3, 1913, new sec. 104; rev. 1914, sec. 82; 1928 pub., sec. 82; 1942 recod., sec. 2-503; rev. Nov. 6, 1962; am. May 18, 1994.]

34. Amend Chapter 2, Article 6, Section 2-604 to read as follows:

**Section 2-604. Experts.** The ~~Mayor or the~~ Council may from time to time appoint consulting employees to perform technical or scientific services whose employment shall continue only so long as the particular occasion shall continue and who shall not be subject to the civil service rules of this Charter and of whom the qualifications elsewhere prescribed in this Chapter shall not be required. [May 3, 1913, new sec. 105; rev. 1914, sec. 83; 1928 pub., sec. 83; 1942 recod., sec. 2-504; rev. Nov. 6, 1962.]

35. Amend Chapter 2, Article 6, Section 2-605 to read as follows:

**Section 2-605. Requirements for All Officials.** No person shall at any time hold more than one office yielding pecuniary compensation under this Charter or under the Mayor, Council or any departments of the City, unless such offices are part-time or the hours of work of one of such offices do not conflict with the hours of the other office and such employment in different offices is expressly authorized by ~~ordinance~~ **order of the Mayor**. (Ch. 1903, sec. 128; rev. 1914, sec. 85; 1928 pub., sec. 85; 1942 recod., sec. 2-505; am. Nov. 2, 1954; rev. Nov. 6, 1962.)

36. Amend Chapter 2, Article 8, Section 2-802 to read as follows:

**Section 2-802. Inspection and Certified Copies.** All public records of every office and department shall be open to the inspection of any citizen at any time during business hours subject to the provisions of the State Public Records laws, except records of bureaus charged with law enforcement relating to investigations for possible prosecutions and interdepartmental or interbureau advice and memoranda, which records shall not be opened for such inspection unless such opening is ordered by a court or specific permission is given by the Council ~~or Commissioner In Charge~~. Certified copies or extracts from public records which are open to inspection shall be given by the officer in custody of the record to any person demanding the record who pays or tenders the fee prescribed by the Council for such copies or extracts. [Ch. 1903, sec. 137; rev. 1914, sec. 92; 1928 pub., sec. 92; 1942 recod., sec. 2-702, rev. Nov. 6, 1962; am. May 18, 1994.]

37. Amend Chapter 3, Article 1, Section 3-101 to read as follows:

**3-101. Time of Taking Office and Terms.** At the general election held on each fourth year counting from ~~in~~ the year 1960 A.D. ~~2004~~, the person elected Mayor ~~and the two (2) persons elected Commissioners~~ shall take office on the following January 1, **January 1, 2005** and shall hold office until January 1, four (4) years later. ~~At~~ **The Two (2) Council Members who were elected at** the general election ~~on even numbered years between such fourth years the person elected Auditor and~~ **in the year 2002 shall become** the two (2) persons **at large Council Members and their terms shall continue for four (4) years from January 1, 2003. The two (2) at large Council Members** elected Commissioners **in 2006 shall be assigned, by a random means, to one two (2) year term and one four (4) year term. This random assignment shall be conducted by the Mayor at least thirty (30) days prior to the last date for filing for those offices for the 2006 election. At the next election for those two (2) at large Council Member positions, and thereafter, the terms of those two positions shall each be for four (4) years. The remaining seven (7) district Council Member positions shall be elected in the general election of 2004, as prescribed by this Chapter and** shall take office on January 1 of the following year, and they shall hold office until January 1, **2005. Four (4) of the district Council Member positions will be assigned, by random means, as two (2) year terms and three (3) will be randomly assigned as four (4) year terms. The random assignment shall be conducted by the Mayor at least thirty (30) days prior to the last date to file for those positions in the 2004 election. Upon the end of the first term of office of each district Council Member position, all subsequent terms of office for each district Council Member position shall be** four (4) years later. The incumbents of the above mentioned offices, **Elected officials of the City** shall hold their respective offices **office** until their successors are elected and have qualified, ~~or~~ **appointed** until their death, resignation or removal. [May 3, 1913, new sec. 41; rev. 1914, sec. 123; 1928 pub., sec. 123; am. Nov. 8, 1932; 1942 recod., sec. 3-101; am. Nov. 6, 1962.]

38. Amend Chapter 3, Article 1, Section 3-105 to read as follows:

**Section 3-105. Nonpartisan Primaries.** Nomination of Mayor, Auditor and ~~Commissioners~~ **Council Members**, 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~~ **at large Council Members** shall be designated as Position No. 1, **At Large and** Position No. 2, ~~Position No. 3, or Position No. 4. Commissioners~~ **At Large. The seven (7) district Council Members shall be designated as District Council Member No. 1 through District Council Member No. 7. Council Members** shall be designated by the same position ~~or number~~ **Council Member** whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the office of ~~Commissioner~~ **Council Member**, 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~~ **Council Members**, shall state the official number of the position as ~~Commissioner~~ **Council Member**, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. Al all elections each such office of ~~Commissioner~~ **Council Member** to be tilled 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. [May 3, 1913, new sec. 45; rev. 1914, sec. 127; 1928 pub., sec. 127; am. Nov. 8, 1932; am. Nov. 6, 1934; 1942 recod., sec. 3-105; am. Nov. 6, 1962.]

39. Amend Chapter 3, Article 2, Section 3-201 to read as follows:

**Section 3-201. Exercise of Rights.** The initiative, referendum and recall shall be exercised within the City of Portland in the manner provided by the Constitution and general laws of the State, and ordinances of the City of Portland, enacted in pursuance thereof. **Notwithstanding the above, a recall petition for a District Council Member shall only include signatures of registered voters from the district from which the Council Member was selected and shall be voted on only by the voters from within that district.** [May 3, 1913, part of new sec. 56; rev. 1914, sec. 19; 1928 pub., sec. 19; 1942 recod., sec. 3-201.]

40. Amend Chapter 4, Article 1, Section 4-101 to read as follows:

**Section 4-101. Scope of the Merit System.** All appointments to and promotions in the subordinate administrative service of the City shall be made solely according to fitness, which shall be ascertained by open competitive examination, and merit and fidelity In service, as provided for in this Chapter. The provisions of this Chapter shall apply to the incumbents of all offices, places and employments in the public service of the City except the following: **all officers appointed by the Mayor**, all officers chosen by popular election or by appointment by the Council, the members of all boards and commissions, the deputies of the City Attorney, the City Engineer, the Superintendent and Chief Engineer of the Bureau of Water Works, the Secretary of the Civil Service Board and of the Auditor, the Chief Deputy City Auditor, the secretary and administrative staff of each Council member, and the Chief of Police. The Mayor shall appoint a Chief of Police, who shall have had ten (10) years of active police service. The Chief of Police shall be subject to removal by the Mayor. [Ch. 1903, sec. 306; rev. 1914, sec. 97; 1928 pub., sec. 97; am. Nov. 6, 1934; 1942 recod., sec. 4-101; am. Nov. 2, 1982.]

[Ch. 1903, sec. 307 - 327; rev. 1914 sec. 98 - 121; 1942 recod., sec. 4-102 to 4126; am. and rev. at subsequent elections; secs. 4-102 to 4-126 repealed, secs. 4-102 to 4-107 enacted in lieu Nov. 4, 1968, effective July 1, 1987.]

41. Amend Chapter 4, Article 1, Section 4-103 (1) to read as follows:

**Section 4-103. Definitions.** As used in this Chapter, unless the context clearly requires otherwise:

(1) "Appointing authority" means the ~~Commissioner In Charge of a Bureau~~ **Mayor** and the City Auditor.

42. Amend Chapter 7, Article 1, Section 7-101(3) to read as follows:

(3) The chief financial officer of the City shall give information as to the exact condition of the treasury and of every appropriation and Fund thereof under control of the Council, upon demand of the Mayor, or the Council, or any ~~Commissioner~~ **Council Member** or the Auditor. The chief financial officer of the City shall keep the records and accounts of the City in a complete and intelligible manner, but may keep a summary of departmental or bureau records and accounts where he or she finds such summary to be sufficient. He or she shall make an annual statement to the Council showing the receipts and disbursements of the City and the state of each particular Fund and the City's financial condition as soon as records are complete after the close of business on the last day of each fiscal year. The annual report shall contain an accurate statement in summarized form of the financial receipts of the City from all sources and of the expenditures of the City for all purposes, together with a detailed statement of the debt of said City, of the purposes for which said debt has been incurred, and of the accounts of said City with grantees of franchises and the names of the present owners of each thereof, and a summary of the assets and liabilities of the City. [May 3, 1913, new sec. 84; rev. 1914, sec. 185; 1928 pub., sec. 185; 1942 recod., sec. 7-101; am. Nov. 6, 1962; am. May 20, 1986; am. May 18, 1994.]

43. Amend Chapter 7, Article 1, Section 7-104 to read as follows:

**Section 7-104. Demands, Nonallowance.** No demand shall be allowed by the chief financial officer of the City in favor of any corporation or person indebted to the City in any manner, except for assessments or taxes not delinquent, without

first deducting the amount of any indebtedness then due of which the chief financial officer has notice, nor in favor of any person having the collection, custody or disbursement of public funds, unless such person's account has been presented, passed, approved and allowed as herein required, nor in favor of any officer determined by the Mayor or ~~Commissioner In Charge~~ to have neglected to make his or her official returns or reports in the manner and at the time required by law, ordinance or the regulation of the Council, or to have neglected or refused to comply with any of the provisions of law regulating such officer's duties, nor in favor of any officer or employee found by the Mayor or ~~Commissioner In Charge~~ to have absented himself or herself without legal cause or duly granted leave of absence from the duties of his or her office during office hours, after such determination has been transmitted and filed with the chief financial officer. [Ch. 1903, sec. 277; am. May 3, 1913, sec. 101; rev. 1914, sec. 72; 1928 pub., sec. 72; 1942 recod., sec. 2-409; rev. Nov. 6, 1962; am. May 18, 1994.]

44. Amend Chapter 9, Article 3, Section 9-305 to read as follows:

**Section 9-305. Consideration of Plans and Report of Damages.** Within three (3) months after the thirty (30) day period for filing objections, the Council shall consider the report, objections, plans, specifications and estimates filed, or may refer the matter to a ~~commissioner~~ **Council Member** or committee of ~~commissioners~~ **Council Members** for this purpose, in which event the City official designated by ordinance shall mail five (5) days notice in writing to any company interested when the ~~commissioner~~ **Council Member** or committee will consider the matter, and at the time specified any company may attend and be heard thereon. Upon filing of the ~~commissioner's~~ **Council Member's** or committee's findings and recommendations, the Council may adopt a plan and method for eliminating the grade crossing and adopt specifications therefor, or it may dismiss the proceedings. If it appears that change of street grade will be required in eliminating the grade crossing, the Council shall determine whether such grade shall be changed, with or without considering damages to adjacent property. If the Council determines to consider damages to adjacent property, it shall require the City Engineer to report the estimated damages that property may sustain by reason of the change of street grade, based on the depreciation, if any, in market value on account of the change of street grade. In estimating the depreciation of market value, the City Engineer shall take into account the benefits, if any, the effect which the proposed improvement will have upon market value of the property, and the probable assessment against the property for the improvement. [June 2, 1913, subdn. e, new sec. 372 1/2; 1928 pub., sec. 269; 1942 recod., sec. 9-405; am. Nov. 8, 1966; am. Nov. 3, 1992.]

45. Amend Chapter 9, Article 3, Section 9-306 to read as follows:

**Section 9-306. Apportionment of Damages and Benefits.** Upon filing of the City Engineer's report on damages, the Auditor shall publish in four (4) successive publications in the City official newspaper a notice that such report has been filed, stating the amount of damages to each property as estimated by the City Engineer, the date when the report of the City Engineer will be heard by the Council, and that written objections thereto may be filed with the Auditor any time prior to the day of hearing. The date of hearing shall be not less than five (5) days after the last publication of notice. The Auditor shall also send a copy of the published notice to each person interested in land affected. If the address of such person is unknown, and if such person has an agent whose name and address is known, notice shall be mailed to the agent; otherwise it shall be mailed to the owner addressed at Portland, Oregon. At the time of hearing the Council shall consider the report and all objections thereto and may refer it to any committee or ~~commissioner~~ **Council Member** for further hearing and report. At any time thereafter the Council may determine the damages to be awarded for.

## 2002 Children's Levy

On February 6, 2001, the Portland City Council passed Ordinance 176251 referring the following measure to be decided by voters at the municipal Election on November 5, 2002.

*\*Ordinance 176251 repealed the previous referral for a Children's Investment Fund Local Option Levy passed by Council December 19, 2001.*

CAPTION: Five-year levy for Children's Investment Fund.

QUESTION: Shall Portland support early childhood, after school, child abuse programs; five-year levy \$0.4026 per \$1,000 assessed value beginning in 2003?

This measure may cause property taxes to increase more than three percent.

SUMMARY: Measure would finance Portland Children's Investment Fund to support proven programs designed to help children arrive at school ready to learn, provide safe and constructive after school alternatives for kids, and prevent child abuse and neglect and family violence.

This Children's Investment Fund can only be used for:

- Child abuse prevention and intervention, which addresses juvenile crime, school failure, drug and alcohol abuse and homeless youth.
- Early childhood programs which make childcare more affordable and prepare children for success in school.
- After school and mentoring programs that promote academic achievement, reduce the number of juveniles victimized by crime and increase graduation rates.

Accountability measures include:

- Programs must be cost effective and have a proven record of success.
- Investment fund will be subject to annual audits.
- Administrative costs cannot exceed 5%.

Levy produces an estimated \$50 million over 5 years, averaging \$10 million per year. Levy is \$0.4026 per \$1,000 of assessed property value. A home valued at \$150,000 pays \$5.03 per month, \$60.39 per year.

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**MEASURE:**

A Measure Referred to the Voters by City Council Ordinance No. 176251, passed February 6, 2002

NOW, THEREFORE, the Council directs:

An Act entitled "A Measure to create a Children's Investment Fund by directing a five year local option ad valorem tax levy within the City of Portland at a rate of \$0.4026 per thousand dollars of assessed value, outside certain constitutional limitations, commencing in fiscal year 2003-04," be, and the same hereby is, submitted to the legal voters of the City of Portland, Oregon for their adoption or rejection at the general election in the City of Portland, Multnomah County, Clackamas County and Washington County, to be held on November 5, 2002. Each voter who votes upon said proposed measure shall vote "yes" or "no" in the space indicated for such voted on the City ballot at said election.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 1. Pursuant to Section 7-112 of the Charter of the City of Portland, the Council shall levy for each of five successive years commencing with the fiscal year 2003-04, at the time taxes are levied for the payment of expenses of the City, a special tax at a rate of \$0.4026 per thousand dollars of assessed value, on all property in the City of Portland not exempt from taxation. The proceeds from such levy shall be placed in a special fund to be designated as the Children's Investment Fund. The money in this fund shall be expended only for purposes of cost effective, proven early childhood programs, child abuse prevention and intervention, and after school and mentoring programs for children. No more than 5% of the fund may be spent on expenses associated with administering the fund. The fund shall be subject to annual audit. This local option levy is specifically authorized, and it shall not be counted as within the limitation provided by Section 11 of Article XI of the Constitution of the State of Oregon. This levy shall, however, be subject to proportional reduction under Section 11(11)(c)(B)(I) of Article XI of the Constitution of the State of Oregon. This special tax hereby authorized shall be in addition to all other taxes that may be levied according to law. This special tax hereby authorized shall be in addition to all other taxes that may be levied according to law.

## 2002 November Parks Levy

On May 29, 2002, the Portland City Council referred the following measure to be decided by voters at the municipal Election on November 5, 2002. The ballot title was revised and the measure resubmitted July 24th by City Council resolution 36088.

### **BALLOT TITLE:**

CAPTION: Five-year levy to restore park services, repairs, recreation programs.

QUESTION: Shall Portland repair, restore maintenance to parks, playgrounds, pools; levy \$.39 per \$1,000 assessed valuation for five years beginning 2003? (This measure may cause property taxes to increase by more than three percent.)

SUMMARY: This levy previously won two-thirds voter support in May but could not be put into effect because of inadequate voter turnout.

Since 1997 Portland Parks and Recreation has had to reduce maintenance, repair, safety in parks, playgrounds, play fields, community pools and recreation centers, and reduce park restroom hours because park usage has increased, facilities have aged further, and resources haven't kept up.

Levy funds will:

Restore basic park maintenance including litter removal, restroom cleaning, mowing, natural area and trail care;  
Correct urgent safety problems with playground equipment, play fields, community centers, pools;  
Repair some playing fields around schools in Centennial, David Douglas, Reynolds, Parkrose and Portland school districts;  
Restore cuts to after-school tutoring, recreation activities, and summer playground program - providing kids safe, constructive places to go.

If levy fails, park cleaning, repairs, recreation programs will not be restored.

The rate is estimated to raise the following revenue: \$8.8 million in 2003-04, \$9.4 million in 2004-05, \$9.9 million in 2005-06, \$10.4 million in 2006-07, and \$10.9 million in 2007-08, for a total of \$49.4 million over 5 years.

Levy is \$.39 per \$1,000 assessed value. A home valued at \$150,000 would pay \$59 per year, \$5 per month

## Ballot Title for Charter Change - Candidates Receiving Majority Vote at Primary are Elected

City Council Resolution No. 36198 refers the following measure to qualified voters at the May 18, 2004 Primary.

**Caption:** Amends Charter: Candidates Receiving Majority Vote at Primary are Elected.

**Question:** Shall Charter provide that candidates who receive majority vote in Primary Election are elected without further vote at General Election?

**Summary:** Presently, the Portland City Charter provides that all candidates for City office must be elected at a General Election. Therefore, even when a candidate receives a majority of votes cast at a Primary Election, that candidate appears as the sole candidate on the General Election ballot. The proposed measure will amend the Charter to provide that if a candidate receives a majority of votes cast for an office at the Primary Election, that candidate is elected to that office for the term beginning the following January. As a result, the candidate would not have to appear on the General Election ballot. If no candidate receives a majority of votes cast for the office at the Primary Election, the two candidates receiving the highest number of votes shall appear on the General Election ballot.

## 2006 City Council Referred Measure Log

*November 7, 2006 General Election  
Measure #26-86*

**Ballot Title:** Amends Charter: Changes Fire and Police Disability and Retirement System.

- Explanatory Statement
- Resolution 36431 - Referred charter amendments to ballot
- Act
- Exhibit A - Text of Charter Change
- Exhibit B - Ballot Title Language
- Statement of the City Auditor

Measure approved by voters - [Official Results](#)

### General Information

City Code Section 2.04.040 provides that the City council may refer a measure to the ballot for the following reasons:

- Charter Amendments which require a vote of the people;
- to refer ordinances or resolutions to the voters, when Council wants a public vote for political reasons;
- to pass money measures, such as a bond measure or operating levy;
- or to ask a general question in an area in which Council would like the public's input or advice.

## 2006 November Election - Official Results

### FINAL OFFICIAL RESULTS

#### November 7, 2006 Municipal General Election

Yes	160,230	260	399	160,889	81.61%
No	36,095	62	97	36,254	18.39%
<b>Total Votes Cast</b>				<b>197,143</b>	

## 2008 City Referred Measure Log

### November 4, 2008 General Election

#### Measure 26-94

**Ballot Title Caption: Renew five-year levy for Children's Investment Fund**

[Resolution 36575](#) - (PDF Document, 239kb)

[Exhibit A](#) - Measure Text (PDF Document, 8kb)

[Exhibit B](#) - Ballot Title (PDF Document, 18kb)

[Explanatory Statement](#) (PDF Document, 151kb)



**Status:**

2/20/08- Resolution adopted by Council

2/25/08 - Seven-day ballot title challenge period begins; 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. Monday, March 3, 2008.

[Notice of Receipt of Ballot Title](#) (PDF Document, 18kb)

3/3/2008 - No ballot title challenges filed during challenge period

3/27/2008 - Multnomah County Elections assigns measure number: 26-94

6/25/2008 - Date for required TSCC\* public hearing for Measure 26-94:  
8:30 a.m. Rose Room, City Hall, 1221 SW Fourth Ave, Portland, OR 97204

8/27/2008 - Explanatory statement filed

11/4/2008 - [Measure approved by voters](#)

\*[Tax Supervising and Conservation Commission](#)

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**General Information**

City Code [Section 2.04.040](#) provides that the City council may refer a measure to the ballot for the following reasons:

- Charter Amendments which require a vote of the people;
- to refer ordinances or resolutions to the voters, when Council wants a public vote for political reasons;
- to pass money measures, such as a bond measure or operating levy;
- or to ask a general question in an area in which Council would like the public's input or advice.

## November 2008 Election - Official Results

**Final Official Results**

**November 4, 2008 Municipal Primary Election**

<u>MEASURE 26-94</u>	<u>Multnomah</u>	<u>Clackamas</u>	<u>Washington</u>	<u>Total</u>	<u>%</u>	
Yes	202,881	231	504	203,616	72.46%	Approved
No	77,013	177	194	77,384	27.54%	
<b>Total</b>	<b>279,894</b>	<b>408</b>	<b>698</b>	<b>281,000</b>	<b>100.00%</b>	

## City-Referred Measures: November 2, 2010 General Election

### MEASURE 26-117

**Ballot Title Caption: General obligation bonds for fire vehicles and emergency response infrastructure**

On July 15, 2010, the Portland City Council adopted Resolution 36800, referring a general obligation bond measure to Portland voters at the November 2, 2010 General Election ballot.

Resolution 36800 - (PDF Document, 740 kb)

Exhibit A - Measure Act (PDF Document, 84 kb)

Exhibit B - Ballot Title (PDF Document, 56 kb)

Exhibit C – Explanatory Statement (PDF Document, 64 kb)

Notice of City Measure Election (form SEL 802)

Measure Explanatory Statement (form MCED 014)

#### **Status:**

7/15/2010 - Resolution 36800 adopted by Council; Seven-day ballot title challenge period begins; 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. Monday, July 26, 2010. Notice of Receipt of Ballot Title (PDF Document, 13kb)

7/27/2010 - No ballot title challenges filed during challenge period; Auditor files Notice of City Measure Election with Multnomah County Elections

7/27/2010 - Multnomah County Elections confirms measure number and receipt of Notice of City Measure Election

7/28/2010 - Auditor files Measure Explanatory Statement with Multnomah County Elections

7/28/2010 - Multnomah County Elections confirms receipt of Measure Explanatory Statement

8/30/2010 - Tax Supervising and Conservation Commission conducts public hearing (Rose Room, City Hall, from 6-7pm)

11/2/2010 - Measure approved by voters.

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## **MEASURE 26-108**

### **Ballot Title Caption: Continues City public campaign financing for Mayoral, Commissioner, Auditor candidates**

On May 26, 2010, the Portland City Council adopted Resolution 36789, referring City Code Chapter 2.10 (Campaign Finance Fund) to Portland voters at the November 2, 2010 General Election ballot. In addition, before adopting the referral resolution, Council passed Ordinance 183838, adding a sunset clause to the Campaign Finance Fund Code.

**Resolution 36789** - (PDF Document, 10kb)

**Exhibit A - Measure Act** (PDF Document, 8kb)

**Exhibit A.1. - City Code Chapter 2.10** (PDF Document, 1.5MB)

**Exhibit B - Ballot Title** (PDF Document, 18kb)

Notice of City Measure Election(form SEL 802)

Measure Explanatory Statement(form MCED 014)

#### **Status:**

**5/26/2010 - Resolution adopted by Council\***

**5/26/2010 - Seven-day ballot title challenge period begins; 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. Monday, June 7, 2010.**

Notice of Receipt of Ballot Title (PDF Document, 18kb)

6/8/2010 - No ballot title challenges filed during challenge period; Auditor files Notice of City Measure Election and Measure Explanatory Statement with Multnomah County Elections

6/9/2010 - Multnomah County Elections confirms measure number and receipt of Measure filings.

11/2/2010 - Measure rejected by voters.

\*On May 26, 2010, Council also passed Ordinance 183838, which amended Code Chapter 2.10 to add a sunset clause.

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## **General Information**

City Code [Section 2.04.040](#) provides that the City council may refer a measure to the ballot for the following reasons:

- Charter Amendments which require a vote of the people;
- to refer ordinances or resolutions to the voters, when Council wants a public vote for political reasons;
- to pass money measures, such as a bond measure or operating levy;
- or to ask a general question in an area in which Council would like the public's input or advice.

## November 2010 General Election - Official Results

Official Results			
<a href="#">Measure 26-108</a>	Yes	No	Total
Multnomah	104,169	105,446	209,615
Washington	148	314	462
Clackamas	91	248	339
Total	104,408	106,008	210,416
Percentage of total	<b>49.62%</b>	<b>50.38%</b>	
<a href="#">Measure 26-117</a>	Yes	No	Total
Multnomah	107,058	101,395	208,453
Washington	263	203	466
Clackamas	132	215	347
Total	107,453	101,813	209,266
Percentage of total	<b>51.35%</b>	<b>48.65%</b>	