

COUNTY OF MULTNOMAH
DIVISION OF REGISTRATION AND ELECTIONS

September 11, 1970

Miss Marion Rushing, City Attorney
City Hall
Portland, Oregon

Dear Miss Rushing:

My deadline for placing measures on the official ballot for the November 3rd General Election is the 1st day before the election unless extenuating circumstances or law provide otherwise.

In the event of extenuating circumstances or legal requirements, I feel it is the moral responsibility of the body placing the measure on the ballot to pay all added costs involving overtime, preparation and printing of said ballot and materials.

The cost involved in the use of separate paper ballots has already been presented to the Council by the Auditor's office. I feel a moral responsibility to cooperate with every governing body involved, but I must point out that we have a computerized election system. We have educated the public along these lines, and I cannot guarantee a well organized, efficient election under these circumstances. If paper ballots were used, election returns would be delayed a minimum of an hour because of a hand count at the precinct level.

First proofs of the General Election ballot arrived yesterday. We are prepared to proceed.

A deadline is a deadline.

Sincerely,

John D. Weldon

JDW/mh

Proposed Charter Amendments
Referred by the City Council
to the Voters of the
City of Portland, Oregon,
to be Voted Upon at the
Municipal Non-Partisan
Primary Election
and
Special Municipal Election

TUESDAY, MAY 26, 1970



Compiled and Issued by

Ray Smith

Auditor of the City of Portland

Antipollution Aid Through Sewer User Charges

Charter Amendment Referred to the Voters by the City Council

RESOLUTION No. 30664

ADOPTED March 4, 1970

AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by revising Section 11-302 of Article 3, Chapter XI of said charter relating to sewer user service charges so as to remove the present limitation on the amount and permit the Council to fix the amount of said charges from time to time for financing additional anti-pollution measures in the sewerage system of the city.

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

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time hereby is amended by amending Section 11-302 of Article 3, Chapter XI of said charter which Section shall read as follows:

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

The city may enter into contracts relating to sewage disposal, treatment or purification or all such functions. The city may impose charges for sewage transportation, disposal, treatment or purification or any or all such functions, on property outside the city served through city facilities, at rates no less than those imposed for similar service inside the city to similar classifications.

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

* * * * *

The ballot title adopted for the foregoing charter amendment is as follows:

ANTIPOLLUTION AID THROUGH SEWER USER CHARGES.

51

Charter amendment permitting Council to fix sewer user service charges without relation to water bills, for financing additions and betterments to sewage treatment facilities and sewerage system as antipollution measures.

YES ☐

NO ☐

Revising City Vacancy-In-Office Provisions

Charter Amendment Referred to the Voters by the City Council

RESOLUTION No. 30665

ADOPTED March 4, 1970

AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by revising Section 2-206 of Article 2, Chapter II of said charter relating to vacancies in office and filling of vacancies so as to permit city officials to become candidates for other elective offices without forfeiture of city position until taking the new office, and to revise provisions concerning filling of vacancies.

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

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time hereby is amended by amending Section 2-206 of Article 2, Chapter II of said charter which Section shall read as follows:

Section 2-206. Vacancies in Office, Filling of Vacancies.

(a) A vacancy in office shall exist when the mayor, a commissioner or the auditor fails to qualify by taking the oath and filing the bond prior to January 1 of the year following his election, or within ten days after notice of appointment to fill a vacancy, or when any officer or employee dies, resigns, is removed from office, is convicted of a felony, is judicially declared to be mentally ill, is judicially convicted of corruption, malfeasance or delinquency in office, forfeits his office under specific provisions of this charter, or is elected to a different office or is appointed to a different elective office, and qualifies, takes and assumes the duties of such different office.

(b) If a vacancy occurs in an office elective under this charter, the Council shall appoint an eligible person to fill such vacancy until his successor is elected at a regular election and qualifies. The successor who has been elected shall, upon qualifying, take office immediately upon issuance by the auditor of the certificate of election and the person so elected shall serve the unexpired term of the person who he succeeds.

(c) Whenever a vacancy in an office elective under this charter occurs before the last day when declaration of candidacy may be filed at a primary election, his successor shall be nominated and elected by the voters at the next regular primary and general election in accordance with the usual procedure therefor.

(d) Whenever a vacancy occurs in an office elective under this charter, during the period from the last day when declaration of candidacy may be filed and seventy (70) days prior to the general election in any election year, or if there are no nomina-

tions at the primary election, the successor shall be elected by the voters at the general election in accordance with the following procedure. Within the time prescribed by law any person who possesses the required qualifications for the office which has become vacant may become a candidate for the unexpired portion of the term of that office by obtaining and filing one hundred or more certificates of nomination similar to the certificates for nomination at a primary election, or by paying the filing fee prescribed; in such case the names of all nominees shall appear upon the ballot at the general election, and the person who at the general election receives the greatest number of votes shall be elected.

(e) A person who is appointed or elected to the office of mayor, commissioner or auditor, shall be deemed to have qualified if he meets the citizenship and residence requirements set forth in this charter, has taken the oath of office and filed the bond which has been approved by the council, as provided in this charter. If any person fails to qualify within ten days after interim appointment or election to a vacancy occurring because of death, resignation or removal from office, he shall not thereafter qualify under the same appointment or election.

(f) In the event of the death or crippling disability preventing the performance of duty of three 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, city engineer, city treasurer, chief of the bureau of police, chief of the bureau of fire, presiding municipal judge, other permanently appointed municipal judges in the order of their seniority. The city council thus constituted shall serve as an interim council for the purpose of transacting necessary city business, and the city officials serving as members of such interim city council shall serve without bond, notwithstanding the provisions of Section 2-203 of this charter and the foregoing provisions relating to qualification. 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 qualify and take an oath of office before entering upon their duties, but such persons shall have 60 days within which to provide bond, notwithstanding the provisions of this charter making filing thereof a prerequisite to qualifying. The person so selected shall serve until the next regular election. The city council as thus constituted shall, if the regularly elected mayor is not a member thereof, elect one of their number as mayor. Members of the council as thus constituted shall serve as city commissioners and shall be assigned to positions and departments by the mayor, and shall have all the powers and duties assigned to the mayor and commissioners 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,

* * * * *

The ballot title adopted for the foregoing charter amendment is as follows:

REVISING CITY VACANCY-IN-OFFICE PROVISIONS.

52 Charter amendment permitting City officials to run for any elective office while holding City position; fixing time when vacancy in City position occurs and revising provisions for filling vacancies.

YES ☐

NO ☐

Dock Commission, Port of Portland Consolidation

Charter Amendment Referred to the Voters by the City Council

RESOLUTION No. 30697

ADOPTED April 8, 1970

AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by inserting a new section in Article 1, Chapter VI of said charter relating to the Dock Commission so as to permit consolidation of the functions and property of the Commission of Public Docks with The Port of Portland upon occurrence of certain condition.

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

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, hereby is amended by inserting a new Section 6-105 in Article 1, Chapter VI of said charter, which Sections shall read as follows:

Section 6-105. CONSOLIDATION WITH THE PORT OF PORTLAND.

The Council shall, by ordinance, provide for consolidation of the functions of the Commission of Public Docks with The Port of Portland, a municipal corporation of the State of Oregon, whenever the Council determines that the following conditions are met: (a) that the boundaries of The Port of Portland are enlarged to include all or substantially all of the Greater Portland Metropolitan Area in Oregon; (b) that representation of members of the Board of Commissioners of The Port of Portland is required to be based on population, and that members of that Board representing the citizens of the city of Portland are to be selected by the Mayor with the approval of the Council, for appointment by the Governor or by other designated authority; (c) that The Port of Portland has authority to obtain adequate funds to maintain and improve facilities and provide additional facilities necessary or appropriate to serve maritime commerce of the Portland area.

The consolidation ordinance shall specify the property to be transferred or conveyed by the City to The Port of Portland. Properties used for recreation purposes or other City purposes and property not under the direct control and administration of the Commission of Public Docks, shall not be included. Any bond proceeds or other funds ear-marked for a particular purpose shall remain subject to that limitation of

usc. The consolidation ordinance shall also make appropriate provision for continued employment and the preservation of status, pension and other benefit rights of employes of the Commission of Public Docks after consolidation.

The consolidation ordinance shall also specify the consideration for transfer and conveyance, and may set forth the procedures needed to implement the consolidation. If the consideration for the transfer and conveyance is or includes assumption by The Port of Portland of all debts and obligations of the City relating to the properties and functions of the Commission of Public Docks, the Council shall make no tax levy for principal or interest payments on outstanding bonded indebtedness related to said properties or funds conveyed or transferred unless The Port of Portland fails to make payment when due. After consolidation, no levy of taxes shall be made for expenses of operation of the Commission of Public Docks, and the functions and duties of the said Commission shall terminate. Upon completion of the transfer and conveyance pursuant to the consolidation ordinance, the general police power and all other powers previously conferred by this charter upon the Commission of Public Docks shall revert in and be exercised by the Council.

* * * * *

The ballot title adopted for the foregoing charter amendment is as follows:

DOCK COMMISSION, PORT OF PORTLAND CONSOLIDATION

53

Consolidation of Portland Dock Commission and Port of Portland authorized by Charter amendment whenever: Port is metropolitan area agency; Port Board is based on population, with City Council selecting Portland representatives; and Port has adequate funds for docks and facilities for Portland area shipping. Provisions for procedures, results of consolidation.

YES ☐

NO ☐

WHEREAS, the city of Portland, a municipal corporation existing in the counties of Multnomah and Clackamas in the state of Oregon under an Act of the Legislative Assembly of the state of Oregon, entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, and

WHEREAS, the said city of Portland, located on the Willamette River adjacent to the confluence with the Columbia River is the leading dry cargo port of the West Coast of the United States, and

WHEREAS, ocean borne commerce is of paramount importance to the economic well-being of the city of Portland and its adjacent territory, as well as the entire Columbia Basin area, inasmuch as the city of Portland is one of the primary export centers through which commerce from the state of Oregon and the Inland Empire moves, and

WHEREAS, the length of ocean-going ships and draft, as well as the tonnage capacity, has been and is increasing constantly, thereby making it imperative that the channel of the Columbia River, as well as the channel of the Willamette River into the harbor of the city of Portland should be made deeper and wider in order to more adequately accommodate ocean-going vessels of modern size, and

WHEREAS, the Eighty-Fifth Congress provided that a study be made by the Corps of Engineers as to the desirability and economics of increasing the depth and width of the present channel of the Columbia and Willamette Rivers between Portland, Vancouver, Washington, and the sea, and

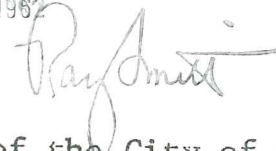
WHEREAS, in December of 1961 a favorable report was forwarded from the office of the Division Engineer, North Pacific Division, Corps of Engineers, and the Board of Engineers for Rivers and Harbors passed favorably on this report on January 25, 1962; now, therefore, be it

RESOLVED, that the City Council of the city of Portland, in regular session assembled this 19th day of

April, 1962, urges upon the Congress of the United States to authorize this project and include sufficient funds in the annual Public Works Appropriations Bill to assure the necessary deepening and widening of the channels as recommended by the Corps of Engineers, and that such work go forward with all possible dispatch, and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Oregon and Washington delegations and to the Public Works Committee of the House of Representatives.

Adopted by the Council APR 19 1962



Auditor of the City of Portland

Com. Earl
AGB:dh
4/17/62

First Time Today

NOTICE OF SPECIAL ELECTION

of

THE PORT OF PORTLAND

NOTICE IS HEREBY GIVEN that a special election of the qualified voters residing within the territorial limits of The Port of Portland has been called by resolution of the Board of Commissioners of The Port of Portland to be held on Tuesday, May 26, 1970, such election to be held concurrently with the primary election to be held in Multnomah County, Oregon, pursuant to ORS 249.340, at which special election there will be submitted to the qualified voters residing within the territorial limits of The Port of Portland, for their approval or rejection, the question of whether or not The Port of Portland shall be authorized to acquire all of the docks, wharves, elevators and other properties of the City of Portland under the charge and control of the Commission of Public Docks of the City of Portland and assume the payment on all or any part of bonds and other obligations of the City of Portland issued, sold or incurred for the purpose of acquiring funds to construct, purchase or acquire the said properties under the charge and control of the Commission of Public Docks.

THE PORT OF PORTLAND,

DONALD G. DRAKE,

President.

BORDEN F. BECK, JR.,

Secretary.

Published April 6, 13, 20 and 27,
1970. 1530-4Mo

RESOLUTION

WHEREAS, after extensive study The Port of Portland Commission has concluded that the public interest in the development of the Portland harbor, commerce, trade and other related activities can be served most efficiently and economically by a consolidation of The Port of Portland Commission and the Commission of Public Docks, and

WHEREAS, exhaustive studies show that the advantages to the public would include central coordination of Portland's future transportation requirements and a comprehensive harbor plan to meet all the needs of Portland's future economic growth, and

WHEREAS, unified action will strengthen Portland's competitive position and said consolidation would provide a single voice with greater resources with which to promote and sell the products and services of this area, resulting in more effective utilization of public funds,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of The Port of Portland, as follows:

FIRST: That a special election of the qualified voters residing within the territorial limits of The Port of Portland is hereby called on Tuesday, May 26, 1970, such election to be held concurrently with the primary election to be held in Multnomah County, Oregon, pursuant to O.R.S. 249.340, at which special election of The Port of Portland there shall be submitted to the qualified voters residing within the territorial limits of The Port of Portland, for their approval or rejection, the

question of whether or not The Port of Portland shall be authorized to acquire all of the docks, wharves, elevators and other properties of the City of Portland under the charge and control of the Commission of Public Docks of the City of Portland and assume the payment on all or any part of bonds and other obligations of the City of Portland issued, sold or incurred for the purpose of acquiring funds to construct, purchase or acquire the said properties under the charge and control of the Commission of Public Docks of the City of Portland.

SECOND: That notice of the special election called by this resolution shall be given by posting the same in three public places within the territorial limits of The Port of Portland not less than twenty (20) days before said election, and by publication thereof once each week for the period of three (3) weeks, beginning with the week commencing April 6, 1970, in three daily newspapers, to-wit, The Oregonian, The Oregon Journal and The Daily Journal of Commerce, which are hereby designated as most likely to give effective notice to all the voters within the territorial limits of The Port of Portland of the holding of such election. Such notices shall be posted and published over the names of the President and Secretary of this Commission and shall give a general description of the measure to be submitted as specified in paragraph "FIRST" of this resolution.

THIRD: The President and Secretary of The Port of Portland are hereby authorized and directed to certify to the Registrar of Election of Multnomah County, Oregon, the question which is to be voted upon at such election, together with the form of ballot title therefor.

FOURTH: The form of ballot title and measure for the submission of the question proposed in this resolution shall be as follows:

OFFICIAL ELECTION BALLOT
for
THE PORT OF PORTLAND

Port-Dock Commission Consolidation Measure

Measure submitted to the legal voters of The Port of Portland, comprising all of Multnomah County.

PURPOSE: To strengthen Portland's competitive position and to achieve economies in the use of its waterfront resources through consolidation of the Port and the Dock Commission of the City of Portland, as presently authorized by the Oregon Legislature in O.R.S. 778.020.

MEASURE: Shall The Port of Portland be authorized to acquire all of the docks, wharves, elevators and other properties of the City of Portland under the charge and control of the Commission of Public Docks of the City of Portland and assume the payment of all or any part of the bonds or other obligations of the City of Portland issued for the construction, purchase or acquisition of said properties?

Yes. I vote for consolidation.

No. I vote against consolidation."

RESOLUTION NO. 30697

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

"An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith,' approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by inserting a new section in Article 1, Chapter VI, of said charter relating to the Dock Commission so as to permit consolidation of the functions and property of the Commission of Public Docks with The Port of Portland upon occurrence of certain conditions."

be and the same hereby is submitted to the legal voters of the city of Portland, Oregon, for their adoption or rejection at the ensuing special election to be held coincidentally with the municipal nonpartisan primary election to be held in the city of Portland in Multnomah, Clackamas and Washington Counties, on the 26th day of May, 1970, and under authority of Ordinance No. 77641, as amended, waiving the provisions of Section 2-611 of said Ordinance No. 77641, as amended, insofar as the requirement that any proposed charter amendment shall be presented to the Council for study and consideration not later than 61 days prior to the next ensuing election. Each voter who votes upon said proposed Act shall vote "yes" or "no" in the space indicated for such vote upon the city ballot at said election. Said amendment hereby submitted reads as follows:

AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, a subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by inserting a new section in Article 1, Chapter VI of said charter relating to the Dock Commission so as to permit consolidation of the functions and property of the Commission of Public Docks with The Port of Portland upon occurrence of certain conditions.

Be It Enacted By the People of the City of Portland, Oregon:

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, hereby is amended by inserting a new Section 6-105 in Article 1, Chapter VI of said charter, which Section shall read as follows:

Section 6-105. CONSOLIDATION WITH THE PORT OF PORTLAND.

The Council shall, by ordinance, provide for consolidation of the functions of the Commission of Public Docks with The Port of Portland, a municipal corporation of the State of Oregon, whenever the Council determines that the following conditions are met: (a) that the boundaries of The Port of Portland are enlarged to include all or substantially all of the Greater Portland Metropolitan Area in Oregon; (b) that representation of members of the Board of Commissioners of The Port of Portland is required to be based on population, and that members of that Board representing the citizens of the city of Portland are to be selected by the Mayor with the approval of the Council, for appointment by the Governor or by other designated authority; (c) that The Port of Portland has authority to obtain adequate funds to maintain and improve facilities and provide additional facilities necessary or appropriate to serve maritime commerce of the Portland area.

The consolidation ordinance shall specify the property to be transferred or conveyed by the City to The Port of Portland. Properties used for recreation purposes or other City purposes and property not under the direct control and administration of the Commission of Public Docks, shall not be included. Any bond proceeds or other funds ear-marked for a particular purpose shall remain subject to that limitation of use. The consolidation ordinance shall also make appropriate provision for continued employment and the preservation of status, pension and other benefit rights of employes of the Commission of Public Docks after consolidation.

The consolidation ordinance shall also specify the consideration for transfer and conveyance, and may set forth the procedures needed to implement the consolidation. If the consideration for the transfer and conveyance is or includes assumption by The Port of Portland of all debts and obligations of the City relating to the properties and functions of the Commission of Public Docks, the Council shall make no tax levy for principal or interest payments on outstanding bonded indebtedness related to said properties or funds conveyed or transferred unless The Port of Portland fails to make payment when due. After consolidation, no levy of taxes shall be made for expenses of operation of the Commission of Public Docks, and the functions and duties of the said Commission shall terminate. Upon completion of the transfer and conveyance pursuant to the consolidation ordinance, the general police power and all other powers previously conferred by this charter upon the Commission of Public Docks shall revert in and be exercised by the Council.

Adopted by the Council APR - 8 1970

A handwritten signature in dark ink, appearing to read "Ray Smith". The signature is fluid and cursive, with a horizontal line extending from the end.

Auditor of the City of Portland

A handwritten signature in dark ink, appearing to read "MCR". The signature is cursive and somewhat stylized.

Order of Council
MCR:jw 4/2/70

ORDINANCE NO. 130698

An Ordinance calling a special election to be held in the city of Portland, Oregon, on Tuesday, May 26, 1970, for the purpose of submitting to the legal voters of the city for their approval or rejection a charter amendment relating to consolidation of The Port of Portland and the Commission of Public Docks, and such other charter amendments or measures as the Council may find appropriate, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that a charter amendment relating to consolidation of The Port of Portland and the Commission of Public Docks, and such other charter amendments or measures as the Council may find appropriate, should be submitted to the voters, but that hearings thereon will render submission at the municipal nonpartisan primary election to be held May 26, 1970, impossible within the time fixed by law for such submission; that, therefore, a special election should be called to be held at the same time; now, therefore, a special municipal election hereby is called to be held on May 26, 1970, in the city of Portland, Oregon, in the counties of Multnomah, Clackamas and Washington, concurrently with the municipal nonpartisan primary election on said date.

Section 2. The Auditor of the City of Portland hereby is authorized and directed to provide for the printing of such special election ballots as are necessary to present lawfully the propositions provided for above. In addition thereto, the City Auditor shall provide such election supplies for the City as are necessary for the proper carrying on of the election and provide for the delivery of the same to the election boards for which provision is hereinafter made.

Section 3. The polling places for such election in the city of Portland shall be the same as the polling places in each precinct for the municipal nonpartisan primary election to be held upon said date, and the judges and clerks for such special election within the city hereby are appointed and shall be the same as those judges and clerks named and appointed as judges and clerks, including any replacement or alternates found necessary, for the municipal nonpartisan primary election for each of said precincts in said city.

Section 4. Said special municipal election shall be held in accordance with the laws of the State of Oregon. The polls shall be open at the hour of 8 o'clock in the forenoon and shall continue open until 8 o'clock in the evening of the same day at which time the polls shall be closed.

ORDINANCE No.


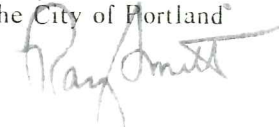
Section 5. The Auditor of the City of Portland hereby is directed to give notice of said special election, in the manner prescribed by law.

Section 6. The election shall be conducted as provided by law, and the ballots shall be counted, tabulated and returned to the Registrar of Elections of Multnomah County at 1040 SE Morrison Street in Portland, to the County Clerk of Clackamas County at the Clackamas County Court House in Oregon City, and to the Director of Records and Elections of Washington County at the Washington County Court House in Hillsboro, and the vote shall be canvassed and details of the election handled as provided for in state statutes pertaining thereto.

Section 7. The Auditor hereby is authorized to incur expenses necessary and incident to the carrying on of said special election.

Section 8. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the city of Portland in this: In order that notice may be given for the special election provided herein and that said special election may be held on the same date as the municipal nonpartisan primary election to save public funds and for the convenience of the voters, it is necessary that provisions should be made for said special election immediately; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 8 1970


Mayor of the City of Portland


Attest:

Order of Council
MCR:jw 4/1/70

Auditor of the City of Portland

RESOLUTION

WHEREAS, after extensive study The Port of Portland Commission has concluded that the public interest in the development of the Portland harbor, commerce, trade and other related activities can be served most efficiently and economically by a consolidation of The Port of Portland Commission and the Commission of Public Docks, and

WHEREAS, exhaustive studies show that the advantages to the public would include central coordination of Portland's future transportation requirements and a comprehensive harbor plan to meet all the needs of Portland's future economic growth, and

WHEREAS, unified action will strengthen Portland's competitive position and said consolidation would provide a single voice with greater resources with which to promote and sell the products and services of this area, resulting in more effective utilization of public funds,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of The Port of Portland, as follows:

FIRST: That a special election of the qualified voters residing within the territorial limits of The Port of Portland is hereby called on Tuesday, May 26, 1970, such election to be held concurrently with the primary election to be held in Multnomah County, Oregon, pursuant to O.R.S. 249.340, at which special election of The Port of Portland there shall be submitted to the qualified voters residing within the territorial limits of The Port of Portland, for their approval or rejection, the

RECEIVED
APR 6 8 51 PM 1970
RAY SMITH-AUDITOR
CITY OF PORTLAND, ORE.

question of whether or not The Port of Portland shall be authorized to acquire all of the docks, wharves, elevators and other properties of the City of Portland under the charge and control of the Commission of Public Docks of the City of Portland and assume the payment on all or any part of bonds and other obligations of the City of Portland issued, sold or incurred for the purpose of acquiring funds to construct, purchase or acquire the said properties under the charge and control of the Commission of Public Docks of the City of Portland.

SECOND: That notice of the special election called by this resolution shall be given by posting the same in three public places within the territorial limits of The Port of Portland not less than twenty (20) days before said election, and by publication thereof once each week for the period of three (3) weeks, beginning with the week commencing April 6, 1970, in three daily newspapers, to-wit, The Oregonian, The Oregon Journal and The Daily Journal of Commerce, which are hereby designated as most likely to give effective notice to all the voters within the territorial limits of The Port of Portland of the holding of such election. Such notices shall be posted and published over the names of the President and Secretary of this Commission and shall give a general description of the measure to be submitted as specified in paragraph "FIRST" of this resolution.

THIRD: The President and Secretary of The Port of Portland are hereby authorized and directed to certify to the Registrar of Election of Multnomah County, Oregon, the question which is to be voted upon at such election, together with the form of ballot title therefor.

FOURTH: The form of ballot title and measure for the submission of the question proposed in this resolution shall be as follows:

"OFFICIAL ELECTION BALLOT
for
THE PORT OF PORTLAND

Port-Dock Commission Consolidation Measure

Measure submitted to the legal voters of The Port of Portland, comprising all of Multnomah County.

PURPOSE: To strengthen Portland's competitive position and to achieve economies in the use of its waterfront resources through consolidation of the Port and the Dock Commission of the City of Portland, as presently authorized by the Oregon Legislature in O.R.S. 778.020.

MEASURE: Shall The Port of Portland be authorized to acquire all of the docks, wharves, elevators and other properties of the City of Portland under the charge and control of the Commission of Public Docks of the City of Portland and assume the payment of all or any part of the bonds or other obligations of the City of Portland issued for the construction, purchase or acquisition of said properties?

Yes. I vote for consolidation.

No. I vote against consolidation."

1246 Ordinance No. 130704, entitled, "An Ordinance changing from Zone R5 to Zone C2B, the east 100 feet of the west 465 feet of Tax Lot 31, Section 16, T1S, R2E, W.M., located north of SE Insley St. near SE 84th Avenue, petition of Pay N Pak Stores, Inc., deedholder, and declaring an emergency," was introduced by Order of Council and read three times.

The roll being called on the passage of this ordinance resulted in Yeas, Commissioners Anderson, Grayson, Ivancie, McCready, and Mayor Schrunk, 5; whereupon the ordinance was declared passed.

1247 An Ordinance entitled, "An Ordinance declaring a vacant, one-story, wood frame, single family dwelling at 9518 N. Kellogg St. to be a nuisance pursuant to Section 7-203 of the Building Code, condemning the same, and providing for abatement and removal," was introduced by Order of Council and read twice.

By unanimous consent, this ordinance was passed to Third Reading.

1248 An Ordinance entitled, "An Ordinance vacating portions of NW Thurman St. and NW 14th Avenue for the State Highway Department, under certain conditions, initiated by the City Council," was introduced by Order of Council and read twice.

By unanimous consent, this ordinance was passed to Third Reading.

ORDINANCE TO BE READ THE THIRD TIME

1249 Ordinance No. 130705, entitled, "An Ordinance vacating a certain portion of SE Alder St., under certain conditions, initiated by the City Council," was read a third time and declared passed by the following vote: Yeas, Commissioners Anderson, Grayson, Ivancie, McCready, and Mayor Schrunk, 5. (C. C. No. 1145)

MISCELLANEOUS BUSINESS

AN ACT

1250 Amending Article 1, Chapter VI, of the City Charter to permit consolidation of the Commission of Public Docks with The Port of Portland upon occurrence of certain conditions.

MAYOR SCHRUNK:

The Chair would like to state, as I have talked informally with the members of the Commission, for the record, over a period of time, Governor McCall and myself have discussed the possibility of bringing about a realistic type of legislation that would combine these two facilities, the Port of Portland and the Dock facility, expand its area and its functions, and at the same time insure the protection for shippers. A sub-committee was set up by both bodies, at the direction of the Governor to the Port, and at my direction to the Chairman of the Board of the Dock Commission. Meetings were held; it was our hope that we would have a mutually acceptable program that could be submitted at the fall election. We have not, I must admit, involved as deeply as we should, the shipping interests directly involved in the City of Portland, and time has not been adequate, by this election.

But to make a report to the Council, I have asked Commissioner Andy Cook, the Chairman of the Dock Commission, to make a statement at this time on this matter.

COMMISSIONER IVANCIE:

think Mr. Mayor, I wondered if it would be possible to read Section 6-105, which is the gist of this matter before us. If the Clerk could read this, I think this puts it in perspective, as far as what is before us, and then go from that point for discussion.

MAYOR SCHRUNK:

Will the Clerk read Section 6-105?

The Council Clerk read Section 6-105 of the above Act, as follows:

CONSOLIDATION WITH THE PORT OF PORTLAND.

The Council shall, by ordinance, provide for consolidation of the functions of the Commission of Public Docks with The Port of Portland, a municipal corporation of the State of Oregon, whenever the Council determines that the following conditions are met: (a) that the boundaries of The Port of Portland are enlarged to include all or substantially all of the Greater Portland Metropolitan Area in Oregon; (b) that representation of members of the Board of Commissioners of The Port of Portland is required to be based on population, and that members of that Board representing the citizens of the city of Portland are to be selected by the Mayor with the approval of the Council, for appointment by the Governor or by other designated authority; (c) that The Port of Portland has authority to obtain adequate funds to maintain and improve facilities and provide additional facilities necessary or appropriate to serve maritime commerce of the Portland area.

The consolidation ordinance shall specify the property to be transferred or conveyed by the City to The Port of Portland. Properties used for recreation purposes or other City purposes and property not under the direct control and administration of the Commission of Public Docks, shall not be included. Any bond proceeds or other funds ear-marked for a particular purpose shall remain subject to that limitation of use. The consolidation ordinance shall also make appropriate provision for continued employment and the preservation of status, pension and other benefit rights of employees of the Commission of Public Docks after consolidation.

The consolidation ordinance shall also specify the consideration for transfer and conveyance, and may set forth the procedures needed to implement the consolidation. If the consideration for the transfer and conveyance is or includes assumption by The Port of Portland of all debts and obligations of the City relating to the properties and functions of the Commission of Public Docks, the Council shall make no tax levy for principal or interest payments on outstanding bonded indebtedness related to said properties or funds conveyed or transferred unless The Port of Portland fails to make payment when due. After consolidation, no levy of taxes shall be made for expenses of operation of the Commission of Public Docks, and the functions and duties of the said Commission shall terminate. Upon completion of the transfer and conveyance pursuant to the consolidation ordinance, the general police power and all other powers previously conferred by this charter upon the Commission of Public Docks shall revert in and be exercised by the Council.

COMMISSIONER IVANCIE:

Mr. Mayor, it is my understanding, from your comments a few minutes ago, when we talked about the three conditions, (a), (b), and (c), these are the conditions that you have discussed with the Governor, and he replied to you in writing.

MAYOR SCHRUNK:

This is correct. We explored all kinds, but we felt this was a minimum, at that time.

COMMISSIONER IVANCIE:

And he endorsed these conditions in writing to you, as I remember the letter.

MAYOR SCHRUNK:

He has endorsed them in writing. I think he's been lobbied since, and has possibly had some second thoughts.

COMMISSIONER IVANCIE:

But this is what we have in writing from him.

MAYOR SCHRUNK:

Yes.

Mr. Cook?

ANDREW COOK, CHAIRMAN, COMMISSION OF PUBLIC DOCKS:

Your Honor; Members of the Council:

I appreciate this opportunity to appear before you. The matter at hand is one of vital interest to the City of Portland, we feel. I wish to state at this time that we are not opposed to merger, per se. We are opposed to a merger that is not meaningful.

I want to address myself to only two facets of it. The rest will be covered by other members of our group.

As to the adequacy of the tax base as it now exists, for the function of the Commission of Public Docks, I wish to make this statement: that the citizens of Portland have been very generous with us. Through their bond issues, they have given us an adequate amount to operate in a meaningful way. That is evident by the fact that the Dock Commission and the Port of Portland occupy the second place on the Pacific Coast in tonnage, in spite of the fact that, populationwise, its back country is the smallest of any, roughly, maybe two million people. The City of Los Angeles, for instance, and Long Beach, has over eight million people behind it. San Francisco and the Bay Area probably has four or five million people. Seattle, to the north, probably has three million people tributary to it. But because we are a single-purpose body, activated solely with the thought of creating tonnage through the port here, we feel we have functioned more efficiently and more effectively.

There is some question in our mind that if we become part of a larger body, unless the proper safeguards are built into this takeover, that our ability to compete successfully would be minimized, to the detriment of the community as a whole.

We feel one of those requisites is adequate funding. We have some doubts in our mind at this present time, unless they are clarified, that the Port of Portland, with the tremendous problems it is now faced with, in the expansion of the Airport, which I hear is in the neighborhood of \$100,000,000, and their land development project, which is in the neighborhood of \$50,000,000, is going to be able to give the attention and the funds to the Dock Commission that we feel is necessary.

That is our position; we think it is valid. We think that the ordinance proposed by the City Council is of such a nature that that contingency will be fully explored and taken care of, so we feel it is valid in that respect.

MR. COOK: (CONTD)

The other thing is that we feel, if we are to be meaningful, and this merger has the result that it should have, that our area of operation, our tax base, should be broadened, which means probably taking in the greater metropolitan area of Portland, which I understand includes Washington and Clackamas Counties. It may not be necessary to include all of that area, but basically it should include most of it, particularly the economic area, and unless that is done, I do not think any merger is really meaningful.

We are coming to the voters with a request for consideration of a project that has tremendous impact on the future economy of this whole area, and we think that all these facets should be explored, the proper provision should be made to see that they are meaningful, and the time to do it is now, rather than a step at a time. If we propose to go along with some of the alternatives and turn the assets of this community into a merger without the proper safeguards, there is no question in my mind that it will be ineffective and detrimental to the community as a whole.

Thank you very much.

MAYOR SCHRUNK:

Thank you, Mr. Cook.- Are there questions the Commissioners have of Mr. Cook?

MR. RAYMOND KELL, COMMISSION OF PUBLIC DOCKS:

Mr. Mayor; Members of the City Council:

The portion of the presentation on behalf of the Dock Commission that I wish to cover is the background of the proposal that is before the Commission, and the companion measure that has been placed on the ballot of the May Primary by the Port of Portland. I think it is necessary to have this background to understand both the reasoning and the timing between the Commission of Public Docks' support of the proposed Charter Amendment and the events that have prompted this action.

I will not recite early history, or even contemporary history; we will start with September 8, 1969. At that time, the Director of the Department of Transportation of the State of Oregon, Mr. John Fulton, attended a meeting of the Dock Commission, at which time he suggested that it would be in the public interest and a constructive program, if a negotiating committee-- or an exploratory committee, is probably a better word--were set up to see if it were possible to work out a mutually satisfactory arrangement for the consolidation of the two agencies. At that time, it was his proposal that a committee, consisting of two members from the Dock Commission, two members from the Port of Portland, and two members from the Department of Transportation be appointed, to carry on these discussions.

At that meeting, the Dock Commission responded in the affirmative and appointed its two members. Shortly thereafter, Director Fulton met with the Port of Portland to make a similar suggestion. It was taken under advisement by the Port.

On October 16, approximately six weeks after the initial meeting, at the invitation of the Port, there was a joint meeting of the Port Commission and the Dock Commission. At that time, the Port Commissioners suggested that they did not usually act in committee, but rather as a full Commission, and suggested the procedure of the two Commissions meeting in full for the discussions, and they questioned the advisability and the necessity for having representatives on that discussion group from the Department of Transportation.

MR. KELL: (CONTD)

The Dock Commission's response to that suggestion was, first, that they felt strongly that it was necessary to have a small committee, if it was to be an effective or a meaningful committee. They also stated that they had no preconceived ideas or no feeling as to who the membership of that committee would consist of.

On November 4, as the Mayor has alluded to, a letter was sent by the Mayor to the Governor, outlining a program that he felt was constructive and that would accomplish, with the necessary safeguards, and the proper safeguards, an effective merger. Let me summarize those very quickly.

The first condition was that there be a reconstructed Port of Portland, embracing the metropolitan district, with suitable provisions to include Columbia and Clatsop Counties at an appropriate time, as well as the authority to participate in and be part of a bi-state authority. The second condition was that the Commission of nine be continued--and I am speaking of the Port of Portland Commission--with proportional representation based on population or tax base, or a combination of these factors, and that Portland's representation be by appointment or selection by the City. The third condition was that there be bonding authority to provide adequate funds for the program, and this to be supplied for the metropolitan area during the initial phases of the consolidation.

The letter also suggested a method of procedure that directed the negotiating committee to endeavor to formulate a program and prepare legislation. It also suggested that if there were issues that the committee could not agree upon, that those issues be submitted to the Governor and the Mayor for resolution.

There were other conditions that were procedural, that I will not enumerate.

On November 24, the Governor sent a letter to the then President of the Port of Portland, transmitting the substance of the Mayor's suggestions, and with the statement, "I heartily endorse these suggestions." This was mid-November.

In mid-January, the Port advised the Dock Commission that it had appointed its representatives, that it chose, rather than two members, a team of three members from the Port Commission, plus their legal counsel.

On January 23, the first meeting of the enlarged negotiating committee, and without representatives from the Department of Transportation, was held. At that time, the Port outlined a program for consolidation under the existing statute, with the Governor to be the sole and exclusive appointing authority, three Dock Commissioners to be appointed on the basis of a handshake between the Governor and the Mayor, until such time as the Legislature had acted, and the legislative program to be considered and worked out following the consolidation.

The Dock Commission's response was the response that I have outlined in the Mayor's letter. It was suggested that, following those discussions, or part of those discussions, that there was an impasse on some of the basic issues, the primary issue being whether or not this consolidation took effect before there were legislative safeguards, and before the conditions that had been specified were met, or afterwards. At that time, it was suggested by the Dock Commission representatives that this point be submitted back to the Governor and to the Mayor for resolution and instructions.

MR. KELL: (CONTD)

The Port's response to that was that they were a completely autonomous and independent body; once appointed, that they had the sole responsibility for determining and deciding on the program of consolidation, and that they would not be willing to follow that instruction.

On the point of representation, the Port advised that it had not yet reached a consensus as far as the Commission was concerned, and a second meeting was suggested. That meeting was held on February 23. The same impasse that developed in the first meeting continued into that meeting. The one new factor of significance, as far as the Dock Commission was concerned, that was developed at that meeting was the knowledge, or the information that none of the Port's bond funds from its presently authorized \$2,000,000 of general obligation bonds that may be issued each year without a vote, could be used for docks, wharves, or maritime commerce, with the consequence that if a merger were effected, under existing law, that the existing bonding capacity or authority for capital improvements could not be used for maritime facilities.

It was suggested by the Dock Commission at that time that an impasse had been reached, and that the respective commissions should state their differences, refer them back to their appointing authorities for further instructions. There was a request on the part of the Port that further meetings be held, and that was acceded to.

Approximately a week before March 13, we were advised that a joint meeting had been called, to be attended by the Mayor, the Governor, the Dock Commissioners, and the Port of Portland Commissioners. We were also advised that that meeting was to be in the nature of an expanded negotiation or discussion, or executive session. Members of the Council were present at that meeting.

I will not go into the details of the discussions that developed there, except to state that it was our understanding that the Governor indicated--and this with reference to an expanded district, to a metropolitan district, not to simply a consolidation of the existing district--that he was agreeable to representation based on population, which would mean that the City appointments would be four, the Gubernatorial appointments would be four, and the ninth appointment would be a joint appointment, until such time as the population shift gave it to the outside of Portland, or to the Governor.

There was also agreement, as we understood it, that the City would have the right to select its representation, and further, when it was evident that there was an impasse on the timing, or the method of this merger, that it was the suggestion of the Governor that both measures be put on the ballot--and then, almost as an aside, although we had been told that this was the timing that they preferred, we were advised that the Port had its measure, submitting its ballot proposal, prepared, and would adopt it the following Monday. (This was a Friday afternoon.)

We respectfully submit that the City's position in this regard has been cooperative, has been straightforward, and has been consistent. We believe that the Port's haste in putting this measure on the ballot leaves no alternative but that the City should state its position to the voters now, so that the voters have an opportunity to decide, and indeed, to indicate their preferences, or to make their decision with the facts; and this, as we understood it, was the Governor's suggestion.

MR. KELL: (CONTD)

As Mr. Cook has indicated, this involves one most important single City activity, as far as the economic wellbeing of the City is concerned. We feel it should not be dealt with otherwise than with full advice to the voters of the Council position at this time, and an opportunity given to the voters to make their choice, or to indicate their preference.

The second point that I wish to cover: the legal counsel for the Port of Portland has recently stated that in his judgment, the 1963 legislative expansion of the boundaries of the Port of Portland to include the eastern one-third of Multnomah County was unconstitutional; further, that either the Commissioners of the Port of Portland should be elected, or the tax levying power of the Port should be approved by the voters, or otherwise, the Port's fiscal program was unconstitutional.

Permit me to read very briefly a part of the oral argument in connection with the constitutionality of the Tri-Met district in the Hoerner's Market case. In that case, Mr. John Mosser appeared as a friend of the court, and on behalf of business interests in the tri-county area; and during the discussion, there were two colloquies between Judge Langtry and Mr. Mosser, that I think need to be made abundantly clear, and need to be emphasized. I will read briefly:

"Judge Langtry: Would you then think that the action under Chapter 124 of the Laws of 1963, expanding the Port of Portland, was unconstitutional?"

"Mosser: I voted against it on that ground."

"Judge Langtry: You mean in the Legislature, or as a voter in Multnomah County?"

"Mosser: In the Legislature. It was never submitted to the people."

Further on, and in a further discussion of the same point, this dialogue took place: Judge Langtry said:

"I take it that if this Act had provided for the creation of the district and three counties in the Act itself"--and he was referring to the Tri-Met Act--"and then provided for the appointment of the Commissioners by the Governor, that you nonetheless consider all the rest of the Act unconstitutional?"

"Mosser: Yes, I would."

"Judge Langtry: The laws of 1963, Chapter 124 says: 'There hereby is created a Port of Portland with boundaries that are coterminous with the boundaries of Multnomah County.'

"Mosser: It has never been challenged, Your Honor. I think there are questions affecting the Port that should be decided. I think, however, this is the important thing to stress, perhaps, that it is quite possible that if the court should consider the Port, and should consider that it was bad on the same grounds we are saying that some of Tri-Met's powers are bad; that it could easily say, 'Legislature, you must provide for an election of these officials,' or that the future taxes of the Port cannot be levied except by a vote of the people."

What is the significance of these constitutional challenges? First, that the Port's taxation, beyond 1963, has been and is illegal; secondly, that the geographical boundaries of the Port at this time are not known, because the Port, starting in 1891, and with several expansions of boundaries, has always been affected by legislative action, and never by voter action. Third, that the Port as presently structured does not have the power to levy taxes or issue general obligation bonds; and fourth, that the Legislature does not have the power to create a metro Port district, or to provide it with the financial resources necessary to do the job to provide the facilities for the metropolitan commerce of the Portland area.

MR. KELL: (CONTD)

We ask these questions:

Is it not presumptuous to ask the City of Portland to turn over its property to a Port district that may be illegal? Further, is it responsible stewardship to press for an administrative consolidation without first resolving legal problems and seeking the advice and consent of the Legislature, if the Port is the creature of and responsible to the Oregon Legislature, not to the Governor?

The Dock Commission favors consolidation, but it feels strongly that this must be done in a responsible and deliberate fashion, and after there has been a determination of the legality of the Port as established; that after the Legislature has created a true metropolitan agency, with local selection of Commissioners, and this has been insured by having been written into the legislation; and lastly, that there is adequate financing for the maritime facilities of the Portland area.

These are the two points, Members of the Council, that I have been asked to cover. Mr. Ed Whelan, also a member of the Dock Commission, will cover the question of representation. If there are any questions, I will be glad to answer them.

MAYOR SCHRUNK:

Are there questions of Mr. Kell?

COMMISSIONER IVANCIE:

Mr. Mayor, I would like to ask Mr. Kell, as of this moment, could you recap what you think the Governor's position is?

MR. KELL:

It was our understanding, in reverse, based on the March 13 meeting: No. 1, that he agreed with representation based on population; selection of the Portland representatives by the Portland City Council or Mayor; and lastly, since there was an impasse on the method of accomplishing it, that both agencies should proceed with a submission of their respective programs to the voters.

MAYOR SCHRUNK:

Are there other questions of Mr. Kell?

COMMISSIONER ANDERSON:

If these two measures were to go on the ballot and both were to pass, would it require, then, an act of the Legislature in order for the consolidation to take place?

MR. KELL:

It would be my belief and understanding that this would be the case; that, in effect, the City's measure would specify the conditions under which the City Council was authorized to turn over the Dock Commission property and activities to a Port. The Port's action is not bilateral action. It does not compel or direct the City Council to respond to it or act in connection with it.

COMMISSIONER IVANCIE:

Mr. Mayor, at our meeting with the Governor some time back, a point was made, I believe, about the trend, at least, of some of the major areas on the West Coast concerning port authorities and dock facilities. I wonder if Mr. Kell would cite if he has any knowledge of recent trends in this respect.

MR. KELL:

Mr. Commissioner, Portland is the only Port on the West Coast that has a State Port agency functioning. All of the other ports are local agencies, in the sense that they are directed by Commissioners either appointed locally or elected locally. For approximately 75 years, the Port of San Francisco was a State agency; that was changed during the last year. The Port of San Francisco is now a local agency, is no longer a State agency. So that leaves Portland as the only area with a City Port agency on the West Coast.

MAYOR SCHRUNK:

Mr. Kell, following through on Commissioner Anderson's thought, it would be entirely possible that, based on Mr. Mosser's theory, the Legislature might suggest an election in the parts of Clackamas or Washington County, to establish their tax base and to follow through on a meaningful merger.

MR. KELL:

Mr. Mayor, I think that the suggestion goes further than that, that on his theory, there would need to be either voter approval of tax levying power throughout the Port, including Multnomah County and the City of Portland, and possibly the election of Commissioners from the entire area.

COMMISSIONER MC CREADY:

Mr. Mayor, also, do you anticipate legislative need to enable the Port to expend moneys for docks and maritime facilities?

MR. KELL:

This is where you get the breakdown, or different theories of the legality of this type of operation. If the Legislature has the power--and it is my personal belief that they do have the power--then it could provide adequate financing for the maritime facilities, indeed, all of the facilities of the expanded Port. If the Mosser theory is correct, this cannot be done by the Legislature; it has to be done by the voters.

MAYOR SCHRUNK:

Are there other questions? A short recess has been requested.

At this time, Council recessed for five minutes.

At the termination of the recess, the following Council Members were present: Mayor Schrunk, presiding; and Commissioners Anderson, Grayson, Ivancie, and McCready, 5.

MAYOR SCHRUNK:

The Chair recognizes Mr. Ed Whelan, Dock Commissioner.

MR. ED WHELAN, COMMISSION OF PUBLIC DOCKS:

Mr. Mayor; Members of the Council:

I am here today in my capacity as a member of the Commission of Public Docks. I want to address my comments specifically to one portion of the recommendation to the voters, and that has to do with proportional representation.

MR. WHELAN: (CONT'D)

I think that the taxpayers of the City of Portland have had too many bad experiences with the Oregon Legislature to risk turning over to them, carte blanche, all of the physical properties of the Commission of Public Docks, without having some safeguards built into the authority of the Council at some later date to effect the consolidation. I have specific reference to three points. I can think of many others, but I think these three are probably the most evident and the ones most current in your minds.

One is the matter of school financing, where the taxpayers in School District No. 1, which fairly closely parallels the boundaries of the City of Portland, have for many years plowed untold millions of Portland tax dollars into the school districts in the eastern part of Multnomah County, under the guise of County equalization. I can recall that in years past, when Mr. Baldwin, the present General Manager of the Port of Portland, was a legislative representative for School District No. 1, this was one of the problems confronting him, when to do away with this, so that the School District could actually spend the funds within the district that it collected, rather than transferring them on.

In 1933, there was a gas tax rebate statute passed in Oregon, providing that all of the cities in the State of Oregon would get one cent a gallon for every gallon of gas sold in those particular communities--with the exception of the City of Portland, which got 66-2/3 of one cent. Down through the 30 years it took to correct that, how many millions of dollars were lost to the taxpayers in the City of Portland?

In 1963, we were successful in getting a formula worked out, that if within five years, Portland would be on parity in 1963, we picked up about \$460,000 of additional revenue; and you only have to reflect closer to home. What's been done to the taxpayers in the City of Portland by the Commissioners in the County of Multnomah on the use of revenues that come to them from the State, through the actions of the Oregon Legislature? All you have to do is drive out any of our east-west streets inside the corporate limits of the City of Portland, and immediately upon coming to the boundary between the City and the County, you go from a two-lane road, at best, to a four-lane, practically super-highway. This has been money that should have been spent on a County-wide basis, but has been used for the exclusive relief of people outside of the corporate limits of the City of Portland.

So I think the City Council would be remiss in its responsibilities to the taxpayers of the City of Portland if they didn't insist on proportional representation as a contingency, because too often, when control of local governments escapes the local taxpayer, it is difficult at a State level to make corrections. It takes years in some cases, and sometimes correction never is forthcoming, and I think this is a small item to request, that legislative implementation of a merger be contingent upon the things outlined in your proposal to the people. After all, it isn't just the taxpayer in the City of Portland, or for that matter, in Multnomah County; but it is the taxpayer in the entire State of Oregon that benefits as a result of the maritime commerce that is carried on as one of the activities of your Commission of Public Docks. I think, above all, their funding, their continuation, is paramount to any merger, and I know that it is not the most glamorous type of municipal operation, but nevertheless, it is one that certainly provides a lot of pay roll and a lot of good residual economic factors in this community and State; and with that, Ladies and Gentlemen, I conclude.

MAYOR SCHRUNK:

Thank you, Mr. Whelan. Are there questions of Mr. Whelan?

GEORGE SHAVER, EXECUTIVE VICE-PRES., SHAVER TRANSPORTATION CO.:

Your Honor; Members of the Council:

I appear before you today as the Vice-Chairman of the Portland Maritime Committee. I wish to read a statement by the Chairman of that Committee, Mr. Archie T. Davis: (Read)

My name is Archie T. Davis. I am Vice-President of Transpacific Transportation Company, agent for a number of steamship lines which call Portland. I am a member of the Ports Division, Oregon State Department of Transportation, and Chairman of the Portland Maritime Committee, a group of waterfront industry leaders which has formulated a position on this matter before the Council.

I speak today for myself and for that Committee. The Committee has held only one meeting. It cannot speak for the entire waterfront because there has not been time for the Committee consensus to be carried back to the several organizations represented at that meeting.

That in itself is a problem that dismays us. We know that the Dock Commission and the Port Commission have had several discussions over the past several months, but never was the maritime industry consulted. The Port of Portland's proposal for an administrative merger was done without discussing the matter with the industry most vitally affected.

Our Committee in principle is in favor of consolidation of the two agencies, but to us, consolidation must be mutually advantageous. It must be a broad-based restructuring of a new Port of Portland, with adequate financial capability to properly protect and develop the area's shipping.

In our view, the Dock Commission is underfinanced, although the citizens of Portland have been generous in approving bond authorizations to upgrade the City's dock facilities.

The Port of Portland has put its priorities on airport expansion and industrial development at Rivergate, both highly desirable projects for the Portland area. However, we seriously question whether the Port of Portland has the financial ability to finance what we understand to be a \$100,000,000 airport expansion program and a \$50,000,000 Rivergate industrial development program, and have sufficient funds in addition to do the job the Dock Commission has been doing in providing docks and other facilities for the use of maritime commerce.

We believe that an administrative consolidation will accomplish nothing. Although the Port of Portland has the authority to issue \$2,000,000 annually in general obligation bonds without the vote of the people, that money, by law, cannot be used for the construction of docks and wharves.

Remember that the seaport of Portland provides more than 15,000 harbor dependent jobs with an annual payroll of more than \$115,000,000. Another 17,000 jobs are secondarily related to world trade. This economic benefit to the community must be protected.

Again, our group is not opposed to consolidation. We see merit in a bigger, stronger, better financed organization with the responsibility to see to it that Portland stays competitive as a seaport. But if that new organization cannot provide a base broad enough to provide funds for vitally required expansion to keep pace with the ever demanding requirements of rapid technological changes in cargo movement, we see no purpose in shuffling administrative paper. We cannot permit the assets of the City's Commission of Public Docks to be used for purposes other than maritime commerce.

MR. SHAVER: (CONT'D)

Therefore, we strongly urge this Council to make sure that in any consolidation program, the interests of the City and of the seaport community of Portland be protected by proper safeguards.

Thank you. (End Read)

MAYOR SCHRUNK:

Thank you, and I wish again, you would convey to the membership that it would be my intention and desire--I expressed that to the Governor in an open meeting that he held with the Port and Dock--I said it was my obligation to take any proposal to the industry, and make sure also that there were adequate safeguards. The time element, as I explained earlier, hasn't made that possible, and I unfortunately have not had a chance to talk with either the labor organizations concerned or management. I would have preferred that we would have been able to get together with something on the fall ballot, that everybody could have been involved in, and everybody could support.

MR. SHAVER:

Thank you. I appreciate your concern.

MAYOR SCHRUNK:

Are there questions of Mr. Shaver? Thank you, Sir.

FRED HUNTISINGER, PRESIDENT, PORTLAND LONGSHOREMEN'S UNION:

Mr. Mayor; Council Members:

I reside at 10608 NE Skidmore, outside of the City Limits, but within the reach of the Port of Portland. I rise here to oppose the merger, or the proposed consolidation; in fact, I think that the correct wording should have been carried through--and the wording was used at the beginning of this hearing; the word was, "takeover." It is our opinion that that is exactly what the effort is on the Port of Portland, to take over the physical and financial assets of the Commission of Public Docks.

We oppose the merger on moral, political, and financial grounds: morally, because of the efforts on the Port of Portland to gain this merger. They have indicated that there is no reason for the City to drag its feet, that they have the authority to merge, and then we will go to the Legislature, and we will talk about making it legal. What they are asking for is for the Port of Portland and the Commission of Public Docks to engage in an illicit relationship, and get the marriage license later, and we don't think that anybody in the City of Portland should have to take a look at the Commission of Public Docks and view them living in sin.

In the past, there have been many times when the Commission of Public Docks and the Longshoremen's Union have been at loggerheads, but there's an old saying in the labor movement--with all due respect to the ladies present--that they may be S.B.'s., but they are ours; and we are a part of that family, and this is no longer a family fight. Now, there is an outside agency that is picking on one of our brothers or sisters, and when they do that, they are in a fight with us.

The relationship of the Commission of Public Docks to this community and to the City of Portland is a well-established fact. The main reason that the Commission of Public Docks has been more active in the recent past is because of a lack of interest in the business community, and possibly a lack of facilities.

MR. HUNTSINGER: (CONT'D)

The series of takeovers by the Portland Port--that is, their series of efforts to take over--have not exactly been common knowledge, and you see a little squib in the paper once in a while, that somebody says that the Port of Portland is talking to the Commission of Public Docks, and what they are doing is just attempted a so-called Madison Avenue effort to convince the public in this region, the tri-county region, and the citizens of Portland, that they are really "good guys," and all that they want is a benefit for the citizens of this community--and I don't blame them. I don't blame them a bit. Here's the Commission of Public Docks; it's a 60-year-old lady, and she's got a little money, and she's got a lot of responsibilities that she carries out. She husbands her money, and her stewardship of the money that's been presented to her by the citizens of this community cannot be questioned. She's got a potential of commercial enterprise here that is unlimited.

Now, this Port of Portland--this is kind of an allegorical statement--comes along and says, "Here's a 60-year-old spinster. She's a little bit fat; never been married--and I haven't been very successful in my enterprises, and I need a boost. I need a shot in the arm, and the only way I can get it is by the citizens of this City presenting me with a dowry"--and that's what they want.

Now, they don't want the citizens then to have anything further to say about the progress of the docks of the City of Portland. They say, "This is a takeover. I want to absorb you, and I will handle all your money for you, and you will have no more worries."

Now, the proposed ordinance, I don't question the good faith effort on the part of the Council in proposing this ordinance, but it is not a good defense against this kind of an activity. The best defense against this activity is to ask the Port, "Would you merge with the Commission, if you really mean to do some good for the citizens of this community and to get them a good return on their tax dollar, and to bring business into this area?" If you really mean it, then the ordinance should say that it is not a merger or a consolidation, but that the Commission of Public Docks take over the facilities and the financial enterprises of the Port of Portland--yes, and even their debts, and, boy, they've got plenty of them.

I haven't noticed any effort to make the Commission of Public Docks a surviving body; it's been the Port that wants to be the surviving body, and I think that we could recognize that kind of an attitude.

In relation to the history of the Port of Portland--the Port of Portland is a pretty old institution, also--as a matter of fact, if my memory serves me, it's an older body than the Commission of Public Docks; and they should be wiser. They shouldn't suffer from the lack of fiscal responsibility.

The Port ballot measure--which I haven't seen, but have heard allusion to--in my opinion is unconstitutional. I haven't heard of it being approved by the Attorney General of the State of Oregon for a ballot measure for a State body. The Port's proposal indicates to me a vast number of democratic processes in relation to the electioneering which appears on their proposal, that the voter takes into the booth with him, and he reads the propaganda in order to get him to make a determination at the time he marks his ballot.

MR. HUNTSINGER: (CONTD)

I have noticed a number of comments--not in this hearing, but in relation to some exhaustive studies that have been done by the Port of Portland that would indicate that this is a proper thing for the citizens of this community and the Legislature of this State to take into account; and I would like to know, what has been the result of these exhaustive studies, and why should the Port have to spend money on a ballot and use the citizens' money to print these things up, when they have already said, and publicly, that they really don't need this; they can do it, anyway--but they are giving the public a chance to reaffirm what they should do. That's what they want to do--and also a little propaganda move to insert on the ballot, taking advantage of the fact that the Port of Portland and the Commission of Public Docks do sound somewhat synonymous to the average person. They want to merge now, and legislate later.

I notice that in the recent past there has been a TV commercial, I would call it--and in the old days of radio, it might have been all right; but I don't think it convinced any of the citizens of this community. I notice that it didn't convince any of the citizens downriver that they should become a part of this amalgamated body. I haven't noticed from the editorials in some of the papers in Southwest Washington, that they are happy about the suggestion of a bi-state authority. I don't think they like it, and I think that, if the Council would just make a little effort to reconsider this proposed ballot measure, that one of the best things they could do for the community, to use a colloquialism, is "to dump it", and just forget the whole thing, as far as the legislation.

But there isn't any reason why the Commission of Public Docks can't be expanded. That's something that belongs to Portland, and every time that the Commission of Public Docks has asked the voters of this City to support a bond measure, to finance development on the docks, they have gained an overwhelming majority, and the reason they have gained that overwhelming majority is because they don't come up here and ask for more money than they think they need, and they don't go out and squander it. They take the citizens' money; they spend it wisely, and they invest the money that they don't use, so the citizens actually get more of a return on their tax dollar; and I don't see anything wrong with that. I think that's a hell of a good idea, and I certainly wish that more governmental agencies would practice that theory; they would save the taxpayers a lot of money and gain more faith.

Now, what's happened? Somebody threw a fox in the henhouse; and while all the hens are down at this end down here, they are squawking and clattering, and trying to get up on the roost, to get away from this fox. Their feathers are flying, and the fox is sitting there, licking his chops--but he'd better not lick them too long, because those chickens are going to get wise. He might get one of them, but the rest of them can pick his eyes out, and he will be lucky to get out of that henhouse alive.

That is actually the situation, and the defensive measure that appears here--with all due respect to the Council, a defensive measure is not enough. You don't need that ordinance or that proposal. Throw it out, and bring in something that the citizens of the City of Portland can adopt in confidence, to expand the Commission of Public Docks, expand their authority. There isn't anything wrong with that. Maybe you should arrange for a tax base for the Commission of Public Docks that's more realistic to the needs of the Port. All this can be done. You don't have to go to the Legislature for that, and I don't think that you should fear asking the citizens of this City for that, either, because I know that you could get it.

MR. HUNTSINGER: (CONTD)

In the past, the Longshoremen's Union has supported the Commission's efforts in relation to bond issues, and we are just as prepared to advance a campaign to defeat any kind of a program to give the voters a chance to vote on nothing.

Has anybody suggested during all this discussion that the Commissioners of this proposed consolidation be elected? Nobody has suggested that. They want to represent the citizens, but they want to represent them by appointment, and the Commission of Public Docks is the only appointive body that I am acquainted with that I do not consider reprehensible, because they are governed by a Commission, and they are fulfilling their responsibility to the citizens of this community.

I don't think we should end up with nine Commissioners to operate a so-called consolidated Port, just to prove that Parkinson's theories are correct. It's going to take them ten years to resolve their administrative problems. The time has come, I think, to wake up this so-called sleeping dog, expand the Commission's authority and responsibility, and to continue this effort to revive the waterfront. The waterfront is one of the main economic arteries in this area, and if Portland can afford to continue this activity, Portland can afford to provide jobs, profits and economic advantage to this whole tri-county area. You are doing it now, and it hasn't cost you a heck of a lot of money. As a matter of fact, it's made a lot of money. Every person that is related to the waterfront, whether he lives out in the so-called bedroom counties, or wherever he lives, if he is buying a house, the money that he spends on that house is financed through a bank whose office is right here in Portland. Can you show me a business enterprise of any consequence that doesn't have their offices right here? They are dependent upon this City and this community, and I hope that if they are related to the waterfront, that they are making money; but I want them to make more. It's selfish, really, I suppose. I like the longshoremen to make more money, too. I am not exactly provincial, and I don't have strictly a parochial attitude toward things. I think that the entire area can benefit, and then the City can say, "Look; we have made this benefit for you. We have helped to create these jobs and this opportunity for continued economic expansion." Maybe then you can start talking about some kind of a metropolitan governmental effort; but don't put the cart before the horse.

I think another thing that should be done, too--there's been a lot of discussion here about the effect and the efforts of some legislative representatives. I think it might be a good idea if some of our few legislative representatives--including the ICWU's--would make some kind of an effort to get the name of the Port of Portland changed. I don't want it to be changed to any of the names I have suggested so far, but it should be changed to reflect exactly what its function is--a harbor authority, or a rivergate authority, or some such thing.

When I wrote my original notes, I didn't anticipate the presence of the so-called opposition, but I am going to ask these questions, anyway, because I think they are very relevant--and of course, the first question answers itself: is the Port of Portland here today to evangelize their effort? Do they wish to avoid any public encounter? Why do they need a ballot measure if their authority is as great as they claim? What is the need for the apparent hurry by the Port of Portland, and what is the magic date of the middle of June? Will the Port of Portland turn into a pumpkin on that date? Do they have a pressing financial obligation which must be reduced by that time, and there is not sufficient funds on hand?

MR. HUNTSINGER: (CONTD)

We would like to know, and we believe that they should have an opportunity to answer these questions, and express their viewpoint to this Council and to the other representatives present.

Thank you very much.

MAYOR SCHRUNK:

Thank you, Mr. Huntsinger.

Unless there are other speakers from the Commission, I will be happy to recognize the Chairman of the Port.

DONALD G. DRAKE, PRESIDENT, PORT OF PORTLAND COMMISSION:

Mr. Mayor; Members of the City Council:

I appreciate the opportunity to appearing before you today to present the views of the Port of Portland Commission upon the important Charter Amendment which you are proposing.

We were somewhat surprised to hear that the Mayor has a written communication from the Governor agreeing to the three restrictions in your ordinance. Mr. Kell's listing of correspondence overlooked all that transpired following the November letter. I would like to read a letter, dated December 22, 1969, from the Governor to Mr. Robert B. Wilson, who was then President of our Commission. A copy of this letter was sent to Mayor Schrunk: (Read)

I was delighted to receive your letter of December 11. I know that Mayor Schrunk will be equally pleased to learn of your Commission's full support of the policy objective of consolidating the Commission of Public Docks and the Port of Portland.

I am also pleased that you are designating Commissioners to begin meeting at an early date with Commissioners from the Commission of Public Docks. I hope, as a matter of fact, that steps to implement this decision have already been taken.

Because of the importance that I attach to this proposal, which I know Mayor Schrunk shares, I'm sure that the joint committee will remain in close touch with us, particularly if any issues arise which should have Mayor Schrunk's attention and mine.

In my opinion, the first objective is the consolidation of the Port of Portland and the Commission of Public Docks. If this can be done administratively with the necessary enabling measure on the May ballot, so much the better. This would fulfill the thrust of my administration, which has been to encourage strong and effective relationships between state and local government, and the further obligation to exercise full executive responsibility.

The second step would be the necessary legislative authority to expand the boundaries of the restructured Port of Portland to include Clackamas and Washington Counties. Implicit would be an adequate tax base with the requisite procedures to insure voter support.

At that point, consideration should be given to a further extension of the port boundaries to include the downriver port areas. I firmly believe that this would enhance the development of the Lower Columbia. As you know, this should be correlated with the State Ports Commission, who have the legislatively assigned responsibility for statewide planning and coordination of Oregon's port system, as well as with the Ports of St. Helens and Astoria and interested citizens. (End Read)

MR. DRAKE: (CONTD)

Since 1891, the Port Commission has been striving to help Portland fulfill its natural destiny as a great trading center serving the people of Portland, the State of Oregon, and the entire Columbia Basin area. This is our function. This is our assignment.

Today, we face increasingly complex transportation problems. Trading patterns are rapidly changing; competition from other port areas is becoming more and more intense. Portland must meet these challenges or else fall to a second-class status. This we cannot permit, not only from a civic pride standpoint, but from sheer economic necessity.

From many studies that have been made over the years, and from our own research, it has become apparent that we must have a unified port agency to meet the competitive challenges and the technological changes so rapidly being forced upon us. This is why so many leaders in Portland and elsewhere in the State have come to the conclusion that now is the time--now, after more than 50 years of sporadic effort--now, to meet the demands of today and tomorrow--a consolidation of the Port and the Dock Commission should be accomplished.

This is why the Port, after discussions with members of the Dock Commission and the City Council, decided to respond to these needs by acting under the Port's authorized legislation by asking the Port's voters to approve a Port-Dock consolidation.

We were hopeful that the City Council and the Dock Commission would see these same present and future challenges to Portland's position and request similar approval from City voters to authorize the Council to arrange an orderly and logical combination of these agencies into a strong, responsible and progressive single voice to carry Portland forward.

The Port Commission has carefully reviewed the amendment to the City Charter proposed by the Council today. Unfortunately, this proposed amendment does little, if anything, to advance the possibility of a consolidation of the Commission of Public Docks with the Port of Portland. The restrictive conditions which are proposed will, if adopted by this Council, only serve to effectively kill the strongly supported Port-Dock consolidation and will hamper Portland's efforts to be a truly great port.

We are extremely disappointed that the Council has seen fit to propose these restrictive conditions to the Charter Amendment to be submitted to the voters. If this is submitted as it stands, you must realize that it is not in the best interests of our combined constituency.

Let me make clear that what the Port is seeking on behalf of all of Portland, the metropolitan area, and the State as a whole, is to combine a local maritime governmental agency with a broader-base regional governmental agency with greater strength and resources to serve the public. This is what a Port-Dock consolidation would accomplish. No person or entity would be giving up a single thing. Instead, everyone would be gaining by combining our resources, strength, and energies.

We are simply suggesting that the City submit to the voters a measure which gives the City Council permission to consolidate as soon as the necessary arrangements can be finalized to the mutual satisfaction of the Port and Dock Commissions and City Council. The City voters can rely upon the responsible action of the City Council to see that all arrangements are directed toward the goal of an efficient, responsible Port agency.

Let us look for a moment at the three conditions you propose as (a), (b), and (c) in the Charter Amendment.

MR. DRAKE: (CONT'D)

The Council proposes in (a) that there be no consolidation until the boundaries of the Port are enlarged to include all or substantially all of the Greater Portland Metropolitan area. We feel you should not insist upon this unless you are merely trying to delay a consolidation. Any delay, we feel, will hinder Portland's ability to develop a fully competitive multi-purpose port.

What you are proposing will require action by the Oregon Legislature, which cannot come earlier than 1971, and perhaps even later. It could also require approval by the voters of the areas to be included in the expanded Port. The request for such approval would probably be submitted at some future primary or general election, delaying any action until 1972 at the earliest, and as with the legislative action, perhaps even later.

We do not feel Portland can afford such a delay. In due course, the Port's boundaries should be extended, and we have so stated. But we should not sacrifice the immediate benefits of this consolidation.

The first logical step is to consolidate the Port and Dock Commission under existing legislation. We should get started as soon as possible with the immense task ahead of us and later expand the Port's boundaries in the metropolitan area as we can expand the benefits to these areas.

Turning now to your proposed restriction (b) on representation of Port Commissioners in the consolidated agency, again we urge you not to include this in your submission to the City voters, as it will only provide a convenient obstacle to achieving progress.

Again, we are confident that responsible consideration by the Council will provide a satisfactory solution to insuring that the interests of the City are protected. After all, the present Port Commissioners all live or work in the City. The advancing of the interests of the City, region and State are just as important to every person in this room, whether he is appointed by a Governor, appointed by a Mayor, elected by the people, or lives or works here.

We cannot be concerned over petty power politics when we are presented with such grave issues. Let's get on with the job before us and rise above such technical obstacles.

Lastly, let me talk about the third restriction (c), relating to financing. The Port has proven by its record that it operates on a sound financial and business basis. The money entrusted to it by the public is wisely invested in public projects that will contribute greatly to the well-being of the citizens of this area for many, many years.

We have heard some question expressed by the City and its Dock Commissioners of the interest and capabilities of the Port in maritime affairs. I would like to read from our letter to the Mayor and Council of March 25, 1970: (Read)

To assist the City Council in its deliberations regarding consolidation, I am enclosing a copy of the ballot measure resolution adopted by the Port of Portland Commission. Our measure, with expected approval, will authorize us to proceed with Port-Dock consolidation under existing legislation and mutual agreement with the City.

We sincerely believe that a similar measure authorizing the City to proceed with consolidation under the same terms is in the best interests of our combined constituency. We feel any other course, resulting in restrictive conditions, will only serve to further delay the benefits which consolidation will bring to the City.

MR. DRAKE: (CONT'D)

With both the Port and the City armed with a similar mandate from the voters, we are confident the mechanics of consolidation can be agreed upon, and that continuity of leadership and dedication to the activities of both the Port and the Dock can be provided.

To further indicate our desire to be of service to the Council, the Port will be happy to hold an informal briefing for the Mayor, Council and Dock Commissioners. At that time we can explain in detail the Port's goals, commitment to Portland's commerce and trade development and financial capabilities.

The Port Commission is prepared to conduct this briefing at your earliest convenience. Please let us know if we can be of help, and if so, when you would like to arrange a meeting. (End Read)

We strongly urge that before action on this proposed Charter Amendment is taken, the City Council attend our suggested joint briefing, which we feel would clarify both the Port's and Dock's financial position. We have always felt that such a financial briefing would clearly show that a consolidated organization would have adequate financing to develop a sound progressive program to meet Portland's maritime, aviation and industrial needs. But, because we have not had the opportunity to make this presentation to you and the Dock Commissioners, I would like to comment on some of the remarks that have been made.

Some statements have been made about our commitment to provide Portland with modern adequate airport facilities at Portland International Airport. This is a program of such magnitude that it will require over \$100,000,000. Yet our plan is that no part of this construction will be financed with tax dollars or general obligation bonds. Our consultations with the users of the airport and investment banking houses confirm that these air facilities can be financed from the revenues to be generated at the airport.

Another exciting program of the Port is the industrial complex known as Rivergate. Here will rise factories, warehouses, distribution centers, and related business, projected to provide 25,000 jobs within the next 20 years. The planning for Rivergate was initiated, as you know, by a study jointly sponsored by the City, the County and the Port. By proceeding on a logical development program, we anticipate no financing problems and little or no additional commitment of the Port's taxing or bonding authority.

Other areas of the Port, at Swan Island and the tanker basin, for example, are planned to produce resources for general port development.

All of this could have been shown to you in detail, had there been an opportunity for the informal briefing we suggested. I cite this summary only to confirm to you that there is no need for you to insert restriction (c) in your proposed Charter Amendment. We are surprised to see this restriction. We assumed that it was well known that the Port has similar but broader taxing and bonding authority than the Commission of Public Docks, in addition to significant profits on its operating functions.

We believe there is adequate financing available for the program that best meets Portland's needs, not only in the areas where the Port of Portland is now serving the public, but also in the waterfront area, which is the responsibility of the Dock Commission.

We again repeat our offer to hold such a briefing. We pledge our efforts to do everything we can to assist in bringing about this much-needed consolidation.

MR. DRAKE: (CONTD)

In regard to the statement in your proposed amendment concerning Dock employes, the Port wishes to emphasize our full support in protecting employes of both organizations upon consolidation. We agree with the City that this is a vital consideration in discussing the merger.

Over the years, we have been able to accomplish a great deal through the spirit of cooperation; but today's transportation picture is rapidly becoming too complex, and the competitive pressures too intense for us to continue the luxury of two organizations with similar goals. A strong, dedicated, consolidated Port-Dock Commission is absolutely essential to maintaining Portland's position as a commercial center in competition with Seattle and other coastal ports.

Let us jointly lend every effort to the accomplishment of this goal. Let us not tie up the City's ability to act by having a Charter Amendment full of restrictive conditions. We believe the City voters have faith in the judgment of the City Council and will give the Council unrestricted authority to enter into agreements the City feels will best advance the interests of all the citizens.

Thank you.

MAYOR SCHRUNK:

Mr. Drake, it would appear from your comments that you are a State agency. Do you disagree with some of the speeches that President Nixon has been making, about making government nearer to the people, more responsive; and the Governor's reorganization program, where he set up 14 administrative districts? You have recently told me that you are not responsible to the Governor; he will only appoint you, and then you have to answer only to the State Legislature.

MR. DRAKE:

We are a municipal corporation, Mr. Mayor, yes. Our boundaries are Multnomah County.

MAYOR SCHRUNK:

Do you disagree with the theory of possibly representation appointed by local jurisdictions directly involved, or by election of the people?

MR. DRAKE:

Not necessarily. I really think that is a matter that the Legislature has to decide upon. I think we feel that the Commission system, with its function in this State, at least to date, has been good, and we support that.

MAYOR SCHRUNK:

But the thrust of the Legislature, they passed 497; they passed the Tri-Met. The federal government encouraged, and we joined CRAG, with local controls. I just don't quite understand your theory. I certainly respect your opinion, but I would have preferred that we had had more time, too; but when you rushed in and put a measure on, the Council cannot act unless we have the approval of the people of Portland. It's part of our Charter, as I have told you and your people; so the people of Portland must speak. As I told you and the Governor and those gathered at that meeting, we must build in reasonable, not arbitrary safeguards, to protect the maritime commerce, and this shotgun wedding won't do that. I submit that respectfully to you.

MR. DRAKE:

I think, given the time to fully brief you, that you really won't be concerned.

MAYOR SCHIRUNK:

I hope, as I expressed to you personally very recently, that joint committees will continue to meet, to explore all these problems that answers have not been forthcoming on, and to resolve some of these problems, so that we can go to the Legislature with a measure that your body, the Commission of Public Docks, the Governor's office, and the City Council can support, and I feel very strongly that the Legislature would be very receptive to that type of legislation; it would be quite refreshing to them to see four bodies come in together.

COMMISSIONER ANDERSON:

Don, if both these measures pass--and I would guess, if both of them go on the ballot, and both of them have the question asked: "Do you favor consolidation of the Port and Dock?"--you are likely to see that on the ballot--my guess is that the Council will pass this measure today--what will the Port's position be in regard to the kinds of issues that have been raised by the Council? Specifically, will the Port support or oppose the expansion into Clackamas and Washington County, as one question; and the other one is, what will the Port's position be in regard to proportional representation or appointment by a local governing body?

MR. DRAKE:

Commissioner Anderson, we really haven't examined that, as yet. We had hoped that our appeal today would encourage you to relax these restrictions, so that we could go ahead and discuss these various items, and negotiate a mutually acceptable solution.

COMMISSIONER ANDERSON:

So the Port does not have a stand on the question of proportional representation?

MR. DRAKE:

Only that we feel it is basically sound that the appointments should be made all by one person, preferably the Governor.

COMMISSIONER ANDERSON:

You would favor the Governor appointing representatives, and would oppose a proportional representation coming out of local government?

MR. DRAKE:

No, no, because we feel that he should take into consideration proportional representation.

COMMISSIONER ANDERSON:

But that the Governor should appoint all the people on the governing body?

MR. DRAKE:

Correct.

COMMISSIONER ANDERSON:

What about the position in regard to expansion into Clackamas and Washington County?

MR. DRAKE:

As we have said, we are for it; it's just a matter of the timing.

COMMISSIONER ANDERSON:

So on that matter, if it were to come to the Legislature, you are supporting those expansions into new area?

MR. DRAKE:

Yes.

COMMISSIONER IVANCIE:

Mr. Mayor, I would like to ask a direct question. Mr. Drake, does the Governor's letter to Mr. Wilson--I think it was in December--supersede his letter dated November 4 to the Mayor?

MR. DRAKE:

Yes.

COMMISSIONER IVANCIE:

I notice in the letter to Wilson, the Governor copies Mayor Schrunk, with a kind of simple little cover note; but I understand Mayor Schrunk's position was based very strongly on the fact that the Governor supported the City's conditions. This was in November. Now, either the Governor has several letter writers in his office, or he has a difficult time to keep track of his positions.

Then the letter to Wilson supersedes the position in November?

MR. DRAKE:

That is our understanding.

MAYOR SCHRUNK:

I would ask the Clerk to read into the record the Governor's letter to me, transmitting the letter to Mr. Wilson.

The Council Clerk read the following letter from Governor McCall, dated December 22, 1969, to Mayor Schrunk:

I am now in a position to affirmatively answer your very constructive letter of November 4. I know you will be pleased that Robert E. Wilson, President of the Port of Portland Commission, has written me that they are fully prepared to move forward to consolidate the Commission of Public Docks with the Port of Portland.

A copy of Mr. Wilson's letter and my reply are enclosed.

COMMISSIONER IVANCIE:

Mr. Mayor, what is he reaffirming?

MAYOR SCHRUNK:

He is reaffirming the constructive letter of November 4.

COMMISSIONER IVANCIE:

That doesn't seem to jibe with the letter he wrote to Wilson.

MAYOR SCHRUNK:

I have had many discussions with the Governor. I realize that I have not always been in agreement with all of his staff, but I believe the Governor sincerely wanted to move in the direction that I had indicated, and he so stated in his earlier letter. He did not change that position in his letter of transmittal.

COMMISSIONER IVANCIE:

I noticed, in our meeting in the Water Service Building, we had statements by the Governor that supported the City's position, and then we had statements by a fellow by the name of Westerdahl, that seemed to take exception to the Governor's position. I think this Council has to have their facts in this matter, before we can make a proper judgment; but if Mr. Westerdahl has a position on this matter, and the Governor has a position, I think we should know if they are at variance with one another. He's a pretty important man in the State.

COMMISSIONER GRAYSON:

Mr. Mayor, I have listened very attentively, and regardless of the Governor's opinion and Mr. Westerdahl's opinion, I believe, in your conversations with Mr. Drake, that this is the authority; we are dealing with the authority, and if that's the way they want to be dealt with, that's the way we are going to have to deal. If the Governor has no direct authority over them, or Mr. Westerdahl, why are we harping on the Governor and Mr. Westerdahl? If this authority is going to act on their own, and you indicated they are, this is the authority we have to deal with. We are going back, whipping an old horse when we are talking about the Governor and Mr. Westerdahl. If this is the way they want to be dealt with, I believe they have that authority.

MAYOR SCHRUNK:

I believe so. They have told me that they are an island unto themselves, and that they only can report to the Legislature, whereas the Dock Commission reports to my office, as you well know, coordinates very closely anything that happens. I would hate to see that type of relationship destroyed.

MR. BORDEN BECK, COMMISSIONER, PORT OF PORTLAND:

Mr. Mayor, could I be heard briefly?

MAYOR SCHRUNK:

Yes. One of the Commissioners has a luncheon engagement; but we will be happy to either hear the rest now, or to recess until the afternoon session. But I certainly want to give you and any of the other gentlemen here an opportunity to be heard.

MR. BECK:

I think I am the only one that wants to be heard.

MAYOR SCHRUNK:

Fine. Commissioner Anderson, you might miss the first course, but we will try to get you there.

MR. BECK:

Mr. Mayor; Commissioners:

I don't fully speak for everybody on the Commission, because they don't know what I am going to say, but I think that some things should be cleared up, and I would like to express a few opinions that I think are worthy of consideration.

First, to comment on a few remarks made by Ray Kell, I think that it should be clear to you, as I think it probably is, that John Mosser's participation in the Tri-Met lawsuit was for a client, and not for the Port of Portland. I think, if anybody reads the record of that case, they will find that Mosser and the people representing his clients distinguished before the court between Tri-Met and the Port, as to authority and legality. I think it should be pointed out that Mr. Kell's office was on the other side of that lawsuit, and not only strongly contended for the legality of Tri-Met, but presumably for the Port, too; and really, it isn't fair to you to quote out of context a couple of lines from an oral argument. If you really want to find out what people said in that lawsuit, and what the court said, I think the best thing would be to get the brief and get the copy of the oral argument, and see the court's decision; and if you have questions as to what Mr. Mosser feels in his individual capacity, and what he feels as a lawyer, I think the thing to do would be to talk to him.

The counsel of the Port has advised the Port that in their opinion, the Port has no legal restrictions on the authority as given to it by the Legislature; but certainly, if anybody feels that the Port, or any other governmental agency--the City; any governmental agency--acts illegally, or has restrictions on its powers, those questions should be raised before the court and before the Legislature. That's just commonsense.

There have been some remarks that the implication would be that the Port and the Dock Commission are fighting with one another, or that there is controversy, and so on. I think we all recognize this--and I think it should be made clear that we are not fighting with one another, that the Dock Commission and the Port of Portland have both worked together for many years. When I say Dock Commission, I really mean the City of Portland. They have worked together for many years; they have cooperated. They have full confidence in their staffs. They have two of the finest planning and action agencies in the State of Oregon; everybody recognizes this. So I think that any remark which indicates anything to the contrary shouldn't pass by.

Obviously, if this is a "takeover" in an evil sense of the word, the City Council would never put this measure on this ballot, or any other ballot. So I think, if there is any feeling on the part of the Council, they certainly wouldn't even suggest this, under any condition.

There was a question raised as to whether the Port had to go to the voters. The Port does have to go to the voters on any proposed consolidation. It is required by law to do this, even though it says that it may consolidate with the City of Portland or the Dock Commission. It has to get voter approval of the Port district, which is every voter in Multnomah County, so that shouldn't be misunderstood.

What I really wanted to say to this group was to pose some alternatives that I think you are faced with, and I don't think we should misunderstand what those alternatives are.

There is no need to recite what has been recited by all of us, and what has been recited in the papers, and the Governor, and everybody else: that the consolidation is, in all of our opinions, a good thing; that there are advantages to be obtained, both economically and administratively. There are advantages to be obtained for the region as a whole, not only for the people of Portland and Multnomah County, but also the metropolitan areas

MR. BECK: (CONTD)

and the downriver areas, clear down to the mouth of the Columbia. So this is a problem that affects all of this region, and, in fact, it's been pointed out to me that the Port of Portland, with its airport, and the Dock Commission, with its docks, have a much broader constituency than even our own metropolitan area, where we serve all of the Willamette Valley, we serve all of the Columbia River counties; and in fact, almost all of the State benefits to a large extent, and indirectly to a large extent, too, from the activities of these two agencies. We are not just local agencies; and something you sell that comes to the docks, somebody downstate pays for it. In other words, I think that these two agencies serve the broad interests of the State of Oregon.

As far as, how do you bring this about, the consolidation of the two agencies, the Port can only put before its voters a measure which would authorize it to merge, as provided by statute. It cannot impose conditions on its voters that the Legislature does not give it authority to impose. So the Port put a measure on in response to a pretty strong public demand, that consolidation start to move forward. The Port put a measure on the ballot that said: "Do you, the voters of the Port district, authorize the Port to consolidate with the Dock Commission?" and that's all it does. It does not bind the City; it does not require the City to do anything. It does not bind the Legislature, if they want to change that; but this gets the ball in motion.

If there was any apparent haste, it was because the feeling was that the time had come to start moving forward, and the measure had to get on the ballot by a certain date, or it wouldn't get on at all, until next November. But it does not bind the City, whatever the Port voters do.

Now, the City can do, it seems to me, three things. You could either go on with a measure identical to ours; and I think you will not do that. I think you have constituents that feel very strongly, as has been pointed out here. They feel that you should not go on with a measure like ours, certainly not without more information being made available to you; and if that is the feeling--which I think there is probably a certain justification for--then you should not put a ballot measure on like that in May, or any time, until you have had a chance to talk to the Port, investigate its finances and the legality; talk to the community; let the community have an opportunity to learn more about the operation of both bodies.

Another alternative you have is to put a ballot measure on in May, such as the one that is proposed now, with these restrictions. That could be done in May, or it could be done in November. There is no magic about May---and, in fact, if you were to wait to put this measure on until November, it would give you more time to think about it, and to talk to people, and to talk to the Governor, and talk to anybody you want, to see whether your concerns are valid concerns, or whether you should be even more concerned than you are, or whether the measure might go on in a different form. It could still go on, because any measure you pass that isn't identical to ours, if there are any restrictions on it, has to go to the Legislature, anyway; so May is not the magic time; and I feel--I don't speak for anybody else on this--but I feel that a measure with these restrictions in it is going to have very rough sledding before the Legislature, because if you give the City of Portland direct representation, then you must give Gresham, Park Rose, Lake Oswego, Oregon City, Hillsboro, Beaverton direct representation, and every other governmental body--Multnomah County, Clackamas County, Washington County.

MR. BECK: (CONTD)

So there are some real problems to be worked out on that kind of a restriction, if it is one to serve your purposes wisely, and one which will also pass the Legislature.

A third alternative--and this is the one I really want to suggest to you--is that you could put a ballot measure on which leaves some options available to you, one that could say, "We will go to the Legislature to do whatever we think is best, and whatever the Legislature can pass. If they will pass one that we like, fine; if they don't, fine." But it will leave the City Council flexible enough so that, based on what the Legislature does, you can then decide whether to go forward and ask the voters of the City of Portland to give you that authority to go forward or not, based on your decision.

Mr. Kell may say this is illegal; you can't do it--but I think, with some imagination, the City's legal staff could draft a measure that would give you the flexibility, so that if the Legislature does something that isn't in exact concurrence with what you are putting forward now, you still don't have to go back a second time to the voters on the proposed consolidation.

So I would urge that you should try to draft a measure that leaves it open for you to be flexible, after the Legislature acts, so that you can still go ahead, and if the Legislature doesn't agree with you exactly, you still don't have your hands tied.

Now, it would take time to draft such a measure. I would urge you to wait until November, and put it on in November. You would still have to go to the Legislature. You would still make your presentation there. We would both be down, presumably agreeing on most things, maybe disagreeing on some; but you would then be able to go forward or not, based on what the Legislature does, and leave yourself some negotiating room.

At this time, Commissioner Anderson was excused from the Council Chamber.

COMMISSIONER IVANCIE:

Mr. Mayor, I would like to ask a question. Of course, Mr. Beck, you know it takes two to tango, so to speak. I notice you mentioned all the options that the City of Portland has in this matter, and I know at this last meeting we had on a joint basis, some of the officials alluded to, certain technical aspects in this merger have to be cleared up, otherwise, the thrust is upon us, and we should act. Some of these technical aspects are quite basic, as you well know. If May is not a magic month for Portland, why is it a magic month for the Port of Portland, as far as a ballot measure is concerned? My point is this: wouldn't it be probably more logical to consider the fact that the Port of Portland and the Dock Commission, which is a department of the City, go to the Legislature on a joint basis and say, "We have worked out our differences; we have worked out the protection, as far as the financial situation. We have worked out the proportional representation question. In our judgment, we think you should pass this legislation."

I am sure that the Legislature is not dancing in the street to work out all these details, as far as Portland or this immediate area is concerned. I think it is incumbent on us to give some guidance, and we stress this fact of a local responsibility, and I think this would be proving this responsibility by going down there together on a joint basis;

COMMISSIONER IVANCIE: (CONTD)

but here now, we are going on with two different measures, and I think confusion reigns, and why is the pressure for May on this for a ballot measure? We met with you on Friday, and Monday, we had a ballot measure from you, before the voters of this Port district.

The question I want to ask you is, would you support, or consider removing your measure in May and working further with the Dock Commission and the Port for either a fall ballot measure, or at least a position that is joint, before the next session of the Legislature?

MR. BECK:

I would have to speak for myself, obviously; I don't know what everybody else on the Commission feels. Let me take the advantages and the disadvantages. I think the advantage of putting a ballot measure on in May in the Port's form is that this is a good testing ground as to whether the voters of the area are in favor of consolidation as a general principle.

COMMISSIONER IVANCIE:

Didn't you say that the climate was this way now?

MR. BECK:

I think that a lot of the people in our area, the business people, the governmental people, feel this way; but as you people know better than I, the chips are down when you count the votes, and if the people of the City and Multnomah County do not favor consolidation at all--and you heard some testimony today from at least one group that is opposed to any consolidation at all--if the majority of the people in Multnomah County--and that means the City of Portland would probably be the same--then we would really have some real obstacles; you would not be justified, perhaps, in going forward at all. This would be a good opportunity to test the wind now. That doesn't bind the City, because the City is a different group; you have different responsibilities to your own constituency. That would be one reason for going on in May, and I think it has an advantage to the City, as well as to ourselves and to the community generally, because we talked a lot about it; the newspapers have written about it; most people seem to be in favor of it; but the voters need a chance to speak on it.

The second thing is that by going in May, with at least one of the bodies starting forward, this is a first step. It has to be taken, sooner or later. If it is taken now, that one is out of the way, and a lot of people who are pressing for both bodies to move ahead on this, would then see some constructive steps being taken to at least find out what the voters think. If they say no, no; but at least, we have both gone ahead, with one of us starting out; and nobody is going to say the City is dragging their heels because they don't put a measure on at the same time--or I will say this--I don't think you are dragging your heels if you don't put on an identical measure, but I think that there are advantages of this measure, of the Port's going on in May, and the City putting one on in November.

If the City were to say, "We certainly want more time; we want to investigate this more. Maybe there's a possibility of giving ourselves a broader measure that will give us some flexibility after the Legislature meets, so our hands aren't tied, and then we will see what happens in the Legislature; because the people that are concerned about the Port will probably be down there, and things will happen in the Legislature."

MR. BECK: (CONTD)

At that point, the City could have its hands free to move ahead. Whether we would take our ballot measure off, I don't even know whether we can, legally. I don't know when your measure has to be passed. I don't know if you have another week or two.

COMMISSIONER IVANCIE:

Let's say, Borden, that you can take your ballot measure off. Would you support taking your measure off, and getting into the study procedure that's been alluded to for many months, and have a joint position before the Legislature? Would you support this?

MR. BECK:

Yes, I think I would before the Port Commission. I think I would say that if the City really wants to go forward, and if I thought that the City wants to get this job done--and I think you do want to get it done--and if I thought you wanted to get it done in such a way that you could still be flexible after the Legislature meets, take it off in May and put them both on in November--maybe we would end up with the same one, and we would be right back where we are now; but perhaps we can, with more time; perhaps you would decide to leave us the flexibility, and then go to the Legislature, and then you wouldn't need a separate vote after the Legislature. You could then proceed to act after the Legislature had acted. If they satisfied you, fine; if they didn't, fine.

You are also concerned--I think you should be concerned--about the representation on the combined body, after they consolidate, and even if you were to determine that you didn't want to have long-run appointive positions on the combined body, you would certainly want to have members of the Dock Commission serve on the combined body for several years, to insure the continuity of policy-making, and I think that that could be better protected, in my opinion, after January, and after the Legislature meets. Then, of course, you don't know who the Governor is going to be after January; and these things, of course, have been offered in public, in private, all over the place, to provide continuity of membership for the Dock Commission on the combined body.

It may be that if the City would like to ask the Port to consider pulling theirs off and both of them going forward in November, that question could be asked after you are through. I don't think you have to act today on this. You have a little time, I believe.

COMMISSIONER IVANCIE:

Borden, my point is this: you have been to the Legislature; all of us have been down there and testified. They are very busy people. It's a kind of a grab bag type of approach. I think when two public bodies can go together on a joint basis, you are practically assured of affirmative action out of the Legislature; but in one breath you are saying, "Let's work together," and in the other breath you are saying, "Let's take one with the right foot and the other with the left foot"; where one remains stationary and the other keeps on marching. I don't quite follow your logic as far as procedure is concerned. I would say that the biggest advantage would be to move together, rather than a differential start, and I think this was what the Governor alluded to in his letter and at the public meeting. I would think that we should have our house pretty well in order when we go to the Legislature, and I think we could almost guarantee affirmation.

MR. BECK:

Let me give you an example. I think the Port, for example, has always supported the inclusion of a broader Port district, including Clackamas and Washington Counties; but to say there will be no measure until the voters of those areas agree to join, is, I think, not necessary, and in fact, bad. If you go to the Legislature and ask for the authority to enlarge the district when those voters agree--but if they don't agree the first time it comes around, I don't think that consolidation should be postponed because of that. If the Legislature says it won't even consider enlarging the boundaries by law--permitting it to be enlarged--then the City would be unhappy; but if they go ahead and say, "These areas can be consolidated when the voters agree," I don't think the City should be handcuffed so that they can't proceed with consolidation until the voters of Clackamas and Washington County vote to join. I don't think that is essential, and I think this kind of restriction unduly ties your hands.

I think that the wording of the procedural representation leaves a lot to be desired, and I think that, if you know what you want in this regard, perhaps then, if you still have room to negotiate when the Legislature is through, you will be able to decide, did they give you consideration? If you tie them up before you get there, it's too late.

COMMISSIONER IVANCIE:

The track record is not always that wonderful in the Legislature. As Mr. Whelan mentioned earlier, this City has suffered losses of millions of dollars, from school formulas and gas tax formulas, that we are just starting to overcome now; and as you know, in this last bit of legislation in Salem, we raised the question of representation on the Metropolitan Service District. The City of Portland has one person on that District, and we have almost half the population valuation. People say, "Don't worry about that. We can work that out later." That's very noble, but we do represent the interests of this City, and this is why we are here.

MR. BECK:

But you don't have to go forward if it isn't satisfactory. I would like to point out, in response to Ed Whelan's remarks--and I agree wholeheartedly with him on the school and the kind of relationship the City has had with the down-state Legislature. But on the other hand, you could point out that the Port of Portland is a creature of the Legislature, is a State agency, and I think all of you would agree that the Port has done very well, and that the Legislature has done very well by the Port, and that this whole metropolitan area, including the City of Portland, has benefited by this. So over all, and certainly in the school area, we got short shrift, but in the case of the Port of Portland, I think it's just the reverse.

COMMISSIONER GRAYSON:

Mr. Mayor, the way I feel about this thing is just this: I believe you had requested on a couple of occasions that we take a further look and go on in November, at a couple of our meetings. This is nothing new; this has been suggested before, and I at the time thought that was a good idea, and I appreciate what you are trying to do, trying to keep peace in the family--and you say there's no magic in May, and I don't believe there is, either. But as one Member of the Council--of course, I am only going to be here another eight or nine months--I feel I would be remiss if I didn't support our Dock Commission, right to the letter, as far as I can, unless I find something wrong with them. They have done an excellent job, and I believe you would agree with that.

MR. BECK:

I agree; there's no question.

COMMISSIONER GRAYSON:

I kind of feel--and I appreciate Mr. Drake's position, that they offered to go over their financial status, and their resources, and their position, and how they would proceed. We could do that. I just kind of feel that we are at an impasse. I think we could meet until the cows come home--I mean, you people meeting with the Dock Commission. Let's lay it on the table. If the City Council's attitude is they are going to support the Dock Commission, I think you people could meet with our Dock Commission until the cows come home, and we would still have this impasse.

So I don't know where it's going to go, but I think we might as well do something right today. You people have taken a step; we should take the next one, and where in God's Name it's going to wind up, I don't know; but we are going to have to proceed, because I don't think you are going to get anywhere with just more meetings. I have been to a number of them, and I think the Dock Commission has taken a pretty firm stand, and I believe you people have got a pretty firm position, too, on what you would like to do, and I think we are just going to have to go ahead and let the chips fall where they may. No reflection on you--you are all busy people; so is the Dock Commission. I think you could continue these meetings from now until the cows come home, and you will be right here in November, and I don't think you are going to get any changes.

MR. BECK:

I would only say, try to keep your options open.

COMMISSIONER GRAYSON:

I have no objections to continuing this to November, but I doubt that it would do a darn bit of good, and I think that's what you people of the Port had in mind when you put it on the ballot on Monday morning.

MAYOR SCHRUNK:

I didn't know, Borden, if you had the Act available to you. Commissioner Ivancie asked that it be read. We purposely took out Multnomah, Clackamas, and Washington Counties, and it reads that the boundaries of the Port of Portland are enlarged to include the boundaries, all or substantially all of the greater Portland Metropolitan Area in Oregon. Certainly, this has a high degree of flexibility, and this does not mean that we are arbitrarily going to be bound, just because half of Washington County agrees to come aboard, and most of Clackamas County does not. "Substantially" is a flexible word, in my vocabulary. It would leave some discretion in the Council, should the Legislature act, and we will be able to then consider these on the merits. We have many good friends on the Dock Commission, and I hope they will continue to be. We work together closely on many things. This office, as well as the City Council, has supported airline cases, all of these things that affect this economy. I have invited the participation of the International Trade Mission. The Port Commissioners, many of them have contributed materially, including the present President. He was most helpful to me personally at Kobe, Japan, and other places.

MAYOR SCHRUNK: (CONTD)

I think that we have to have a measure on the ballot, since you have, and I am recommending to the Council at this time that we put the measure on that is now before us--we will file this Act, and adopt the following Resolution, to give the people an opportunity to vote on it. I cannot in good conscience accept the theory that I read into your comments just now, and Mr. Drake's, that for an interim period the City of Portland will have some representation. I read also that this will gradually be phased out. We would become just another State agency, and as a representative of the citizens of Portland, I think that I can do no less than request that we have adequate representation on a population basis, whatever is the population of the district. I think many of our neighbors, on 494, told me that Portland should have representation: CRAG has recognized that, and I believe the Legislature will see the merit of keeping government as near to the people as possible. So I recommend the adoption of the resolution.

COMMISSIONER GRAYSON:

One more man wants to be heard.

COMMISSIONER IVANCIE:

Your Honor, I wonder if we could have a recess until two, and then vote on this question on a full Council basis.

MR. FRANK RINKER, TAX SUPERVISING AND CONSERVATION COMMISSION:
This will only take about three minutes.

MAYOR SCHRUNK:

Fine. Are there any other speakers from the Port that wanted to be heard? (No one responded.)

MR. RINKER:

Members of the City Council:

I am a member of the Tax Supervising and Conservation Commission, and I have a letter from our Chairman, Mr. John Altstadt. (Read):

In the interest of securing the economical expenditure of public funds to provide efficient and economical administration of government, the Tax Supervising and Conservation Commission has carefully reviewed the proposed merger of the Port of Portland Commission and the Portland Commission of Public Docks. This Commission is well acquainted with both the Dock Commission and the Port Commission operations, having reviewed their budgets and management practices since our inception.

It is our opinion that the proposed merger of these two well-managed models of local government will be in the best interest of the taxpayers, both because of the greater efficiency of the merged commissions and because the new commission will provide a structure for growth that does not now exist.

We have reviewed the ballot measure submitted by the Port of Portland, and approve it as written.

We believe the taxpayers will be best served if the City Council submits a ballot measure to the people that will enable a simple merger of the two Commissions. (End Read)

Let's emphasize, we are not being critical in any way of the City Council, or their measure. However, we feel at this time, the question of the merger should be simplified for the voters, and other facets negotiated, if the merger is approved. Thank you very much.

COMMISSIONER IVANCIE:
Mr. Mayor, I would like to ask a question. Did the Tax
Conservation Commission thoroughly study the City's position and ballot measure?

MR. RINKER:
We held three meetings.

COMMISSIONER IVANCIE:
Did you get documentation from the City of Portland on this proposal?

MR. RINKER:
No, we did not talk to the City of Portland.

COMMISSIONER IVANCIE:
How can you take a position, then, when you haven't discussed it
with the City of Portland?

MR. RINKER:
Under our Charter, you realize, Mr. Ivancie, that we have the right
to make recommendations to two governing bodies.

COMMISSIONER IVANCIE:
Yes, but you said publicly here now, that you studied the Port of
Portland ballot measure and you support it, but I notice in your statement,
you didn't say anything about the City of Portland's ballot measure and its
provisions.

MR. RINKER:
We say that we are not critical in any way of the City of Portland's
measure or of the inclusion of the three facets. Our only recommendation, as
the Commission, is that it should be simplified for the voters, and at this
time voted on, whether there should be a merger or should not be a merger.

COMMISSIONER IVANCIE:
But you made your judgment on the basis of studying the Port's
proposal, but you did not have in your hands the City's proposal?

MR. RINKER:
I have in my hands the City's proposal.

COMMISSIONER IVANCIE:
I meant, when you made your study. Did you call in members of the
Dock Commission or the City Council?

MR. RINKER:
We did not call in members of either of the Commissions.

COMMISSIONER IVANCIE:
Did you have the measure before you?

MR. RINKER:
No, we did not have the measure the first time. We merely took
up the merger.

MAYOR SCHRUNK:
Thank you, Sir.

COMMISSIONER MC CREADY:

Mr. Mayor, I would just like to comment. I think that perhaps there might be wisdom in a test, but I think it would probably be a pretty hollow test, if we don't include these three basic points of issue here in the City, so I intend to vote for this. I would also be willing to reconsider it, should the Port be able to remove theirs, because I think the test should be at the same time, whichever date, May or November.

MAYOR SCHRUNK:

Fine; the record will so show. Is there further discussion?

By unanimous consent, the above Act was approved and ordered placed on file with the City Auditor.

RESOLUTION

1251 Resolution No. 30697 submitting to voters at special election on May 26, 1970, an Act amending Article 1, Chapter VI, of the city charter to permit consolidation of the Commission of Public Docks with The Port of Portland upon occurrence of certain conditions, was introduced by Order of Council and read.

The roll being called on the adoption of this resolution resulted in Yeas, Commissioners Grayson, Ivancie, McCready, and Mayor Schrunk, 4; whereupon the resolution was declared adopted.

The City Attorney was instructed to prepare the necessary ballot title.

DOCK COMMISSION, PORT OF PORTLAND CONSOLIDATION

Consolidation of Portland Dock Commission and Port of Portland authorized when City Council, after public hearing, finds that consolidation is in best interests of City. Provisions for procedures and results of consolidation.

RESOLUTION NO.

30728

WHEREAS the Port of Portland has previously placed upon the ballot to be voted upon by the electors at the general primary election to be held May 26, 1970, a measure to authorize the Port of Portland to acquire properties of the City of Portland under the charge and control of the Commission of Public Docks of the City and assume the payment of all or any part of the bonds or other obligations of the City relating thereto, and

WHEREAS the City of Portland by ordinance called a special municipal election to be held simultaneously with the primary election on May 26, 1970, and by Resolution No. 30697, adopted by the Council April 8, 1970, placed upon said special election ballot a charter amendment to authorize the consolidation of the Dock Commission functions with the Port of Portland whenever the Council determined that certain conditions were met, which conditions included enlargement of boundaries of the Port of Portland, proportional representation on the Board of Commissioners by population and determination of adequate funding for maintenance and improvement of facilities and additional facilities for maritime commerce, and

WHEREAS the two measures mentioned above appearing upon the same ballot but containing different provisions relating to consolidation of functions of the Dock Commission with the Port of Portland has resulted in some misunderstanding of the purposes of the two measures and may result in confusion to the voters, and

WHEREAS ballots for said primary and special municipal election have already been printed so that the measures cannot be physically removed from the ballot, notwithstanding suggestions and tentative agreement that both measures should be removed from the vote on May 26, 1970, but such purpose can be effectuated by rescissions of the resolutions by the Port of Portland and the City of Portland placing said matters on the ballot, together with directions to the Director of the Department of Records and Elections of Multnomah County, Oregon, that any vote thereon shall not be included in the official tally of votes cast thereon; and no canvass of the vote relating thereto shall be made by the City; now, therefore be it

RESOLVED by the Council of the City of Portland, Oregon, that Resolution No. 30697, adopted by the Council April 8, 1970, be and the same hereby is rescinded upon formal action by the Port of Portland taking similar

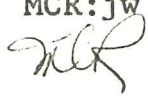
official action to remove from official consideration the vote upon its measure appearing on the nonpartisan election ballots within Multnomah County as Measure 9, to be voted upon by the electors on May 26, 1970, provided, however, that this resolution rescinding said Resolution No. 30697 shall be of no force and effect and said Resolution No. 30697 shall remain in full force and effect unimpaired by this resolution unless the Port of Portland first takes such official action; and be it further

RESOLVED that upon the effectiveness of this resolution the Director of the Department of Records and Elections of Multnomah County shall be directed to make no official tally or certification of the votes cast on Measure No. 53 at the special municipal election held simultaneously with the primary election on May 26, 1970; and be it further

RESOLVED that the Auditor of the City of Portland is directed to send a certified copy of this resolution to the Director of the Department of Records and Elections of Multnomah County, Oregon.

Adopted by the Council MAY 20 1970


Auditor of the City of Portland

Order of Council
MCR:jw 5/15/70


November 2, 1920, Dock-Port Merger on ballot

City act provided expiration, January 1, 1923

| | | |
|-----------|-------------|------------|
| City Vote | Yes, 30,955 | No, 25,869 |
|-----------|-------------|------------|

| | | |
|-------------|----------|----------|
| County Vote | " 34,270 | " 28,653 |
|-------------|----------|----------|

Statewide vote

"Initiative Petition"

| | |
|-------------|------------|
| Yes, 80,493 | No, 84,830 |
|-------------|------------|

Legislature of 1921 passed a law authorizing consolidation,
but nothing done to effect it prior to January 1, 1923

New Res. submitted

RESOLUTION NO.

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

"An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith,' approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by inserting a new section in Article 1, Chapter VI of said charter relating to the Dock Commission so as to permit consolidation of the functions and property of the Commission of Public Docks with The Port of Portland upon occurrence of certain conditions."

be and the same hereby is submitted to the legal voters of the City of Portland, Oregon, for their adoption or rejection at the ensuing special election to be held coincidentally with the general municipal election to be held in the City of Portland, in Multnomah, Clackamas and Washington Counties, on the 3rd day of November, 1970, under authority of Section 2.04.110 of the Code of the City of Portland. Each voter who votes upon said proposed act shall vote "yes" or "no" in the space indicated for such vote upon the city ballot at said election. Said amendment hereby submitted reads as follows:

AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by inserting a new section in Article 1, Chapter VI of said charter relating to the Dock Commission so as to permit consolidation of the functions and property of the Commission of Public Docks with The Port of Portland upon occurrence of certain conditions.

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

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, hereby is amended by inserting a new Section 6-105 in Article 1, Chapter VI of said charter, which Section shall read as follows:

Section 6-105. CONSOLIDATION WITH THE PORT OF PORTLAND.

The Council is authorized by ordinance to provide for consolidation of the functions of the Commission of Public Docks with The Port of Portland, a municipal corporation of the State of Oregon, whenever the Council after public hearing finds that the following have been provided in legislation enacted by the Legislative Assembly of the State of Oregon: (a) that the Board of Commissioners of The Port of Portland shall be elected on a proportional basis; or that representation of members of the Board of Commissioners of The Port of Portland is required to be based upon population with population of city area computed separately from the balance of the area of The Port of Portland, and that members of that Board representing the citizens of the City of Portland are to be selected by the Mayor with the approval of the Council for appointment by the Governor; or, alternatively, that the Governor appoint from time to time to a 9-member Board of Commissioners of The Port of Portland, 4 commissioners selected by the Governor, 4 commissioners selected by the Mayor with approval by the City Council and one commis-

sioner selected jointly by the Governor and the Mayor;
(b) that The Port of Portland has authority to obtain adequate funds to maintain and improve facilities and provide additional facilities necessary or appropriate to serve maritime commerce of the Portland area; and
(c) that the boundaries of The Port of Portland are enlarged to include all areas outside Multnomah County within the boundaries of the City of Portland.

The consolidation ordinance shall specify the property to be transferred or conveyed by the City to The Port of Portland. Properties used for recreation purposes or other City purposes and property not under the direct control and administration of the Commission of Public Docks, shall not be included. Any bond proceeds or other funds earmarked for a particular purpose shall remain subject to that limitation of use. The consolidation ordinance shall also make appropriate provision for continued employment and the preservation of status, pension and other benefit rights of employees of the Commission of Public Docks after consolidation.

The consolidation ordinance shall also specify the consideration for transfer and conveyance, and may set forth the procedures needed to implement the consolidation. If the consideration for the transfer and conveyance is or includes assumption by The Port of Portland of all debts and obligations of the City relating to the properties and functions of the Commission of Public Docks, the Council shall make no tax levy for principal or interest payments on outstanding bonded indebtedness related to said properties or funds conveyed or transferred unless the Port of Portland fails to make payment when due. After consolidation, no levy of taxes shall be made for expenses of operation of the Commission of Public Docks, and the functions and duties of the said Commission shall terminate. Upon completion of the transfer and conveyance pursuant to the consolidation ordinance, the general police power and all other powers previously conferred by this charter upon the Commission of Public Docks shall revert in and be exercised by the Council.

Adopted by the Council

Auditor of the City of Portland

Order of Council
MCR:rf/jw 9/11/70

September 17, 1970

POSITION PAPER
DOCK COMMISSION - PORT COMMISSION CONSOLIDATION


1. The City Council will adopt and submit to the voters of the City of Portland the City Charter Amendment which is attached, when the Mayor and the Governor have in hand the undated resignations of all the Commission of Public Docks Commissioners and all of the Port of Portland Commissioners.

2. The Governor and the Mayor, prior to the November 3 General Election, will announce the names of the members of a new Port of Portland Commission, assuming a favorable vote on the City Charter Amendment and the Port of Portland Proposition. The Governor will name nine Commissioners, four of them selected by the Governor, four of them selected by the Mayor, and the ninth member jointly selected by the Governor and the Mayor. The Governor will formally appoint these Commissioners to the Port of Portland Commission when (a) all resignations have been accepted and (b) the City Council has authorized the consolidation. The appointments of the four Commissioners selected by the Mayor shall be for four-year terms.

3. The new Port of Portland Commission shall formulate and submit to the 1971 session of the Oregon State legislature appropriate legislation affecting the consolidated agency. The status quo covering representation on the new Port of Portland Commission shall continue until, or unless, the Legislature adopts modifying legislation.



Governor Tom McCall



Mayor Terry D. Schunk

3342
Substitute
AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by inserting a new section in Article 1, Chapter VI of said charter relating to the Dock Commission so as to permit consolidation of the functions and property of the Commission of Public Docks with The Port of Portland when Council finds consolidation in best interests of the City.

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

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefore, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, hereby is amended by inserting a new Section 6-105 in Article 1, Chapter VI of said charter, which Section shall read as follows:

Section 6-105. CONSOLIDATION WITH THE PORT OF PORTLAND.

The Council is authorized by ordinance to provide for consolidation of the functions of the Commission of Public Docks with The Port of Portland, a municipal corporation of the State of Oregon, whenever the Council after public hearing finds that the consolidation is in the best interests of the City of Portland.

The consolidation ordinance shall specify the property to be transferred or conveyed by the City to The Port of Portland. Properties used for recreation purposes or other City purposes and property not under the direct control and administration of the Commission of Public Docks, shall not be included. Any bond proceeds or other funds ear-marked for a particular purpose shall remain subject to that limitation of use. The consolidation ordinance shall also make appropriate provision for continued employment and the preservation of status, pension and other benefit rights of employes of the Commission of Public Docks after consolidation.

The consolidation ordinance shall also specify the consideration for transfer and conveyance, and may set forth the procedures needed to implement the consolidation. If the consideration for the transfer and conveyance is or includes assumption by The Port of Portland of all debts and obligations of the City relating to the properties and functions of the Commission of Public Docks, the Council shall make no tax levy for principal or interest payments on outstanding bonded indebtedness related to said properties or funds conveyed or transferred unless the Port of Portland fails to make payment when due. After consolidation, no levy of taxes shall be made for expenses of operation of the Commission of Public Docks, and the functions and duties of the said Commission shall terminate. Upon completion of the transfer and conveyance pursuant to the consolidation ordinance, the general police power and all other powers previously conferred by this charter upon the Commission of Public Docks shall revert in and be exercised by the Council.

RESOLUTION NO. 30796

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

"An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith,' approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by inserting a new section in Article 1, Chapter VI of said charter relating to the Dock Commission so as to permit consolidation of the functions and property of the Commission of Public Docks with The Port of Portland when Council finds consolidation in best interests of the City."

be and the same hereby is submitted to the legal voters of the City of Portland, Oregon, for their adoption or rejection at the ensuing special election to be held coincidentally with the general municipal election to be held in the City of Portland, in Multnomah, Clackamas and Washington Counties, on the 3rd day of November, 1970, under authority of Section 2.04.110 of the Code of the City of Portland. Each voter who votes upon said proposed act shall vote "yes" or "no" in the space indicated for such vote upon the city ballot at said election. Said amendment hereby submitted reads as follows:

AN ACT

To amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, by inserting a new section in Article 1, Chapter VI of said charter relating to the Dock Commission so as to permit consolidation of the functions and property of the Commission of Public Docks with The Port of Portland when Council finds consolidation in best interests of the City.

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

Section 1. The Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefore, and to repeal all acts or parts of acts in conflict therewith," approved by the Governor and filed in the office of the secretary of state January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the city of Portland from time to time, hereby is amended by inserting a new Section 6-105 in Article 1, Chapter VI of said charter, which Section shall read as follows:

Section 6-105. CONSOLIDATION WITH THE PORT OF PORTLAND.

The Council is authorized by ordinance to provide for consolidation of the functions of the Commission of Public Docks with The Port of Portland, a municipal corporation of the State of Oregon, whenever the Council after public hearing finds that the consolidation is in the best interests of the City of Portland.

The consolidation ordinance shall specify the property to be transferred or conveyed by the City to The Port of Portland. Properties used for recreation purposes or other City purposes and property not under the direct control and administration of the Commission of Public Docks, shall not be included. Any bond proceeds or other funds ear-marked for a particular purpose shall remain subject to that limitation of use. The consolidation ordinance shall also make appropriate provision for continued employment and the preservation of status, pension and other benefit rights of employes of the Commission of Public Docks after consolidation.

The consolidation ordinance shall also specify the consideration for transfer and conveyance, and may set forth the procedures needed to implement the consolidation. If the consideration for the transfer and conveyance is or includes assumption by The Port of Portland of all debts and obligations of the City relating to the properties and functions of the Commission of Public Docks, the Council shall make no tax levy for principal or interest payments on outstanding bonded indebtedness related to said properties or funds conveyed or transferred unless the Port of Portland fails to make payment when due. After consolidation, no levy of taxes shall be made for expenses of operation of the Commission of Public Docks, and the functions and duties of the said Commission shall terminate. Upon completion of the transfer and conveyance pursuant to the consolidation ordinance, the general police power and all other powers previously conferred by this charter upon the Commission of Public Docks shall revert in and be exercised by the Council.

Adopted by the Council SEP 18 1970

A handwritten signature in cursive script, reading "James L. Hamill".

Auditor of the City of Portland

Mayor Schrunk
MCR:jw 9/11/70

September 17, 1970


POSITION PAPER

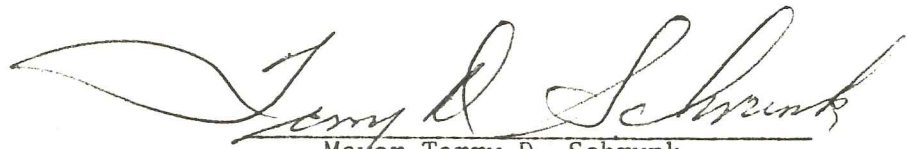
DOCK COMMISSION - PORT COMMISSION CONSOLIDATION

1. The City Council will adopt and submit to the voters of the City of Portland the City Charter Amendment which is attached, when the Mayor and the Governor have in hand the undated resignations of all the Commission of Public Docks Commissioners and all of the Port of Portland Commissioners.

2. The Governor and the Mayor, prior to the November 3 General Election, will announce the names of the members of a new Port of Portland Commission, assuming a favorable vote on the City Charter Amendment and the Port of Portland Proposition. The Governor will name nine Commissioners, four of them selected by the Governor, four of them selected by the Mayor, and the ninth member jointly selected by the Governor and the Mayor. The Governor will formally appoint these Commissioners to the Port of Portland Commission when (a) all resignations have been accepted and (b) the City Council has authorized the consolidation. The appointments of the four Commissioners selected by the Mayor shall be for four-year terms.

3. The new Port of Portland Commission shall formulate and submit to the 1971 session of the Oregon State legislature appropriate legislation affecting the consolidated agency. The status quo covering representation on the new Port of Portland Commission shall continue until, or unless, the Legislature adopts modifying legislation.


Governor Tom McCall.


Mayor Terry D. Schruk

NOTICE OF HEARING ON BALLOT TITLE

Notice hereby is given that the City Attorney has prepared and filed with the Council of the City of Portland, Oregon, a Ballot Title for an amendment to the Charter of the City of Portland, Oregon, to be submitted to the electorate for their consideration by Resolution No. 30796, adopted by the City Council September 18, 1970, to be voted upon at the Special Municipal Election to be held in the City of Portland, Oregon, November 3, 1970.

The Ballot Title as prepared by the City Attorney reads as follows:

DOCK.COMMISSION, PORT OF PORTLAND CONSOLIDATION

Consolidation of Portland Dock Commission and Port of Portland authorized when City Council, after public hearing, finds that consolidation is in best interests of City. Provisions for procedures and results of consolidation.

Any person dissatisfied with the above Ballot Title as prepared by the City Attorney may appeal from her decision to the City Council by petition seeking a different Ballot Title and setting forth in writing the reason or reasons why the Ballot Title is insufficient or unfair. Such appeal must be filed with the Auditor of the City of Portland, Oregon, at his office in the City Hall within 5 days after publication of this notice and such appeal together with the said Ballot Title as prepared by the City Attorney will be heard and considered by the Council of the City of Portland, Oregon, at a recessed meeting beginning at 9:30 a.m., Saturday, September 26, 1970, in the Council Chamber of the City Hall in said City.

JAMES L. HAMILL
Auditor of the City of Portland

Dated at Portland, Oregon,
and Published September 19, 1970



RECEIVED
SEP 30 1970

Box 3529 Portland, Oregon 97208 (503) 224-4260

MAYOR'S OFFICE

September 29, 1970

Mayor and Council
City of Portland
City Hall
Portland, Oregon

Gentlemen and Mrs. McCready:

We are happy to enclose a record of the action taken by The Port of Portland Commission on September 18, 1970, relative to the proposed merger with The Commission of Public Docks. The details of the resolution, which starts in the middle of page 2, includes the ballot title and measure on page 4. The ballot title and measure has been submitted to Mr. John Weldon, Director of Elections, for inclusion on the November 3, 1970, ballot.

Should you have any questions on this document, kindly do not hesitate to immediately contact me.

Cordially,

GEORGE M. BALDWIN
General Manager

Enclosure

cc: Andrew J. Cook
Thomas P. Guerin

RECEIVED

SEP 30 4 43 PM 1970

JAMES L. HAMILL, AUDITOR
CITY OF PORTLAND, ORE.

BY

THE PORT OF PORTLAND
LINDSAY BUILDING
PORTLAND, OREGON

MINUTES
SPECIAL COMMISSION MEETING
SEPTEMBER 18, 1970

A special meeting of the Board of Commissioners of The Port of Portland was held pursuant to notice at 4:00 p.m. Friday, September 18, 1970, for the purpose of considering calling a special election of the qualified voters within the territorial limits of The Port of Portland at which special election there shall be submitted to said voters for their approval or rejection the question of whether or not The Port of Portland shall be authorized to acquire all of the docks, wharves, elevators and other properties of The City of Portland under the charge and control of The Commission of Public Docks of The City of Portland and assume the payment of all or any part of bonds or other obligations of The City of Portland issued, sold or incurred for the purpose of acquiring funds to construct, purchase or acquire the said properties under the charge and control of The Commission of Public Docks of The City of Portland.

QUORUM

Commissioners present were Donald G. Drake, President, presiding; Borden F. Beck, Jr.; John S. Brandis; Lee E. Caldwell; Howard B. Somers; and Robert B. Wilson.

Staff members present were George M. Baldwin, general manager; A. J. Heineman, assistant general manager; E. W. Bauer, assistant secretary-treasurer; I. J. Church, technical services manager; L. B. Robinson, public affairs manager; and M. F. Siedow, manager, finance and administration.

Also in attendance were L. L. Tatum of the Port's attorneys; K. Fobes, Cole and Weber, Inc.; and E. G. Westerdahl, executive assistant to the Governor.

The President directed the Assistant Secretary to file as a part of these minutes his affidavit of mailing the notice of the special meeting being held at this time.

The President then called for discussion of the proposed special election as outlined in the meeting notice. After some discussion, it was moved by Commissioner Beck and seconded by Commissioner Somers that the following resolution be adopted:

BE IT RESOLVED, By the Board of Commissioners of The Port of Portland as follows:

FIRST: That a special election of the qualified voters residing within the territorial limits of The Port of Portland is hereby called on Tuesday, November 3, 1970, such election to be held concurrently with the general election to be held in Multnomah County, Oregon, pursuant to O.R.S. 250.010, at which special election of The Port of Portland there shall be submitted to the qualified voters residing within the territorial limits of The Port of Portland, for their approval or rejection, the question of whether

or not The Port of Portland shall be authorized to acquire all of the docks, wharves, elevators and other properties of the City of Portland under the charge and control of the Commission of Public Docks of the City of Portland and assume the payment on all or any part of bonds and other obligations of the City of Portland issued, sold or incurred for the purpose of acquiring funds to construct, purchase or acquire the said properties under the charge and control of the Commission of Public Docks of the City of Portland.

SECOND: That notice of the special election called by this resolution shall be given by posting the same in three public places within the territorial limits of The Port of Portland not less than twenty (20) days before said election, and by publication thereof once each week for the period of three (3) weeks, beginning with the week commencing September 28, 1970, in three daily newspapers, to wit, The Oregonian, The Oregon Journal and The Daily Journal of Commerce, which are hereby designated as most likely to give effective notice to all the voters within the territorial limits of The Port of Portland of the holding of such election. Such notices shall be posted and published over the names of the President and Secretary of this Commission and shall give a general description of the measure to be submitted as specified in paragraph "FIRST" of this resolution.

THIRD: The President and Secretary of The Port of Portland are hereby authorized and directed to certify to the Registrar of Election of Multnomah County, Oregon, the question which is to be voted upon at such election, together with the form of ballot title therefor.

FOURTH: The form of ballot title and measure for the submission of the question proposed in this resolution shall be as follows:

"OFFICIAL ELECTION BALLOT
for
THE PORT OF PORTLAND

Port-Dock Commission Consolidation Measure

Measure submitted to the legal voters of The Port of Portland, comprising all of Multnomah County.

PURPOSE: To strengthen Portland's competitive position and to achieve economies in the use of its waterfront resources through consolidation of the Port and the Dock Commission of the City of Portland, as presently authorized by the Oregon Legislature in O.R.S. 778.020.

MEASURE: Shall The Port of Portland be authorized to acquire all or any of such docks, wharves, elevators, terminals, dry docks and other properties of the City of Portland as are under the charge and control of the Commission of Public Docks of the City of Portland and in payment therefor assume the payment of all or any part of the bonds, debentures and other obligations of the City of Portland issued, sold or incurred for the purpose of acquiring funds to construct, purchase or otherwise acquire the docks, wharves, elevators, terminals, dry docks or other properties?

Yes. I vote for consolidation.

No. I vote against consolidation."

The President called for a vote with the following result:

Six "aye", zero "no."

There being no further business to come before the meeting, it was duly adjourned at 4:30 p.m.

September 15, 1970

MEETING NOTICE

A special meeting of the Board of Commissioners of The Port of Portland will be held at the general offices of the Port at the Lindsay Building, Portland, Oregon, at 4:00 o'clock P.M. Thursday, September 17, 1970, for the purpose of considering calling a special election of the qualified voters within the territorial limits of The Port of Portland at which special election there shall be submitted to said voters for their approval or rejection the question of whether or not The Port of Portland shall be authorized to acquire all of the docks, wharves, elevators and other properties of The City of Portland under the charge and control of the Commission of Public Docks of the City of Portland and assume the payment of all or any part of bonds or other obligations of the City of Portland issued, sold or incurred for the purpose of acquiring funds to construct, purchase or acquire the said properties under the charge and control of the Commission of Public Docks of the City of Portland

Respectfully,



Donald G. Drake, President
The Port of Portland Commission

AFFIDAVIT OF MAILING NOTICE

STATE OF OREGON)
) ss
County of Multnomah)

I, E. W. Bauer, do hereby certify that I am the duly appointed, qualified and acting Assistant Secretary of The Port of Portland, a municipal corporation, and that the foregoing is a full, true and correct copy of the Notice for a Special Meeting of the Board of Commissioners of The Port of Portland, which notice was on September 15, 1970, mailed to each of the following named commissioners at the address set opposite his name by depositing said Notice in the United States mails with postage prepaid:

Borden F. Beck, Jr., Black, Helterline, Beck & Rappleyea, 12th
Floor, Bank of California Tower, Portland, Oregon
John S. Brandis, 8614 N. Crawford, Portland, Oregon 97203
Lee E. Caldwell, 3661 S. E. 34th Avenue, Portland, Oregon 97206
Donald G. Drake, 4850 S. W. Scholls Ferry Road, Portland, Oregon 97225
Jack L. Meier, 621 S. W. 5th Avenue, Portland, Oregon 97204
Edward C. Sammons, Jr., P. O. Box 2804, Portland, Oregon
Howard B. Somers, 421 S. W. Sixth Avenue, Portland, Oregon 97204
Robert B. Wilson, P. O. Box 4412, Portland, Oregon 97208

E. W. Bauer

Subscribed and sworn to before me this 28th day of September, 1970.

S. E. Taylor
Notary Public for Oregon
My Commission expires:
November 15, 1971

SUBMITTED BY:

APPROVED BY

Assistant Secretary


President

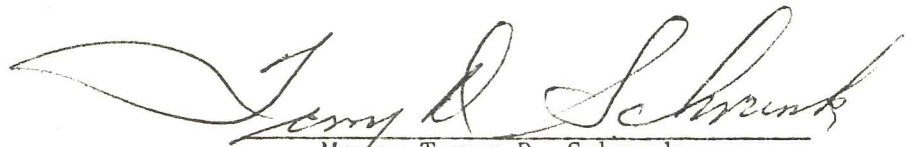
Date

September 17, 1970

POSITION PAPER
DOCK COMMISSION - PORT COMMISSION CONSOLIDATION

1. The City Council will adopt and submit to the voters of the City of Portland the City Charter Amendment which is attached, when the Mayor and the Governor have in hand the undated resignations of all the Commission of Public Docks Commissioners and all of the Port of Portland Commissioners.
2. The Governor and the Mayor, prior to the November 3 General Election, will announce the names of the members of a new Port of Portland Commission, assuming a favorable vote on the City Charter Amendment and the Port of Portland Proposition. The Governor will name nine Commissioners, four of them selected by the Governor, four of them selected by the Mayor, and the ninth member jointly selected by the Governor and the Mayor. The Governor will formally appoint these Commissioners to the Port of Portland Commission when (a) all resignations have been accepted and (b) the City Council has authorized the consolidation. The appointments of the four Commissioners selected by the Mayor shall be for four-year terms.
3. The new Port of Portland Commission shall formulate and submit to the 1971 session of the Oregon State legislature appropriate legislation affecting the consolidated agency. The status quo covering representation on the new Port of Portland Commission shall continue until, or unless, the Legislature adopts modifying legislation.


Governor Tom McCall


Mayor Terry D. Schrunk



**CITY OF PORTLAND
OREGON**

CERTIFICATE OF THE AUDITOR OF THE CITY OF PORTLAND, LISTING A CHARTER AMENDMENT REFERRED TO THE VOTERS BY THE CITY COUNCIL, TO BE VOTED UPON AT THE SPECIAL MUNICIPAL ELECTION CALLED FOR THAT PURPOSE, TO BE HELD SIMULTANEOUSLY WITH THE GENERAL MUNICIPAL ELECTION IN THE CITY OF PORTLAND, COUNTIES OF MULTNOMAH, CLACKAMAS AND WASHINGTON, IN THE STATE OF OREGON, NOVEMBER 3, 1970.

I, James L. Hamill, Auditor of the City of Portland, Oregon, do HEREBY CERTIFY that at the Special Municipal Election to be held in the City of Portland, Counties of Multnomah, Clackamas and Washington, State of Oregon, on the 3rd day of November, 1970, that the following is the Ballot Title for a Charter Amendment referred to the voters by the City Council to be voted upon at said Special Municipal Election:

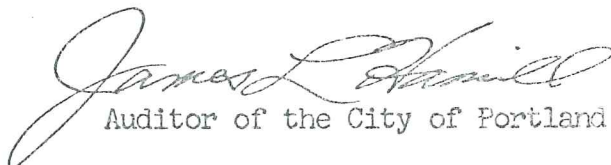
DOCK COMMISSION, PORT OF PORTLAND CONSOLIDATION

- 61 Consolidation of Portland Dock Commission and Port of Portland authorized when City Council, after public hearing, finds that consolidation is in best interests of City. Provisions for procedures and results of consolidation.

Yes ☐

No ☐

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of the City of Portland, this 28th day of September, 1970.


Auditor of the City of Portland