

# Notice of Measure Election

SEL 802

City

26-219

rev 01/18 ORS 250.035, 250.041,  
250.275, 250.285, 254.095, 254.465

## Notice

Date of Notice

9/3/2020

Name of City or Cities

City of Portland

Date of Election

11/3/2020

**Final Ballot Title** The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

**Caption** 10 words which reasonably identifies the subject of the measure.

see attached

**Question** 20 words which plainly phrases the chief purpose of the measure.

see attached

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect.

see attached

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20 SEP -3 AM 8:11  
DIRECTOR OF BUDGET

**Explanatory Statement** 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

→ any measure referred by the city governing body; or

→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached?

Yes

No

**Authorized City Official** Not required to be notarized.

Name

Commissioner Amanda Fritz

Title

Commissioner, City of Portland

Mailing Address

1221 SW 4th Ave, Suite 220, Portland, OR 97204

Contact Phone

503-823-6426

*By signing this document:*

→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; and

→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Amanda Fritz

9/2/2020

Signature

Date Signed

titles. Pursuant to ORS 250.296(1), the Court hereby certifies to the city elections officer the following ballot title:

**CAPTION**

Amends Charter: Authorizes new Water Fund spending; addresses land use.

**QUESTION**

Shall Charter allow Water Fund to finance incidental public uses of certain Water Bureau lands, and explicitly authorize these uses?

**SUMMARY**

The Water Fund is funded by water service ratepayers and used only to pay costs of providing water service.

A judge recently found that the City Charter does not authorize City Council to spend Water Fund monies on any uses of Water Bureau land not “reasonably related” to providing water service to residents.

Measure would amend the Charter to state explicitly that Council may spend Water Fund monies on general public “incidental uses” (undefined) of Water Bureau lands other than the Bull Run Watershed Closure Area. Measure would allow Council to raise water rates to pay for costs created by such incidental uses.

Measure would also amend the Charter to state explicitly that Council may permit or prohibit such uses.

Incidental uses may include neighborhood green spaces and community gardens. Current examples of such uses include recreational uses of Dodge Park, Powell Butte Nature Park, and other “HydroParks.”

Costs related to incidental public uses may include maintaining the lands and facilities, and ensuring compliance with state and federal laws, including the Americans with Disabilities Act.

Counsel for Petitioners will submit an appropriate form of judgment consistent with this opinion.

Dated this 1<sup>st</sup> day of September, 2020.

DATED: September 1, 2020.

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Benjamin Souede  
Circuit Court Judge

If passed, this City Charter amendment would clarify the City Council's authority to permit or prohibit incidental uses by the general public of City lands controlled by the Water Bureau. Incidental public uses – when approved by the City Council after a public engagement process – may include neighborhood green spaces, community gardens, picnic benches, play equipment or other uses that do not conflict with the primary drinking water purpose of these lands. The proposed amendment will not impact City lands in the Bull Run Watershed Closure Area, which would remain closed to the general public.

The public's incidental use may result in associated costs to the Water Fund, which is the Water Bureau's operating fund. Associated costs may include maintenance and improvements to lands and facilities and compliance with state and federal laws, including the Americans with Disabilities Act.

If the amendment is not passed, the City Council's authority to permit or prohibit incidental public use on non-Bull Run Watershed lands would continue to be implied by the City Charter, and management of these lands would be reliant on General Fund discretionary funds.

(184 words)