

Notice of City Measure Election

26-126

SEL 802
rev 1/17 ORS 250.035, 250.041,
250.275, 250.295, 254.085, 254.465

City and Notice Information

Notice is hereby given on February 13th, 2012, that a measure election will be held in

City of Portland

Oregon on May 15th,

2012

Name of City or Cities

Date of Election

The following shall be the ballot title of the measure to be submitted to the city's voters:

Caption 10 words

Amends Charter tort notice provision for consistency with state law

Question 20 words

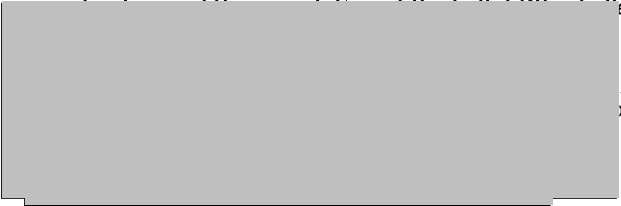
Shall tort claim notice provision in Portland City Charter be amended to be consistent with state law?

Summary 175 words

Currently, Portland City Charter Section 1-106 states that tort claim notices must be presented to the City Attorney. The Oregon Tort Claims Act identifies who may receive tort claim notices for the City, including the City Attorney and other City officials. For consistency with state law, this measure removes the Charter requirement that service be made only on the City Attorney.

2012 FEB 14 PM 12:54

The following authorized city official hereby certifies the above ballot title is true and complete, which includes publication of the measure in the City of Portland's official newspaper of general circulation and the City's website, and the challenge process.



to be notarized

2/14/2012

Date Signed mm/dd/yy

City Elections Officer

Title

Printed Name of Authorized City Official

MEASURE EXPLANATORY STATEMENT

Required for all Measures Submitted with Multnomah County Elections

ELECTION DATE May 15, 2012	MEASURE NUMBER 26-126	
BALLOT TITLE CAPTION Amends Charter tort notice provision for consistency with state law		
NAME OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT City Attorney James H. Van Dyke		
NAME OF JURISDICTION PERSON REPRESENTS City of Portland		
E-MAIL ryan.kinsella@portlandoregon.gov	TELEPHONE NUMBER 503-823-3546	FAX NUMBER 503-823-4571


Please use space below or attach text on a separate sheet of paper.

This measure amends the Portland City Charter. Charter Section 1-106 currently states that tort claim notices must be presented to the City Attorney. This is inconsistent with the Oregon Tort Claims Act, which identifies who may receive tort claim notices for the City, including the City Attorney and other City officials. For consistency with state law, this measure removes the Charter requirement that service be made only on the City Attorney.

The City Charter Commission referred this measure to the voters. The Charter Commission reviewed the Charter and identified parts of the Charter that the Commission determined are outdated, unenforceable or offensive, including the notice provision in Charter Section 1-106. This amendment will not change City government structure or operations.

2012 FEB 14 PM 12:54
 503-823-3546

WORD/NUMBER COUNT TOTAL (500 word/number limit) 120



 SIGNATURE OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT

2/13/12

 DATE

TEXT OF FIRST PROPOSED AMENDMENT

Amend Charter Section 1-106 as follows:

Section 1-106 Damage Claims, Insurance.

Notice of and claims for damages arising out of the alleged torts of the City and those of its officers, employees and agents acting within the scope of their employment or duties, must be presented to the City Attorney within the time prescribed by law. The Council shall establish a Loss Reserve Fund and shall annually budget an amount sufficient to maintain such Fund on an actuarially sound basis. The monies in such Fund may be invested and reinvested in the like manner with other City funds and the earnings from such investment and reinvestment shall be credited to the Fund. Payments may be made from the Loss Reserve Fund to pay claims against the City, its officers, employees and agents, procure insurance against such liability, and pay costs related to the payment of claims including but not limited to payment of investigative, legal and administrative expenses. In the event the Council shall deem it advantageous to procure insurance against claims, the existence of insurance shall be considered in determining the funding necessary to maintain the Loss Reserve Fund on an actuarially sound basis. The Commissioner In Charge may negotiate, compromise and settle any claims and may authorize the payment of any claim in an amount not to exceed five thousand dollars (\$5,000). Payment exceeding five thousand dollars (\$5,000) for any claim must be authorized by an ordinance.

2012 FEB 14 PM 1:14

The Oregonian

Hillsboro
Argus  **OregonLive.com**


1320 S.W. Broadway, Portland, OR 97201-3499

Affidavit of Publication

G. Hatter

I, _____, duly sworn depose and say that I am the Principal Clerk Of The Publisher of The Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published in the city of Portland, in Multnomah County, Oregon; that the advertisement was published without interruption in the entire and regular issue of The Oregonian or the issue on the following date(s):

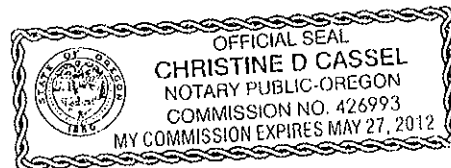
1/26/2012


Principal Clerk of the Publisher:

1-27-12
Subscribed and sworn to before me this date:


Notary:

Ad Order Number: 0003287503





Order Confirmation for Ad #0003287465

Customer Information

Account # 2000099396
 City of Portland Office of the City Auditor
 1221 SW 4th Ave, Rm 310
 Portland OR 97204-1987 USA

Payer Information

Account # 2000099396
 City of Portland Office of the City Auditor
 1221 SW 4th Ave, Rm 310
 Portland OR 97204-1987 USA

Sales Rep.

damienneo
Ordered By
 Ryan Kinsella

Ad Content Proof

NOTICE OF RECEIPT OF BALLOT TITLE
 Notice is hereby given that a ballot title for a measure proposed by the Charter Commission has been filed with the Elections Office of the City of Portland on January 23, 2012.

The ballot title is as follows:

CAPTION:
 Amends Charter tort notice provision for consistency with state law

QUESTION:

Shall tort claim notice provision in Portland City Charter be amended to be consistent with state law?

SUMMARY:

Currently, Portland City Charter Section 1-106 states that tort claim notices must be presented to the City Attorney. The Oregon Tort Claims Act identifies who may receive tort claim notices for the City, including the City Attorney and other City officials. For consistency with state law, this measure removes the Charter requirement that service be made only on the City Attorney.

An elector may file a petition for review of this ballot title in the Multnomah County Circuit Court no later than 5:00 P.M. on Monday, February 6, 2012.

LAVONNE GRIFFIN-VALADE
 Portland City Auditor

Total Amount	\$230.21	Promo Type	C-Legal Ad 2x	Ad Size	1.0 X 47 LI
Payment Amt	\$0.00	Special Pricing	None	Color	<NONE>
Amount Due	\$230.21	Attributes		Materials	
Payment Method		Tear Sheets	0	Blind Box	
Invoice Text		Proofs	0	Affidavits	1

Product:Edition:Zone	Placement	Position	# Inserts
Oregonian:All:Full Run	C-NoticeAds - Classified	C008-PublicNotices	1
Run Dates	1/26/2012		
Sort Text	NOTICEOFRECEIPTOFBALLOTTITLENOTICEISHEREBYGIVENTHATABALLOTITLEFORAMEASUREPROPOSEDBYTHECHARTERCOMMISSIONHASBEENFILEDWIT		
Run Schedule Invoice Text	NOTICE OF RECEIPT OF BALLOT TITLE Notice is hereby given that a ballot title for a measure proposed by the Charter Commission has been filed with 1		
Product:Edition:Zone	Placement	Position	# Inserts
Online:All:Full Run	C-NoticeAds - Classified	C008-PublicNotices	1

Run Dates	1/26/2012
Sort Text	NOTICEOFRECEIPTOFBALLOTTITLENOTICEISHEREBYGIVENTHATABALLOTITLEFORAMEASUREPROPOSEDBYTHECHARTERCOMMISSIONHASBEENFILEDWIT
Run Schedule Invoice Text	NOTICE OF RECEIPT OF BALLOT TITLE Notice is hereby given that a ballot title for a measure proposed by the Charter Commission has been filed with 1