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

ERIC FRUITS,  
Petitioner,  
v.  
CITY COUNCIL OF THE CITY OF  
PORTLAND,  
Respondent.

Case No. 1207-08606

ROBERT CLARK,  
Petitioner,  
v.  
CITY COUNCIL OF THE CITY OF  
PORTLAND,  
Respondent.

Case No. 1207-08635

GENERAL JUDGMENT

FILED 1207-08635

This matter came before the Court on July 30, 2012, on a "Petition for Ballot Title Review" filed by Eric Fruits in Multnomah County as Civil Case No. 1207-08606 and a "Petition for Ballot Title Review" filed by Robert Clark in Multnomah County as Civil Case No. 1207-08635 pursuant to ORS 250.296 directed to the Ballot Title prepared by respondent following the adoption of Council Resolution No. 36939. Petitioners Eric Fruits and Robert Clark appeared in person. Respondent City of Portland appeared through its attorney James H. Van Dyke. The Court reviewed the memoranda filed by the parties and heard statements of counsel. Now, being fully advised it is hereby

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1 ADJUDGED that the following ballot title regarding Council Resolution No. 36939 is  
2 hereby certified to the elections officer for the City of Portland:

3 CAPTION

4 Restore School Arts, Music Education; Fund Arts through  
5 Limited Tax.

6 QUESTION

7 Shall Portland restore arts, music for schools and fund arts  
8 through income tax of 35 dollars per year?

9 STATEMENT

10 This measure creates a limited income tax of \$35 for each adult  
11 income-earning Portland resident. Individuals in households  
below federal poverty level pay no tax.

12 Tax can only be used for:

- 13 • Arts and Music Teachers: Funds to hire arts and music  
14 teachers for kindergarten through 5<sup>th</sup> grade students at local  
public schools attended by Portland students. Distribution of  
15 funds based on school enrollment.  
16 • Arts Access: Remaining funds for grants to nonprofit arts  
17 organizations, other nonprofits and schools. Will fund grants  
to provide high-quality arts access for kindergarten through  
18 12<sup>th</sup> grade students and to make arts, culture experiences  
available to underserved communities. Funds administered by  
Regional Arts and Culture Council (RACC).

19 Accountability measures include:

- 20 • Administrative costs are capped.  
21 • Expenditures subject to oversight by citizen committee.  
22 • Independent financial audits of RACC and School District  
expenditures.

23 Estimated funds raised will be \$12 million annually. The tax is  
24 effective beginning with 2012 tax year, with payment due  
25 when state taxes are due.

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1 IT IS FURTHER ADJUDGED that no costs or disbursements or attorneys' fees will  
2 be assessed against any party.

3 IT IS FURTHER ADJUDGED that Multnomah County Circuit Court Case Numbers  
4 1207-08606 and 1207-08635 are dismissed with prejudice.

5 DATED: August 28, 2012.


6  
7 /s/ John A. Wittmayer

8 

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Hon. John A. Wittmayer  
Circuit Court Judge

9 Presented by:

10   
11 James H. Van Dyke OSB #784135  
City Attorney  
Email: [jim.vandyke@portlandoregon.gov](mailto:jim.vandyke@portlandoregon.gov)  
12 Linly F. Rees, OSB #945098  
Deputy City Attorney  
13 Email: [linly.rees@portlandoregon.gov](mailto:linly.rees@portlandoregon.gov)  
Of Attorneys for Respondent  
14 City of Portland

1                                   **CERTIFICATE OF COMPLIANCE WITH UTCR 5.100**

2           I hereby certify that in accordance with UTCR 5.100, a copy of the foregoing GENERAL  
3 JUDGMENT was sent to Eric Fruits and Robert Clark, as outlined below, on August 21, 2012, a  
4 date which is not less than seven days prior to submission of the GENERAL JUDGMENT to the  
5 Court.

6  
7                                   **CERTIFICATE OF SERVICE**

8           I hereby certify that I served the foregoing GENERAL JUDGMENT on:

9                   Eric Fruits  
10                  4318 NE Royal Ct.  
                  Portland, OR 97213-1670

11                  Robert Clark  
12                  3207 SE Brooklyn St  
                  Portland, OR 97202

13 on August 21, 2012, by causing a full, true and correct copy thereof, addressed to the last-known  
14 address (or fax number) of said petitioners, to be sent by the following method(s):

15 x           by mail in a sealed envelope, with postage paid, and deposited with the U.S. Postal  
              Service in Portland, Oregon.

16            by hand delivery.

17 x           by email.

18            by facsimile transmission.  
19

20  
21  
22                                   James H. Van Dyke, OSB #784135  
                                  City Attorney  
                                  Email: [jim.vandyke@portlandoregon.gov](mailto:jim.vandyke@portlandoregon.gov)  
23                                   Linly F. Rees, OSB #945098  
                                  Deputy City Attorney  
                                  Email: [linly.rees@portlandoregon.gov](mailto:linly.rees@portlandoregon.gov)  
24                                   Fax: (503) 823-3089  
25                                   Of Attorneys for Respondent City of Portland