

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

KENT CRAFORD, FLOY JONES, AND
ERIC FRUITS,

Petitioners,

v.

TRACY REEVE,

Respondent.

Case No. 20CV27107

**ORDER GRANTING PETITION AND
CERTIFYING BALLOT TITLE**

THIS MATTER came before the Court for hearing on August 31, 2020 on Petitioners' Petition for Different Measure Title and Explanatory Statement. Petitioners appeared through their attorneys John DiLorenzo and Evan Christopher. Respondent Portland City Attorney Tracy Reeve appeared through Deputy Portland City Attorney Maja Haium.

The case is presented pursuant to ORS 250.296 and Portland City Code (PCC) § 2.04.070 on a petition for review of a ballot title (the "Ballot Title") prepared by Portland City Council for a proposed amendment to Chapter 11 of the Portland City Charter. Petitioners argue that the Ballot Title is insufficient, not concise, and unfair, and fails to meet the requirements of ORS 250.035 and PCC 02.04.060 B. Petitioners present a proposed ballot title that they prefer, and that they argue complies with the applicable statutory standards. Respondent also presents a revised ballot title that it prefers, and that it avers complies with the applicable statutory standards.

The Court, having reviewed and considered all pleadings filed by the parties, oral argument, and the entire court record, finds that the Ballot Title is insufficient, not concise, and unfair. The Court makes the same finding with respect to each of the parties' proposed ballot

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 1st day of September, 2020.

DATED: September 1, 2020.



Benjamin Souede
Circuit Court Judge