

Special Election

Measure 3-51

Voter Approved
Amendment

May 18, 1999

CITY OF OREGON CITY

Measure No. 3-51**BALLOT TITLE****AMENDS CHARTER, REQUIRES VOTER APPROVAL FOR MOST ANNEXATIONS**

QUESTION: Shall the City Charter be amended to require city voter approval of all annexations, except those mandated by law?

SUMMARY: This measure would require all annexations of territory to the City to be annexed by the voters of the City. The voters would have to approve any annexation measure before the territory would be annexed to the City. This measure would not apply to certain annexations that the City is required to undertake, such as annexations to abate public health hazards pursuant to ORS 222.900.

EXPLANATORY STATEMENT

The City Commission of Oregon City has referred a measure to the voters of Oregon City to amend the City Charter to require voter approval of all annexations, except those mandated by law. Annexation brings land outside the City within the City limits with that land becoming part of the City.

Oregon law provides a number of ways to annex property into a city. This measure will require that before any land is annexed into the City of Oregon City, an election is held and the City electors decide in each case whether the City should allow land to be annexed into the City. The only exception would be if the annexation is required by state law, such as, health hazard annexations.

Approval of this measure would require majority approval of all annexation requests except those mandated by law.

Submitted by:
Jean K. Elliott, City Recorder
City of Oregon City

ARGUMENT IN FAVOR**PUT YOURSELF IN THE PICTURE. SUPPORT THE CHARTER CHANGE FOR VOTER APPROVAL OF ANNEXATIONS.**

We cannot afford to leave growth decisions in the hands of individual developers, planners or politicians. Our present land use policies and procedures will stay in place. The only difference is you will have the ultimate veto or approval. Vote YES to change the city charter to establish voter approved annexations.

TAKE CONTROL!

How big do you think Oregon City should be? How much will it cost to "grow"? Who should pay the bill for growth? The future of our City depends on the answers to these questions.

CITIZENS ARE THE ULTIMATE ENFORCERS OF GROWTH LIMITS AND PLANNING FOR THE FUTURE

You, the voter, should be making the vital decision on "how big" Oregon City is to be. It's not that way now. Individual developers, planners and the City Commission now make the final decisions regarding growth. People who profit by growth, people who are not impacted by growth, or people who may or may not be hurt by growth are deciding "how big".

CHOICES ARE BEST WHEN THOSE WHO PAY THE PRICE MAKE THE CHOICE

The Governor's Task Force on growth says for every new house built, it costs \$15,000 to \$25,000 to provide fire, police, water, schools, etc., over and above money now collected from developers in System Development Charges. Who pays? You, that's who. If we don't pay, services degrade, and our City becomes less able to sustain itself. You have the vote for city services funded by bonded indebtedness, you should have the vote for debt brought on by annexation?

24 Oregon cities have seen the light. Isn't it time citizens have a voice in planning the future of Oregon City? Make it so with your vote.

Submitted by:
John F. Williams, Jr.
Edward Allick
Dan Holladay

NO ARGUMENTS IN OPPOSITION TO THIS MEASURE WERE FILED.

The printing of this argument does not constitute an endorsement by Clackamas County, nor does the county warrant the accuracy or truth of any statement made in the argument.

**CLACKAMAS COUNTY
EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET**

THIS FORM MUST BE TYPEWRITTEN.

FOR THE ELECTION TO BE HELD ON May 18, 1999	MEASURE NUMBER 3-51
BALLOT TITLE CAPTION Amends Charter, requires voter approval for most annexations.	
NAME OF PERSON RESPONSIBLE FOR CONTENT Jean K. Elliott, City Recorder	
NAME OF ORGANIZATION PERSON REPRESENTS, IF ANY City of Oregon City	
TELEPHONE (HOME)	TELEPHONE (WORK) 657-0891

The City Commission of Oregon City has referred a measure to the voters of Oregon City to amend the City Charter to require voter approval of all annexations, except those mandated by law. Annexation brings land outside the City within the City limits with that land becoming part of the City.

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Approval of this measure would require majority approval of all annexation requests except those mandated by law.

WORD/NUMBER COUNT TOTAL: 139

THE TOTAL WORD/NUMBER COUNT MAY NOT EXCEED 500 WORDS/NUMBERS.


SIGNATURE OF PERSON RESPONSIBLE
FOR THE CONTENT OF STATEMENT

3-11-99
DATE

INSTRUCTIONS

1. The Explanatory Statement must be typewritten.
2. The word count total must not exceed 500 words/numbers.
3. If the Explanatory Statement exceeds the 500 word/number limit, the county clerk shall end the statement at 500 words/numbers.
4. The Explanatory Statement shall contain the name and signature of the person responsible for the content of the statement and the name of the governing body that person represents.
5. The Explanatory Statement shall be filed with the county clerk of the county in which the city hall of the city or the administrative office of the special district is located.
6. Explanatory Statements shall be filed not later than 5:00 p.m. on the deadline for filing a notice of measure election.
7. Pursuant to ORS 251.415 the county clerk shall reject any statement which:
 - a. Contains any obscene, profane or defamatory language;
 - b. Incites or advocates hatred, abuse or violence toward any person or group; or
 - c. Contains any language which may not legally be circulated through the mails.
8. The county clerk shall not correct spelling, grammar or punctuation errors. Statements will not be returned for proofreading.

RETURN TO:

Clackamas County Elections Division
825 Portland Avenue
Gladstone, OR 97027-2195
655-8510

14



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

June 2, 1999

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page 1 of 1


Subject: Oregon City Charter Amendment -
Proclamation

Report No. 99-105

At the May 18, 1999 Special Election, Oregon City voters cast votes for Measure 3-51 which asked the question "Shall the City Charter be amended to require city voter approval of all annexation, except those mandated by law?" As a result of that election, the voters approved Measure 3-51 on a vote of 2,834 "yes" and 539 "no".

On the June 2, 1999 agenda is a Proclamation wherein the Mayor proclaims the Charter amendment received the affirmative majority of the total votes and that the amendment is hereby law and shall be codified as part of the Charter.

Attached is the proposed Proclamation for Commission review. Mayor Williams should now be directed to sign the Proclamation with the City Recorder then submitting the Charter amendment for codification in the Oregon City Charter of 1982.


CHRIS JORDAN
Interim City Manager

jke
Attach.

NOTICE OF CITY MEASURE ELECTION

ORS 250.035
ORS 250.041
ORS 250.275
ORS 250.285
ORS 254.095
ORS 254.465

COPY

OREGON CITY

(Name of city)

Notice is hereby given that on Tuesday, May 18, 1999

(Day of week)

(Date of election)

a measure election will be held in Oregon City, Clackamas County, Oregon.
(Name of city) (Name of county)

The county clerk has advised us (SELECT ONE):

- The election will be conducted at the polls. The polls will be open from 7:00 a.m. to 8:00 p.m.
- The election will be conducted by mail.

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

CAPTION (10 Words)

Amends Charter, requires voter approval for most annexations.

QUESTION (20 Words)

Shall the City Charter be amended to require city voter approval of all annexations, except those mandated by law?

SUMMARY (175 Words)

This measure would require all annexations of territory to the City to be annexed by the ~~voters~~ ^{JE} voters of the City. The voters would have to approve any annexation measure before the territory would be annexed to the City. This measure would not apply to certain annexations that the City is required to undertake, such as annexations to abate public health hazards pursuant to ORS 222.900.

The following authorized city official hereby certifies the above ballot title is true and complete.

Jean K. Elliott
Signature of authorized city official (not required to be notarized)

Jean K. Elliott

Printed name of authorized city official

3-11-99
Date signed

City Recorder

Title

PROCLAMATION

WHEREAS, at the Special Election held in Oregon City, Oregon, on the 18th day of May, 1999, there was submitted by referral of the City Commission to the legal voters of Oregon City, Oregon, for their adoption or rejection, an amendment to the Oregon City Charter of 1982, to-wit:

"Shall the city charter be amended to require city voter approval of all annexation, except those mandated by law?"

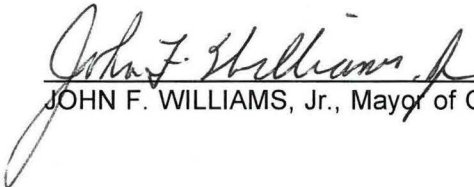
and

WHEREAS, on the 19th day of May, 1999, the Clackamas County Clerk did certify the result of said election.

NOW, THEREFORE, I, JOHN F. WILLIAMS, Jr., Mayor of Oregon City, do hereby proclaim that said Charter Amendment did receive the affirmative majority of the total votes cast thereon; that said Charter Amendment is thereby law and shall be codified as part of the Oregon City Charter of 1982 as follows:

"Section 3. Boundaries. Unless mandated by law, the city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters. The recorder shall keep in his office at City Hall at least two copies of this charter, in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection at any time during regular office hours of the recorder."

DATED this 2nd day of June, 1999.



JOHN F. WILLIAMS, Jr., Mayor of Oregon City



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

March 3, 1999

Page 1 of 1

Subject: Calling An Election and Adopting A
Ballot Title for Voter Approval of
Annexations - Resolution No. 99-12 -
Public Hearing

Report No. 99-44

At the January 6, 1999 meeting, the City Commission approved a motion and directed staff to develop a Charter amendment to place on the March ballot voter approval of annexations. Because the ballot measure would have had to have been filed with the County Clerk by January 7, 1999, to meet the March election with that date not being viable.

Therefore, on the March 3, 1999 agenda is proposed Resolution No. 99-12 (copy attached) which asks the question "Shall the city charter be amended to require city voter approval of all annexations, except those mandated by law?".

In order to place this matter on the May 18, 1999 ballot, there is need for Commission decision at this time.

CHARLES LEESON
City Manager

jke
Attach.

cc: All City Departments
Neighborhood Associations

RESOLUTION NO. 99-12

A RESOLUTION CALLING AN ELECTION ON CITY MEASURE AND ADOPTING A BALLOT
TITLE

WHEREAS, the City Commission of Oregon City proposes to amend the Oregon City Charter of 1982 in order to provide that the voters of the City must vote upon all annexations except those mandated by law; and

WHEREAS, the City Commission does not have the power to adopt the measure itself, as the Charter and any amendment thereto must be adopted by the voters of the City; and

WHEREAS, ORS 250.825 permits the City Commission to submit a measure to City voters; and

WHEREAS, the Commission has determined it necessary to submit such a measure to the registered, qualified voters of the City; and

WHEREAS, it is necessary for the City Commission to take action to submit the questions regarding the requirement of voter approval of any annexation, except those mandated by law, to the legal voters of Oregon City.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City as follows:

Section 1. A regular City election is called in and for the City of Oregon City, to be held Tuesday, May 18, 1999, between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m., with the polling places to be those designated by the Clackamas County Clerk, who shall conduct the election.

Section 2. At that election, the following measure shall be submitted to the electors:

Unless mandated by law, the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Commission, or by any other agency with legal power to modify them.

Section 3. The City Commission adopts the following ballot title to describe the measure to be placed before the voters at the May 18, 1999, election:

MEASURE NO. _____

CAPTION: Amends charter, requires voter approval for most annexations.

QUESTION: Shall the city charter be amended to require city voter approval of all annexations, except those mandated by law?

SUMMARY: This measure would require all annexations of territory to the City to be approved by the voters of the City. The voters would have to approve any annexation measure before the territory would be annexed to the City. This measure would not apply to certain annexations that the City is required to undertake, such as annexations to abate public health hazards pursuant to ORS 222.900.

() YES, I approve the measure.
() NO, I do not approve the measure.

Section 4. The City Recorder is hereby authorized and directed to take all measures necessary for the holding of the election on the measure described in this resolution.

Section 5. The Notice of Ballot Title, as submitted by the City Attorney and set forth as Exhibit "A" is hereby approved.

Adopted, signed and approved this 3rd day of March, 1999.

Mayor

Commissioner

Commissioner

Commissioner

Commissioner

Comprising the City Commission
of Oregon City, Oregon

EXHIBIT "A"

NOTICE OF BALLOT TITLE - REFERRAL BY CITY COMMISSION

NOTICE IS HEREBY GIVEN that the City Recorder of Oregon City has received a proposal from the Oregon City Commission to amend the City Charter to require referral to the voters of the City of the proposed annexation of territory, with certain exceptions. The City Recorder has determined that the proposal contains only one subject, as required by section 1(2)(d), Article IV of the Oregon Constitution.

NOTICE IS FURTHER GIVEN that the City Attorney for Oregon City has prepared the following ballot title for the proposal:

BALLOT TITLE

CAPTION: Amends charter, requires voter approval for most annexations.

QUESTION: Shall the city charter be amended to require city voter approval of all annexations, except those mandated by law?

SUMMARY: This measure would require all annexations of territory to the city to be referred to the voters of the city. The voters would have to approve that measure before the territory would be annexed to the city. This measure would not apply to certain annexations that the city is required to undertake, for example, annexations to abate health hazards pursuant to ORS 222.900.

Any elector of the City who believes the proposed measure contains more than one subject or who believes the ballot title is insufficient, not concise, or unfair may file a petition for judicial review with the Circuit Court for Clackamas County no later than March 15, 1999.

JEAN K. ELLIOTT, City Recorder

PUBLISH: Monday, March 8, 1999 (legal notice)

COPY

RESOLUTION NO. 99-12

A RESOLUTION CALLING AN ELECTION ON CITY MEASURE AND ADOPTING A BALLOT TITLE

WHEREAS, the City Commission of Oregon City proposes to amend the Oregon City Charter of 1982 in order to provide that the voters of the City must vote upon all annexations except those mandated by law; and

WHEREAS, the City Commission does not have the power to adopt the measure itself, as the Charter and any amendment thereto must be adopted by the voters of the City; and

WHEREAS, ORS 250.825 permits the City Commission to submit a measure to City voters; and

WHEREAS, the Commission has determined it necessary to submit such a measure to the registered, qualified voters of the City; and

WHEREAS, it is necessary for the City Commission to take action to submit the questions regarding the requirement of voter approval of any annexation, except those mandated by law, to the legal voters of Oregon City.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City as follows:

Section 1. A regular City election is called in and for the City of Oregon City, to be held Tuesday, May 18, 1999, between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m., with the polling places to be those designated by the Clackamas County Clerk, who shall conduct the election.

Section 2. At that election, the following measure shall be submitted to the electors:

The first sentence of Section 3 of the Charter is amended to read as follows:

"Unless mandated by law, the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Commission, or by any other agency with legal power to modify them."

Section 3. The City Commission adopts the following ballot title to describe the measure to be placed before the voters at the May 18, 1999, election:

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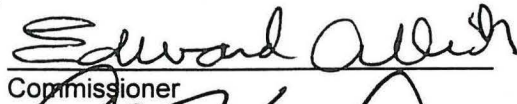
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Adopted, signed and approved this 3rd day of March, 1999.



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Commissioner



Commissioner

Commissioner



Commissioner

Comprising the City Commission
of Oregon City, Oregon

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PUBLISH: Monday, March 8, 1999 (legal notice)



CITY OF OREGON CITY

INCORPORATED 1844

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TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

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In order to place this matter on the May 18, 1999 ballot, there is need for Commission decision at this time.

CHARLES LEESON
City Manager

jke
Attach.

cc: All City Departments
Neighborhood Associations

Statement of Individual/Independent Expenditures

Please type or print legibly in black ink.

Name of Individual, Organization or Committee Reporting: JOHN F. WILLIAMS, JR.	Committee ID Number:
Residence Address (street/route, city, state, county, zip code): 1176 SUNNY LANE, OREGON CITY, OR.	Telephone Number (days): 657-2868

Election: Primary 19____ General 19____ Other _____
 Report: 1st Pre-election 2nd Pre-election Suppl. to 2nd pre Post-election September Supplemental

Line #	Date	Payee's Name <i>(as it appears on invoice, receipt or check)</i>	Purpose <i>(see purpose codes on back of form)</i>	Amount of Expenditure
1.	3/22/99	CLACKAMAS CTY. BLEEDING'S	VOIERS PAMPHLET	\$ 300 ⁰⁰
2.				\$
3.				\$
4.				\$
5.				\$
6.				\$
7.				\$
8.				\$
9.				\$
10.				\$

Name of Candidate and Office or Measure Title
 Name of the candidate and office or measure supported or opposed by independent expenditures.

PAGE TOTAL:
 Expenditure: \$ 300⁰⁰

	Support	Oppose
CHANGE IN THE OREGON CITY CHARTER TO VOTE ON AMMUNITION	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

I hereby certify the above listed expenditures were made for the candidates or measures provided.

John F. Williams, Jr.

 Signature of person or representative of organization

4-11-99

 Date signed

Statement of Individual/Independent Expenditures

List only one entry per line.

An individual expenditure occurs if a person makes a personal expenditure of more than \$100 in support or opposition of a statewide candidate or measure, or more than \$50 in support or opposition to any other candidate or measure, and the expenditure is not reported by the candidate or a political committee as a contribution. It is reported by the person as a cash expenditure on this form.

An independent expenditure is an expenditure for a communication that expressly advocates the election or defeat of a clearly identified candidate that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate. ORS 260.005. An independent expenditure made by a political committee is reported on the Cash Expenditures and Loan Payments form (PC 3). However, if the independent expenditure is made between the 8th day and the 2nd day before the election, the committee must additionally file this form (PC 10) no later than the day before the election disclosing those expenditures.

AMOUNT OF EXPENDITURE - Amount of check or cash transaction.

DATE - List the date of the expenditure. Date must include month, day and year.

PAGE TOTAL - Total amount of individual/independent expenditures reported on the page.

PAYEE'S NAME - The name of the vendor or individual to whom payment was made.

PURPOSE - Use a purpose code(s) from the list provided below (note exceptions) or write in the purpose of the expenditure. If one or more of the following purpose codes is used to describe an expenditure, no other description is generally needed.

- | | |
|--|--|
| <p>A Agent: A payee who is an individual or firm, such as an advertising agency or a public relations firm, authorized by a committee to make expenditures on behalf of the committee. If an expenditure is made for the committee by an agent, you must file a Report of Expenditures Made by an Agent (PC 9) or submit a copy of an invoice from the agent detailing the agent's expenditures. The invoice must contain the same information required on form PC 9.</p> <p>B Broadcast Advertising: Expenditures associated with the production and purchase of radio and television advertising. This is a sufficient purpose only if payment is made directly to a specific radio or TV station.</p> <p>L Literature, Brochures, Printing: Expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use code P for expenditures associated with literature mailing costs.</p> | <p>N Newspaper and Other Periodical Advertising: Expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications. This is a sufficient purpose only if payment is made to a specific publication.</p> <p>O Other Advertising: Expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.</p> <p>P Postage: Expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services. Use code L for design and other production costs associated with producing campaign literature.</p> <p>T Travel Expenses: Expenditures associated with travel. If a travel expenditure is over \$50, describe the type of expenses (e.g., lodging, airfare, meals, gas, etc.)</p> |
|--|--|

The exceptions when using one of the above purpose codes are:

1. When reporting travel expenses over \$50, the type of expenses must be described (e.g., lodging, airfare, meals, gas, etc.)
2. If an independent expenditure is made on behalf of a candidate, the purpose description must include the type of expenditure and name the candidate.



CLACKAMAS COUNTY

Office of the County Clerk

JOHN KAUFFMAN
CLERK

719 MAIN STREET
OREGON CITY, OR 97045
(503) 722-2745
FAX (503) 650-3563

April 8, 1999

John F Williams, Jr.
1176 Sunny Lane
Oregon City, Oregon 97045

Dear Mr. Williams:

Pursuant to ORS 260.044, an individual, a corporation or an organization other than a political committee who makes a direct personal expenditure of more than \$50.00 to support or oppose any candidate, political committee or measure must file a Statement of Independent Expenditures (PC 10).

Your purchase of space for an argument in the May 18, 1999 voters' pamphlet, if not coordinated through a political committee, qualifies you as above for completion of the Statement of Individual Independent Expenditures.

The report must be filed with the City of Oregon City recorder no later than April 19, 1999. Please have the city recorder fax us a copy of the completed report. If you have any questions please call 655-8510.

Sincerely,

John Kauffman
County Clerk

By: Nancy Benjamin
Deputy Clerk

*744d 4-13-99
JK*

Enclosure

BOARD OF PROPERTY TAX APPEALS
719 MAIN STREET
OREGON CITY, OR 97045
(503) 655-8662
FAX (503) 650-3563

ELECTIONS DIVISION
825 PORTLAND AVENUE
GLADSTONE, OR 97027
(503) 655-8510
FAX (503) 655-8461

PRINTING DIVISION
2100 KAEN ROAD
OREGON CITY, OR 97045
(503) 655-8337
FAX (503) 557-5883

RECORDING DIVISION
807 MAIN STREET - ROOM 104
OREGON CITY, OR 97045
(503) 655-8551
FAX (503) 650-3035

RECORDS MANAGEMENT DIVISION
999 LIBRARY COURT
OREGON CITY, OR 97045
(503) 655-8323
FAX (503) 655-8195

AFFIDAVIT OF PUBLICATION
C. WHARTON

I, BEING FIRST 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, THE PRINTED TEXT OF WHICH IS SHOWN BELOW, WAS PUBLISHED IN THE ENTIRE AND REGULAR ISSUES OF THE OREGONIAN FOR 1 DAYS STARTING 03/08/99, ENDING 03/08/99

Charles Wharton
.....
PRINCIPAL CLERK OF THE PUBLISHER

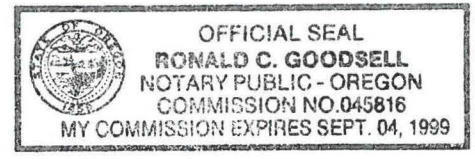
MAR 09 1999

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

NOTARY: *Ronald C. Goodsell*
.....

695484
AD TEXT:

NOTICE OF BALLOT TITLE REFERRAL BY CITY COMMISSION
NOTICE IS HEREBY GIVEN that the City Recorder of Oregon City has received a proposal from the Oregon City Commission to amend the City Charter to require referral to the voters of the City of the proposed annexation of territory, with certain exceptions. The City Recorder has determined that the proposal contains only one subject, as required by section 1(2)(d), Article IV of the Oregon Constitution.
NOTICE IS FURTHER GIVEN that the City Attorney for Oregon City has prepared the following ballot title for the proposal:
BALLOT TITLE
CAPTION: Amends charter, requires voter approval for most annexations.
QUESTION: Shall the city charter be amended to require city voter



approval of all annexations, except those mandated by law?

SUMMARY: This measure would require all annexations of territory to the city to be referred to the voters of the city. The voters would have to approve that measure before the territory would be annexed to the city. This measure would not apply to certain annexations that the city is required to undertake, for example, annexations to abate health hazards pursuant to ORS 222.900.

Any elector of the City who believes the proposed measure contains more than one subject or who believes the ballot title is insufficient, not concise, or unfair may file a petition for judicial review with the Circuit Court for Clackamas County no later than March 15, 1999.

JEAN K. ELLIOTT,
City Recorder

The Oregonian

DAILY AND SUNDAY
1320 SW Broadway
Portland, Oregon 97201-3499
Tel. (503) 221-8113 - Fed ID# 93-0243880

CLASSIFIED
ADVERTISING
INVOICE and STATEMENT

1 BILLING PERIOD		2 ADVERTISER/CLIENT NAME	
		CITY HALL	
23 TOTAL AMOUNT DUE	*UNAPPLIED AMOUNT	3 TERMS OF PAYMENT	
222.27			
21 CURRENT AMOUNT DUE	22 30 DAYS	60 DAYS	OVER 90 DAYS

4 PAGE #	5 BILLING DATE	8 BILLED ACCOUNT NAME AND ADDRESS	9 REMITTANCE ADDRESS
MEMO	03/11/99	CITY HALL PO BOX 351 OREGON CITY 97045-0021	OREGONIAN PUBLISHING COMPANY P.O. BOX 4221 PORTLAND, OREGON 97208-4221
BILLED ACCOUNT NUMBER		OR	402
ADVERTISER/CLIENT NUMBER			
041501051			

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PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

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START					CLASS LINES		TIMES RATE			
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STATEMENT OF ACCOUNT AGING OF PAST DUE AMOUNTS						SBI™	
25 CURRENT NET AMOUNT DUE	22 30 DAYS	60 DAYS	90 DAYS	*UNAPPLIED AMOUNT	23 TOTAL AMOUNT DUE		
					222.27		

REGONIAN PUBLISHING COMPANY 320 SW Broadway, Portland, OR 97201-3499		Tel: (503) 221-8113 Fed ID# 93-0243880		*UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE	
25	ADVERTISER INFORMATION				
1 BILLING PERIOD	6 BILLED ACCOUNT NUMBER	7 ADVERTISER/CLIENT	2 ADVERTISER/CLIENT NAME		
20		041501051	CITY HALL		

↓ TELEFAX OR MAIL TO ↓

The Oregonian

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Legal Advertising Department
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A billing statement and a "Notarized Affidavit of Publication" should be mailed to:

NAME: Jean K. Elliott, City Recorder
 CO: City of Oregon City
 ADDRESS: P.O. Box 351 Oregon City OR 97045
 PHONE: 657-0891 X-105

FAX #: 657-7026 \$222.27

Please fax a typeset proof and cost quote: YES NO

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Purchase Order or Billing ID:

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- Attach Copy -

695484;008

NOTICE OF BALLOT TITLE REFERRAL BY CITY COMMISSION

NOTICE IS HEREBY GIVEN that the City Recorder of Oregon City has received a proposal from the Oregon City Commission to amend the City Charter to require referral to the voters of the City of the proposed annexation of territory, with certain exceptions. The City Recorder has determined that the proposal contains only one subject, as required by section 1(2)(d), Article IV of the Oregon Constitution.

NOTICE IS FURTHER GIVEN that the City Attorney for Oregon City has prepared the following ballot title for the proposal:

BALLOT TITLE

CAPTION: Amends charter, requires voter approval for most annexations.

QUESTION: Shall the city charter be amended to require city voter approval of all annexations, except those mandated by law?

SUMMARY: This measure would require all annexations of territory to the city to be referred to the voters of the city. The voters would have to approve that measure before the territory would be annexed to the city. This measure would not apply to certain annexations that the city is required to undertake, for example, annexations to abate health hazards pursuant to ORS 222.900.

Any elector of the City who believes the proposed measure contains more than one subject or who believes the ballot title is insufficient, not concise, or unfair may file a petition for judicial review with the Circuit Court for Clackamas County no later than March 15, 1999.

**JEAN K. ELLIOTT,
City Recorder**

↓ TELEFAX OR MAIL TO ↓

The Oregonian

ATTN: Toni Mode

Legal Advertising Department

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OF TIMES:

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A billing statement and a "Notarized Affidavit of Publication" should be mailed to:

NAME: Jean K. Elliott, City Recorder

CO: City of Oregon City

ADDRESS: PO Box 351 Oregon City OR 97045

PHONE: 657-0891 x-105

FAX #: 657-7026

Please fax a typeset proof and cost quote: YES NO

Please call with a cost quote: YES NO

Purchase Order or Billing ID:

Per City Contract

- Attach Copy -

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JEAN K. ELLIOTT, City Recorder

PUBLISH: Monday, March 8, 1999 (legal notice)



PRESTON GATES & ELLIS LLP
ATTORNEYS

MEMORANDUM

To: Oregon City Commission

From: William K. Kabeiseman, Deputy City Attorney

Date: January 20, 1999

Subject: City Charter Amendment to Require Voter Approval of Annexations

I have collected several city's provisions requiring voter approval of annexations. Copies of each of those provisions are attached. However, for ease of reference, the pertinent portion of each city's charter is set out below.

The first provision requiring voter approval for annexations is from Corvallis. Corvallis was one of the first cities to adopt this idea, approximately 30 years ago, and its charter provision is quite simple. It provides:

“Unless mandated by State law, annexation, delayed or otherwise, to the city of Corvallis may only be approved by a prior majority vote among the electorate.”

The second provision comes from Canby and adds a little bit more to Corvallis' original concept. It provides:

The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by a majority of voters. Unless mandated by law, annexations, delayed or otherwise, to the City of Canby, may only be approved by a majority vote among the electorate.”

The final provision for voter approved annexation comes from West Linn. It adds even more than Canby's charter. It provides:

“Unless mandated by state law, the City of West Linn shall not annex any territory by delayed annexation or otherwise, without the approval of a majority vote among the city's electorate.

“As to annexations initiated after May 19, 1998, unless mandated by state law or the land is needed for public facilities, the City shall not initiate or support an annexation, delayed or otherwise, of land that was outside the Metropolitan

A LIMITED LIABILITY PARTNERSHIP INCLUDING OTHER LIMITED LIABILITY ENTITIES

Service District Urban Growth Boundary as of May 19, 1998, without first obtaining approval of the voters of West Linn in an election. Public facilities include but are not limited to schools, senior centers, roads, police and fire stations, parks, swim centers, and public water, sewer and storm drainage facilities.”

All three examples have the same basic prohibition: unless mandated by State law, annexation, delayed or otherwise, may only be approved by a prior majority vote among the electorate. West Linn alters the basic prohibition formula somewhat but not in any significant manner; that portion would likely be interpreted as the same as the first two examples. The real differences are in what Canby and West Linn add to the basic prohibition.

Canby adds a provision setting forth the boundaries of the city. The Charter of Oregon City already has a similar provision, but it has some significant differences. Currently, Chapter I, Section 3 of the Oregon City Charter provides:

“Section 3. Boundaries. The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the commission, or by any other agency with legal power to modify them.”

The underlined portion of section 3 would likely have to be removed by any amendment that required voter approval for annexations; additionally, a provision excepting out those annexations mandated by state law (for example, health hazard annexations or annexations required to provide public services and facilities to "supersited uses") must be added. Other than that, Canby's charter amendment does not provide for anything different than is in basic prohibition as set forth in Corvallis' charter.

West Linn's charter amendment makes two additions of note to the basic prohibition. First, it prohibits the city from initiating or supporting an annexation of land outside the UGB as of May 19, 1998. A portion of this particular provision could cause trouble for West Linn in the future. Initiation of an annexation is fairly simple to prevent, but the extent of "supporting" an annexation is not clear. For example, by providing information or even by holding the election, the city will be allowing an annexation to go forward. It may be argued that such action is, in fact, "supporting" an annexation. I do not recommend a similar provision for Oregon City. The other West Linn addition is the express exemption to allow the city to initiate an annexation for land if it is needed for public facilities. There appears to be no reason why the voters cannot decide this matter as well.

In sum, the basic provision prohibiting annexations without voter approval is fairly basic and can (and probably should) be contained in as little as one sentence. Nevertheless, because of language in Oregon City's current charter, such an amendment would require additional amendatory language to the current city charter. The Commission may wish to consider the following language to amend Chapter I, Section 3 of the Charter as follows:

"Section 3. Boundaries. Unless mandated by law, [T]the city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters[, by the commission, or by any other agency with legal power to modify them].

We will be happy to discuss this proposal at the convenience of the City Commission. The Commission may wish to forward this proposal to the Planning Commission for its comments, both as to the concept and the proposed language. If the Commission wishes to forward this, or any other, charter amendment proposal to the voters, it should take action no later than its March 3, 1999, regular commission meeting. Because the City Attorney must have some time to prepare a ballot title, I recommend that a tentative decision be made on this matter by the Commission's regular meeting of February 17, 1999.

WKK:wkk

cc: Edward J. Sullivan

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said City is hereby authorized in the general tax levy each year from the next tax levy

year and include expiration of five year tax levy as in the

judgment of the Council shall be required, upon all property in said City not exempt from taxation, not to exceed \$16,500.00 per fiscal year thereafter (approximately one and one-half mills upon the dollar valuation for property assessed) for the purpose of providing additional funds for the maintenance and manning of said new fire station. Such said tax levies to be in addition to and in excess of the constitutional 6 percent limitation upon the City's tax levy. Any and all provisions of the Charter and ordinances of said City of Corvallis, Oregon, which shall conflict with the provisions hereof are hereby repealed.

[As amended by Ordinance No. 53-34, September 21, 1953, adopted by Charter amendment special election October 13, 1953.]

Section 50. Authorizing Special Tax for Park and Recreational Program. In addition to all other or different powers and authority contained in the Charter of the City of Corvallis, Oregon, authorizing the City to assess, levy and collect taxes, the Council is hereby authorized and empowered to assess, levy and collect each year and include in the general tax levy each year, such additional special tax levy as in the judgment of the Council shall be required upon all property in the City not exempt from taxation and not to exceed \$18,000.00 in any tax year (approximately one and one-half mills upon the dollar valuation of property assessed), for the purpose of providing additional funds for acquiring, improving and administering public parks for said City and conducting recreational programs therefor. Said levy shall be permitted in addition to and in excess of the constitutional 6 percent limitation upon the City tax levy.

[As amended by Ordinance No. 55-48, November 21, 1955, adopted by Charter amendment special election held December 15, 1955.]

Section 51. Services to Property Outside Corporate City Limits. The City shall furnish no services or enter into any agreement or contract to furnish such services to property outside the corporate limits of the City unless the City Council shall have first adopted an ordinance approving the same. Any such ordinance shall contain a provision that it shall not become effective until the expiration of 30 days after its passage and approval by the Mayor. The Council shall make provision for and hold public hearing prior to the adoption of any such ordinance.

[Charter amendment adopted by special election held November 5, 1974.]

Section 52. Vote on Annexations. Unless mandated by State law, annexation, delayed or otherwise, to the City of Corvallis may only be approved by a prior majority vote among the electorate.

[Charter amendment adopted at general election held November 2, 1976.]

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

MEASURE REQUIRING A CITY WIDE VOTE ON ALL ANNEXATIONS

Measure No. _____

Word Total 350 (500 max)

This measure would amend the Canby City Charter to require that all annexations to the City (unless mandated by law), be approved by a majority vote of the electors of the City. The exact text of the Charter amendment would be as follows:

"Chapter I, NAMES AND BOUNDARIES, Section 3:

Section 3. BOUNDARIES. **The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by a majority of the voters. Unless mandated by law, annexations, delayed or otherwise, to the City of Canby, may only be approved by a majority vote among the electorate.** The Recorder shall keep at the City Hall at least two copies of this Charter in each of which shall be maintained an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder." (All amended portions are in bold).

Presently, the State law provides for methods by which the City can annex territory into the City. Traditionally, the City has annexed territory into the City with the consent of the property owner and the passage of an Ordinance by the City Council. The request for annexation, if approved by the Council, is thereafter forwarded to the Portland Metropolitan Local Government Boundary Commission (PMLGBC) with a recommendation for approval by the PMLGBC. The application did not have to be submitted to a vote of the people of the City. This amendment to the Canby City Charter would require the City to submit the matter to a vote of the electors of the City if the City or PMLGBC approves the application. In order for the territory to be annexed, there would have to be a favorable vote by a majority of the electors voting in the election. This amendment specifically states that it includes "annexations, delayed or otherwise". It is the intention that it includes all types of annexations, including contractual agreements to annex. The provision specifically excludes any annexations mandated by State law, such as for a health hazard.

CITY OF CANBY

Marilyn Perrett
Marilyn Perrett, Canby City Recorder

Aug 26, 1997
Date

1994 WEST LINN CHARTER

As Adopted by a Vote of the People
May 17, 1994
And Amended by a Vote of the People
September 19, 1995
November 7, 1995
September 17, 1996
November 4, 1997
and
May 19, 1998

* * * *

PREAMBLE

We, the people of West Linn, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and State of Oregon, through this Charter confer upon the City the following powers, subject to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous Charter provisions of the City.

Chapter 1

NAME AND BOUNDARIES

Section 1. Title of Charter. This Charter may be referred to as the 1994 West Linn Charter.

Section 2. Name of City. The City of West Linn, Oregon, continues under this Charter to be a municipal corporation with the name of the City of West Linn.

Section 3. Boundaries & Annexations. Unless mandated by state law, the City of West Linn shall not annex any territory, by delayed annexation or otherwise, without the approval of a majority vote among the City's electorate.

As to annexations initiated after May 19, 1998, unless mandated by state law or the land is needed for public facilities, the City shall not initiate or support an annexation, delayed or otherwise, of land that was outside the Metropolitan Service District Urban Growth Boundary as of May 19, 1998, without first obtaining approval of the voters of West Linn in an election. Public facilities include but are not limited to schools, senior centers, roads, police and fire stations, parks, swim centers, and public water, sewer and storm drainage facilities. (Amended 5-19-98; effective 6-18-98 (Ordinance 1419))

At least two copies of this Charter and an accurate, up-to-date description of City boundaries shall be kept at City Hall. The copies and descriptions shall be available for public inspection at any time during regular office hours of the City Hall.

Chapter II

POWERS

Section 4. Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers.

Section 5. Construction of the Charter. In this Charter the mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to the State laws and to the municipal home rule provisions of the State Constitution.

Section 6. Distribution of Powers. Except as this Charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the City, all powers of the City are vested in the Council.

Chapter III

FORM OF GOVERNMENT

Section 7. Council. The Council shall be composed of a Mayor and four (4) Councilors nominated and elected by position from the City at large.

Section 8. Councilors.

(a) The Council positions shall be numbered in consecutive order 1, 2, 3, and 4. The Councilors shall be elected to hold office for a period of two (2) years; provided, however, the officers holding office at the time of adoption of this Charter shall hold their offices for the balance of the terms for which they were elected or appointed until their successors are elected and qualified.

(b) At the general election in 1994 and every even-numbered year thereafter, Councilors shall be elected.

(c) (Repealed 11-04-97)

**PUT YOURSELF IN THE PICTURE. SUPPORT THE CHARTER CHANGE FOR
VOTER APPROVAL OF ANNEXATIONS.**

We cannot afford to leave growth decisions in the hands of individual developers, planners or politicians. Our present land use policies and procedures will stay in place. The only difference is you will have the ultimate veto or approval. Vote YES to change the city charter to establish voter approved annexations.

TAKE CONTROL!

How big do you think Oregon City should be? How much will it cost to "grow"? Who should pay the bill for growth? The future of our City depends on the answers to these questions.

**CITIZENS ARE THE ULTIMATE ENFORCERS OF GROWTH LIMITS AND
PLANNING FOR THE FUTURE.**

You, the voter, should be making the vital decision on "how big" Oregon City is to be. It's not that way now. Individual developers, planners and the City Commission now make the final decisions regarding growth. People who profit by growth, people who are not impacted by growth, or people who may or may not be hurt by growth are deciding "how big".

**CHOICES ARE BEST WHEN THOSE WHO PAY THE PRICE MAKE THE
CHOICE**

The Governor's Task Force on growth says for every new house built, it costs \$15,000 to \$25,000 to provide fire, police, water, schools, etc., over and above money now collected from developers in System Development Charges. Who pays? You, that's who. If we don't pay, services degrade, and our City becomes less able to sustain itself. You have the vote for city services funded by bonded indebtedness, you should have the vote for debt brought on by annexation?

24 Oregon cities have seen the light. Isn't it time citizens have a voice in planning the future of Oregon City? Make it so with your vote.

Paid for by

John F. Williams, Jr. Edward Allick Dan Holladay

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1999 LOCAL ELECTIONS CALENDAR

DATE OF ELECTION	MARCH 9	MAY 18	SEPTEMBER 21	NOVEMBER 2
County Elections Filing Officers: * publish notice of district board election on or before (ORS 255.075)	November 28, 1998	February 6	June 12	July 24
District Candidates: ** file verified signatures or \$10 filing fee with county elections filing officer on or before (ORS 255.235)	January 7	March 18	July 22	September 2
Local Governing Bodies: *** file notice of measure with county elections filing officer (ORS 254.095, 254.103, 255.085)	January 7	March 18	July 22 *	September 2****
Candidate Statements and Measure Arguments: file for inclusion in county voters' pamphlet (OAR 165-22-010)	January 11	March 22	July 26	September 7
County Elections Filing Officers: for county & city elections held at the polls, publish facsimile ballot between (ORS 254.205)	February 22 through March 5	May 3 through May 14	September 6 through September 17	October 18 through October 29
for special district elections held at the polls, publish facsimile ballot between (ORS 255.095)	February 22 through Election Day	May 3 through Election Day	September 6 through Election Day	October 18 through Election Day

* Regular district elections for the purpose of electing district board members (including Local School Committee members, School Board and ESD directors) are generally held at the March election in each odd-numbered year. Districts should contact the county elections filing officer of the county in which the district's administrative office is located for district board election information.

** Candidates: Contact your local elections filing officer regarding filing required campaign finance reports.

*** County and City Elections Filing Officers: Publish notice of receipt of ballot title and notice of measure election, as required by charter, ordinance and/or statute, in next available edition of newspaper in electoral district (ORS 250.175, 250.275, 255.085, 255.145).

**** For resubmitted measures the deadline is September 16; the measure argument filing deadline is September 20, if the county includes the resubmitted measure in the county voters' pamphlet.