

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Calling an Election
Concerning Proposed Amendments to the
Home Rule Charter Relating to
Jurisdiction Over County Roads

RESOLUTION
93-277

WHEREAS, on August 17, 1992, a prospective initiative petition to amend the home rule charter with regard to jurisdiction over county roads was filed; and

WHEREAS, thereafter, the Elections Director certified that the prospective petition met legal requirements; and

WHEREAS, a ballot title concerning the petition was then determined by the Circuit Court and certified by the Elections director; and

WHEREAS, on July 16, 1993, the Elections Director certified that sufficient qualified signatures had been filed and that the measure was therefore required to be placed before the voters of Multnomah County; and

WHEREAS, a copy of the measure proposed by the initiative petition is attached to this Resolution as Exhibit A; and

WHEREAS, a copy of the ballot title approved by the Circuit Court is attached to this Resolution as Exhibit B; and

WHEREAS, according to MCC 4.51.070, the election is to be held on the next available election date in ORS 203.085 that is not sooner than the 90th day after the date of the Director's certificate certifying sufficient signatures;

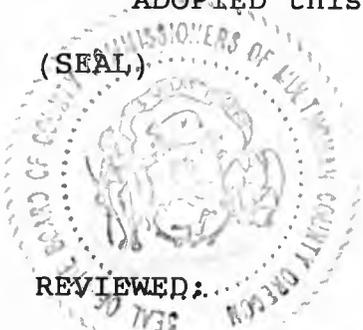
WHEREAS, on August 5, 1993, the 1993 Oregon Legislative Assembly adopted H.B. 3677, providing in part that elections to be held on November 2, 1993, shall be held on November 9, 1993;

NOW, THEREFORE, IT IS HEREBY RESOLVED that an election on the aforementioned measure to amend the Home Rule Charter shall be held

08/05/93:1

on the date required by law; the Clerk of the Board shall promptly forward this resolution to the Director of Elections for actions in accordance with law.

ADOPTED this 5th day of August, 1993.



By *Hank Miggins*
Hank Miggins, Acting Chair
Multnomah County, Oregon

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By *John L. DuBay*
John L. DuBay
Chief Assistant County Counsel

D:\WPDATA\FIVE\300JLD.RES\mw

08/05/93:1

The Home Rule Charter of Multnomah County, Oregon is amended by adding the following new sections:

12.80 County Roads Jurisdiction

(1) It is necessary, expedient and in the best interest of Multnomah County to surrender jurisdiction over county roads located within cities upon request of city governing bodies.

(2) The Multnomah County Board of Commissioners shall adopt an order surrendering jurisdiction over county roads located within the corporate limits of any city within 90 days of the last of the following city actions;

(a) a city provides notice and holds a hearing comparable to that required by ORS 373.270(2)-(4), and

(b) the city adopts an ordinance accepting jurisdiction as defined by ORS 373.270(7) over specific county roads within the city.

(3) A city shall be an agent of the county when providing the notice and holding the hearing described in subsection (2).

(4) A determination by a city that the acceptance of jurisdiction over county roads is necessary, expedient or for the best interest of the city shall also constitute a determination by the Multnomah County Board of Commissioners that the surrender of jurisdiction over the county roads is necessary, expedient or for the best interest of the county.

(5) All references in sections 12.80, 12.85, 12.90 and 12.95 to Oregon Revised Statutes are to the provisions as they existed on January 1, 1992.

12.85 Shared Road Revenues

Multnomah County shall make payments of shared road revenue from the date of surrender of jurisdiction over county roads under the provisions of section 12.80 to any city accepting jurisdiction as follows:

(1) The city shall receive a portion of the shared road revenue based on the ratio resulting from dividing the city centerline road miles by the total centerline road miles of the county and all cities receiving shared road revenue payments. Distribution shall be calculated and paid to the city quarterly. Payments by the county to any city, which affect the portion of Shared Road Revenues due any other city, may vary from the calculated amounts only with the written approval of the governing bodies of Multnomah County and all affected cities. The county may have ancillary agreements with cities which do not affect the portion of Shared Road Revenues due any other city.

(2) The election by a city to receive payments under subsection (1) of this section shall not affect any other agreement between the county and that city relating to roads, nor any provision of any such agreement.

(3) If Multnomah County no longer has jurisdiction over the Willamette River Bridges, the Willamette River Bridges Capital Fund and Willamette River Bridges Operation and Maintenance Fund shall be paid to the city or entity having jurisdiction over those bridges. If more than one city or entity has jurisdiction over the Willamette River Bridges, those funds shall be apportioned equitably between or among such cities or entities.

12.90 Equipment Transfer

Upon the surrender and acceptance of county roads under section 12.80:

(1) The county shall transfer to the city equipment used for county road maintenance and operations at no cost or obligation to the city. The amount of equipment transferred shall be in the same proportion as the relative jurisdiction of the city and county over roads. The county and city shall enter agreements regarding the specific

equipment transferred. This provision shall not affect any agreement concerning transfer of county equipment in effect on July 1, 1992.

(2) The county shall transfer county road fund employees to the city in accordance with ORS 236.605 et seq and enter agreements with the city over all matters relating to such transfer.

(3) County contracts, permits and other legal instruments relating to county roads in effect at the time county roads are surrendered and accepted shall be transferred to the city upon terms agreed between the county and city.

(4) The county and city shall negotiate in good faith all matters relating to the surrender of jurisdiction over county roads to provide the city with assets with which to accept responsibility for all purposes of repair, construction, improvement and maintenance of those roads.

12.95 Definitions

The following definitions shall apply for terms used in sections 12.80, 12.85 and 12.90:

(1) "City centerline miles" means all city streets over which the city has jurisdiction and which the city maintains in Multnomah County to be measured down the center of the street without regard to the numbers of lanes.

(2) "County centerline miles" means all county roads as defined by ORS 368.001(1) and maintained by the county to be measured down the center of the road without regard to the number of lanes.

(3) "County roads" means all public roads as defined by ORS 368.001(1), (5) and (6) under the jurisdiction of Multnomah County designated or accepted as county roads by the Board of County Commissioners or County Engineer, and includes associated stormwater facilities both within and outside of the public right of way.

(4) "Jurisdiction" means the authority of a local government to regulate, operate, maintain, improve, plan, direct or manage streets and roads within the territorial boundaries of that government.

(5) "Shared road revenue" means the funds calculated under the following formula:

(a) all county fuel taxes and all future revenue collected by the county for road purposes, except new capital funding for the Willamette River bridges, plus

(b) all state highway funds appropriated to the city under ORS 366.524 and 366.785 to 366.820 plus

(c) all state highway funds appropriated to the county under ORS 366.524 and 366.542, less

(d) the Willamette River Bridge Operation and Maintenance Fund and the Willamette River Bridge Capital Funds, so long as the county has jurisdiction over Willamette River bridges and maintains these separate funds dedicated exclusively for the Willamette River bridges.

(6) "Willamette River Bridge Capital Fund" means \$1,060,000 per year, plus any new revenue from sources dedicated solely to this use.

(7) "Willamette River Bridge Operation and Maintenance Fund" means \$1,641,306 for base fiscal year 1992-93. For each subsequent fiscal year, the base year amount shall be adjusted using the certified inflation rate of the City Auditor of the City of Portland (CACIR) as follows:

$$O \& M (\text{year } N + 1) = O \& M (\text{Year } N) \times 1 + \text{CACIR}$$

(8) "Willamette River Bridges" means the following county owned or maintained bridges that cross the Willamette River: Broadway Bridge, Burnside Bridge, Hawthorne Bridge, Morrison Bridge, Sellwood Bridge and Willamette Slough Bridge. This includes the approaches connecting the bridges to the nearest at grade intersection with city streets or state highways.

CIRCUIT COURT OF OREGON

MULTNOMAH COUNTY

JOSEPH J. DEVLAE MINCK, ARLENE
M. COLLINS, PAUL A. THALHOFER,
DONALD L. ROBERTSON, and
DENNIS R. RAY,

Case No. 9209-06147

Petitioners,

SAM K. COX, FRED CARLSON and
DONALD ROBERTSON,

Case No. 9209-06144

Petitioners,

GLADYS McCOY, PAULINE
ANDERSON, SHARRON KELLY, and
GARY HANSEN,

Case No. 9209-06164

Petitioners,

v.

VICKI ERVIN, Multnomah County
Director of Elections, FRANK
LLOYD CULBERTSON, VICKIE
THOMPSON and BOB WIGGIN,
Sponsors,,

BALLOT TITLE
CERTIFICATION

Respondents.

1. This matter comes before the Court on Petition of the above named Petitioners in each above referenced cases to review a ballot title filed with the Multnomah County Elections Officer on August 26, 1992, by the Multnomah County District Attorney with respect to a prospective petition for an initiative measure filed on August 17, 1992, by Respondents Frank Lloyd Culbertson, Vickie Thompson and Bob Wiggin.

2. The Court has reviewed the title and measure to be referred and the submissions of the parties, considered their

1 - BALLOT TITLE CERTIFICATION

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1510
P.O. Box 049
Portland, Oregon 97207-0849
(503) 248-3138

1 arguments, and is fully advised in the matter.

2 3. In accordance with ORS 250.195, the Court hereby
3 CERTIFIES to the Multnomah County Elections Officer that the
4 following Ballot Title meets the requirements of ORS 250.035 and
5 250.039:

6
7 **CAPTION:** County charter change concerning jurisdiction over
8 county roads within cities.

9 **QUESTION:** Shall charter require transfer of county roads
10 within a city, plus road funds, equipment and staff
11 if requested by city?

12 **SUMMARY:** This changes County Charter. It requires County to
13 transfer county roads within a city upon a city's
14 request. It includes transferring funds, equipment
15 and staff. Road equipment will be shifted at no
16 cost. Existing contractual employment rights of
17 transferred staff not binding on city. Transferred
18 staff subject to statutory employment security
19 rights and city's employment agreements, if any.
20 City must hold a public hearing before seeking
21 transfer. County hearing, now required by state
22 law, will not be held. City will then regulate and
23 maintain roads.

24 DATED this _____ day of _____, 1993.

25 _____
26 Nely L. Johnson
Circuit Judge

27 **SUBMITTED BY:**
28 John L. DuBay
29 Chief Assistant County Counsel
30 1120 SW Fifth Avenue, Ste 1530
31 Portland, OR 97204
32 (503) 248-3138

33 D:\WPDATA\FIVE\277JLD.DOC\jld

34 2 - BALLOT TITLE CERTIFICATION

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138