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4   IN THE CIRCUIT COURT OF THE STATE OF OREGON

5   FOR THE COUNTY OF MULTNOMAH

6   ELONA WILSON and ISABELA   Case No. 22CV23601
    VILLARREAL,
7
                                             JUDGMENT ON PETITION
          Petitioners,
8
9   v.   Honorable Stephen K. Bushong

10 ROBERT L. TAYLOR, City Attorney for the
    City of Portland,
11
          Respondent.
12

13   On August 11, 2022, this matter came before the Court on review of the ballot title

14 and explanatory statement prepared by the Portland City Attorney for proposed reforms to

15 the Portland City Charter. Petitioners, Elona Wilson and Isabela Villarreal, appeared through

16 their attorney, Margaret S. Olney, and respondent, Robert L. Taylor, appeared through his

17 attorney, Maja K. Haium, Senior Deputy City Attorney.

18   Based on the Opinion entered on August 15, 2022, it is hereby ordered and adjudged

19 that the Court certifies a revised ballot title and explanatory statement pursuant to ORS

20 250.296 as follows:

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    Page 1 – JUDGMENT ON PETITION

CERTIFIED BALLOT TITLE

CAPTION

Amends Charter: Changes Portland's government structure and process for electing city officials

QUESTION

Should Administrator manage city government, 12-member Council (three from each district) make laws, voters elect officials using ranked choice process?

SUMMARY

Charter Commission's proposal to change structure of Portland city government.

Currently, City Council includes one Mayor and four Commissioners elected citywide. Council makes laws; Mayor and Commissioners directly manage bureaus. Voters choose one candidate per office in citywide primary elections with runoff elections if necessary.

If measure is approved:

- City Administrator, supervised by Mayor, manages daily operations, including hiring, firing, and supervising bureau directors
- Council expanded to twelve members; City divided into four geographic districts created by Independent District Commission; three Councilors elected to represent each district
- Council makes laws. Mayor may introduce laws, vote to break ties on non-emergency ordinances
- Independent Salary Commission sets elected officials' salaries
- City elections use "ranked choice voting" process that allows voters to rank candidates in order of preference instead of casting a single vote; primary elections eliminated. For citywide offices (Mayor, Auditor), votes tallied in rounds until single candidate receives majority. For Councilors, votes tallied and reallocated in rounds until three candidates in each district meet election threshold.
- Cost estimate: $900,000 to $8.7 million annually
- Includes other provisions

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CERTIFIED EXPLANATORY STATEMENT

The Portland Charter Commission recommends amending the City Charter to reform the structure and operation of city government. The recommendations, made after months of study and community engagement, are supported by seventeen of the twenty Charter Commission members.

The measure includes three interdependent reforms:

(1) City Administrator, supervised by Mayor, manages City

Currently: City Council, consisting of Mayor and four Commissioners, exercises legislative and executive powers. Executive power includes managing city bureaus.

If measure is approved: City Council continues to exercise legislative power to make laws. A City Administrator hired by Mayor and confirmed by Council exercises executive power to implement laws and manage city bureaus. City Administrator hires, fires, and supervises bureau directors. Mayor is not a member of City Council but may introduce laws and break tie votes on non-emergency ordinances. An Independent Salary Commission of human resource professionals sets elected officials' salaries.

(2) City Council expanded to 12; three from each of four new geographic districts

Currently: City Council consists of five members – one Mayor and four Commissioners – elected citywide.

If measure is approved: City Council expands to 12 members, elected from four new geographic districts, with three Councilors representing each district. An Independent District Commission draws district boundary lines, to be adjusted every decade beginning in 2030 based on census population data.

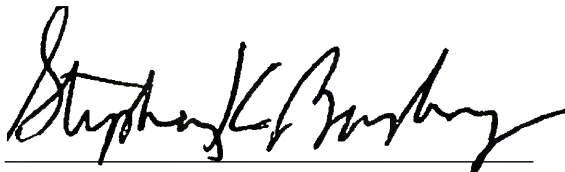**(3) City officials to be elected using "ranked choice voting" process**

Currently: Qualified Portland voters cast one vote for each candidate for each office in citywide election for Mayor, Auditor, City Council members. If no candidate for an office receives more than 50% of votes at May primary, the top two candidates compete in November runoff election.

If measure is approved: Voters may rank candidates in order of preference, with votes tallied in rounds until there is a winner. Ranked choice voting results in one general election, eliminating primary elections.

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Ballot tallying methods depend on the office. For officials chosen at a citywide election – Mayor and Auditor – an "instant runoff" process is used to count ballots in rounds. If no candidate receives over 50% of the votes in the first round, the candidate receiving fewest votes is eliminated, and that candidate's votes are transferred to each voter's next-highest ranked candidate. The process continues for as many rounds as necessary until a candidate exceeds a 50% majority. For City Council seats, a "single transferrable vote" method is used. Candidates win when they exceed a threshold set by the number of available positions. Ballots are counted in rounds; any candidate exceeding the threshold is elected, and that candidate's votes above the threshold are proportionally transferred to other candidates based on voters' preference. The candidate receiving the fewest votes each round is eliminated, and that candidate's votes are transferred to other candidates based on voters' preferences. The process continues for as many rounds as necessary until all positions are filled.

The City Budget Office estimates the cost of implementing the measure is about $900,000 to $8.7 million annually, representing about 0.1 to 1.4% of Portland's discretionary funding.

8/30/2022 4:33:31 PM

Circuit Court Judge Stephen K. Bushong

Presented by:

/s/ Maja K. Haium
Maja K. Haium, OSB No. 101042
Senior Deputy City Attorney
Email: maja.haium@portlandoregon.gov
Of Attorneys for Respondent

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CERTIFICATE OF COMPLIANCE WITH UTCR 5.100

I hereby certify that I served the foregoing JUDGMENT ON PETITION on:

> Margaret S. Olney
> Bennett Hartman, LLP
> 210 SW Morrison St., Ste 500
> Portland, OR 97204
> *Attorneys for Petitioners*

This proposed order or judgment is ready for judicial signature because:

1. ☐ Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.

2. ☐ Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me or by an accompanying stipulation by opposing counsel that no objection exists as to the judgment or order.

3. ☒ I have served a copy of this order or judgment on all parties entitled to service and:

    a. ☒ No objection has been served on me.

    b. ☐ I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

    c. ☐ After conferring about objections, Margaret S. Olney, agreed to independently file any remaining objections.

4. ☐ The relief sought is against an opposing party who has been found in default.

5. ☐ An order of default is being requested with this proposed judgment.

6. ☐ Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or otherwise.

7. ☐ This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by UTCR 5.100(4).

DATED: August 19, 2022.

Respectfully submitted,

/s/ Maja K. Haium
Maja K. Haium, OSB No. 101042
Senior Deputy City Attorney
Email: maja.haium@portlandoregon.gov

Page 5 - CERTIFICATE OF COMPLIANCE

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing JUDGMENT ON PETITION FOR BALLOT AND EXPLANATORY STATEMENT REVIEW on the following parties by the method indicated:

> Margaret S. Olney
> Bennett Hartman, LLP
> 210 SW Morrison St., Ste 500
> Portland, OR 97204
> *Attorneys for Petitioners*

on August 19, 2022, by causing a full, true and correct copy thereof, addressed to the last-known address (or fax number) of said attorney, to be sent by the following method(s):

☒   by e-filing using the court's Odyssey File and Serve system.

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

☐   by **hand delivery.**

☐   by **facsimile transmission.**

☒   by **email.**

     DATED: August 19, 2022.

                                   Respectfully submitted,

                                   /s/ Maja K. Haium
                                   Maja K. Haium, OSB No. 101042
                                   Senior Deputy City Attorney
                                   Email: maja.haium@portlandoregon.gov
                                   Of Attorneys for Respondent

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