

RESOLUTION NO. 13-03

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**A RESOLUTION SUBMITTING A MEASURE AMENDING SECTION 58 OF THE OREGON CITY CHARTER TO ELIMINATE THE WATER RATE SETBACK TO THE ELECTORS OF OREGON CITY**

**WHEREAS**, the City Commission has proposed a measure that would amend the Oregon City Charter, Section 58 regarding water rates; and

**WHEREAS**, because the City Commission does not have the power to adopt an amendment to the Oregon City Charter, that power is reserved to the electors of Oregon City.

**NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** A regular city election is called in and for the City of Oregon City, to be held Tuesday, May 21, 2013. The Clackamas County Clerk shall conduct the election.

**Section 2.** At that election, the question of whether to amend Section 58 of the Oregon City Charter to read as follows:

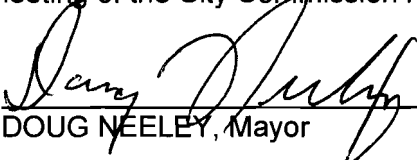
The commission may not increase water rates by more than 3 percent annually without a vote of the people. The commission may not declare any ordinance or resolution establishing water rates to be an emergency nor use any other means to prevent their referral to the voters.

shall be submitted to the voters of Oregon City.

**Section 3.** The City Commission adopts the ballot title attached to this Resolution as Exhibit A to describe the measure and directs the City Manager to file the ballot title with the City Recorder.

**Section 4.** The City Commission directs the City Recorder to take all actions necessary to hold the election, including publication of the notice of receipt of the ballot title.

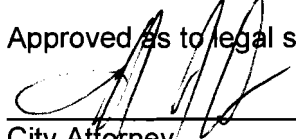
Approved and adopted at a regular meeting of the City Commission held on the 20th day of February 2013.

  
\_\_\_\_\_  
DOUG NEELEY, Mayor

Attested to this 20th day of February 2013

  
\_\_\_\_\_  
Nancy Ide, City Recorder

Approved as to legal sufficiency:

  
\_\_\_\_\_  
City Attorney

## EXHIBIT A

### BALLOT TITLE

**MEASURE No. \_\_\_\_\_**

**CAPTION:** Amends Oregon City Charter to eliminate setback of water rates.

**QUESTION:** Shall the Oregon City Charter be amended to eliminate a provision requiring the setback of water rates to 1994 levels?

**SUMMARY:** Section 58 of the Oregon City Charter contains a provision that requires water rates to be set back to those in place in 1994, with certain additional increases. This measure would eliminate this provision and allow the City's current water rates to remain in effect.

Section 58 of the Oregon City Charter was adopted in 1996 and both limited future water rate increases to three percent annually and required water rates to be set back to 1994 rates. The resetting of the water rates did not occur in 1996 because of a court decision to protect bond holders. Those bonds are scheduled to be repaid in 2014 and, if this provision is not adopted, water rates would be set back to 1994 water rates, plus those increases of not more than three percent annually.

**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 Section 58 of the Oregon City Charter. 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 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 \_\_\_\_\_, which is seven business days after this notice.

NOTICE IS FURTHER GIVEN that the Oregon City Commission has submitted the following ballot title for the proposal:

**BALLOT TITLE**

**MEASURE No. \_\_\_\_\_**

**CAPTION:** Amends Oregon City Charter to eliminate setback of water rates.

**QUESTION:** Shall the Oregon City Charter be amended to eliminate a provision requiring the setback of water rates to 1994 levels?

**SUMMARY:** Section 58 of the Oregon City Charter contains a provision that requires water rates to be set back to those in place in 1994, with certain additional increases. This measure would eliminate this provision and allow the City's current water rates to remain in effect.

Section 58 of the Oregon City Charter was adopted in 1996 and both limited future water rate increases to three percent annually and required water rates to be set back to 1994 rates. The resetting of the water rates did not occur in 1996 because of a court decision to protect bond holders. Those bonds are scheduled to be repaid in 2014 and, if this provision is not adopted, water rates would be set back to 1994 water rates, plus those increases of not more than three percent annually.

## PROPOSED REVISIONS MEASURE 58

### Section 58 - Water Rates.

~~Upon passage of this amendment to the City Charter city water rates shall be those in effect as of October 31, 1994.~~ The commission may not increase water rates by more than 3 percent annually without a vote of the people. The commission may not declare any ordinance or resolution establishing water rates to be an emergency nor use any other means to prevent their referral to the voters