

2013 AUG 07 AM 11:08:41

Notice of City Measure Election

3-433

SEL 802

rev 1/12: ORS 250.035, 250.041, 250.276, 250.285, 254.095, 254.465

City and Notice Information

Notice is hereby given on April 30, 2013, that a measure election will be held in

City of Damascus, Clackamas County, Oregon on November 5, 2013.

Name of City or Cities

Date of Election

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

Caption 10 words

Vote to Determine Whether to Disincorporate the City of Damascus.

Question 20 words

Shall the City of Damascus be Disincorporated?

Summary 175 words

A "yes" vote on this measure will disincorporate the City of Damascus. Under Oregon law, a city must not be liable for any debt or other obligation before disincorporation is permitted.

If disincorporation is approved by a majority of electors, the City of Damascus must surrender its charter and will cease to exist after 60 days without any further or other formal action. If disincorporation is approved, the City of Damascus must transfer all its property, real and personal, and property rights, to Clackamas County for the benefit and use of the county. At the end of the 60 days the records of the City of Damascus shall be deposited in the office of the Clackamas County clerk.

City taxes and fees will be eliminated, as will services currently provided by the city, including city law enforcement services provided under contract by the Clackamas County Sheriff's Office. Damascus will revert to an unincorporated area, governed by Clackamas County.

A "no" vote retains the status quo. Damascus will remain an independent city operating under home rule.

The following authorized city official hereby certifies the above ballot title is true and complete, which includes publication of notice and the completion of the ballot title challenge process.

4/30/13

Signature of Authorized City Official not required to be notarized

Date Signed mm/dd/yy

Theresa Nation, City Recorder/Elections Officer

Printed Name of Authorized City Official

Title

CCE-24

ORS 251.355

CLACKAMAS COUNTY
EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET

[THIS INTERACTIVE FORM CAN BE FILLED IN ON-LINE]

ELECTION DATE	MEASURE NUMBER
November 5, 2013	3-414 3-433
BALLOT TITLE CAPTION	
Vote to Determine Whether to Disincorporate the City of Damascus.	
NAME OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT	
Timothy V. Ramis	
NAME OF ORGANIZATION PERSON REPRESENTS, IF ANY	
City of Damascus	
TELEPHONE (HOME)	TELEPHONE (WORK)
	(503) 598-7070
FAX NUMBER	E-MAIL ADDRESS
(503) 598-7373	tim.ramis@jordanramis.com
<p>A "yes" vote on this measure will disincorporate the City of Damascus. Under Oregon law, a city must not be liable for any debt or other obligation before disincorporation is permitted.</p> <p>If disincorporation is approved by a majority of electors, the City of Damascus must surrender its charter and will cease to exist after 60 days without any further or other formal action. If disincorporation is approved, the City of Damascus must transfer all its property, real and personal, and property rights, to Clackamas County for the benefit and use of the county. At the end of the 60 days the records of the City of Damascus shall be deposited in the office of the Clackamas County clerk.</p> <p>City taxes and fees will be eliminated, as will services currently provided by the city, including city law enforcement services provided under contract by the Clackamas County Sheriff's Office. Damascus will revert to an unincorporated area, governed by Clackamas County.</p> <p>A "no" vote retains the status quo. Damascus will remain an independent city operating under home rule.</p>	

The total word / number count may not exceed 500 words / numbers. Word / number count total: 175

Timothy V. Ramis
SIGNATURE OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT

8.5.2013
DATE



City of
Damascus

19920 SE Highway 212
Damascus, OR 97089

www.ci.damascus.or.us

Phone: 503-658-8545
Fax: 503-658-5786

June 27, 2013

Sherry Hall, County Clerk
Steve Kindred, Elections Manager
Elections Division
1710 Red Soils Court, Suite 100
Oregon City, OR 97045

RE: 12-03 – Vote to Disincorporate the City of Damascus

Dear Ms. Hall and Mr. Kindred,

At its June 25, 2013 Council meeting, the Damascus City Council voted to approve Resolution No. 13-352 referring citizen petition 12-03 to the November 5, 2013 election. Attached is SEL 802 and Resolution No. 13-352. An explanatory statement for this measure will be submitted at a later date.

The City of Damascus certifies that public notice of the referenced ballot title was published in accordance with ORS 250.275(5) and the ballot title challenge process has been completed. The original ballot title was challenged in Clackamas County Circuit Court. I have attached Judge Herndon's general judgment certifying the ballot title for the proposed measure.

The City therefore requests that the enclosed ballot title be placed on the November 5, 2013 election ballot.

Sincerely,

Theresa Nation
City Recorder

**CITY OF DAMASCUS
RESOLUTION NO. 13-352**

**RESOLUTION ACKNOWLEDGING THE FILING OF INITIATED
MEASURE NO. 12-03 *"Vote to Determine Whether to
Disincorporate the City of Damascus"* AND REFERRING
SAID MEASURE TO CITY ELECTORS AT THE NOVEMBER 5,
2013 ELECTION**

WHEREAS, ORS 250.325 states, if an initiative petition contains the required number of verified signatures, the city elections officer shall file the initiated measure with the city governing body at its next meeting; and

WHEREAS, ORS 221.621 states, the governing body of the city shall call an election when a petition is filed and that the governing body of the city shall not consider adoption or rejection of the measure before submitting it to the electors; and

WHEREAS, the City has received notification from the Clackamas County Elections Department that the required number of signatures to place the measure on the ballot have been verified; and

WHEREAS, ORS 221.621 states the question of disincorporation shall be submitted to the electors of the city at an election held on the first Tuesday after the first Monday in November in any year.

NOW, THEREFORE, THE DAMASCUS CITY COUNCIL RESOLVES AS FOLLOWS: the City Council of the City of Damascus acknowledges the filing of Initiated Measure 12-03 and directs that said measure be submitted to the city electors of the City of Damascus on November 5, 2013.

INTRODUCED AND ADOPTED this 25th day of June, 2013.

" / .

vr

Steve Spinnett, Mayor

ATTEST:

Theresa Nation, City Recorder

County: CLACKAMAS
User Name : Doll, Becky Stern

Petition Processing Statistics Report

Date : 6/24/2013 2:52:21 PM

Number :Damascus-2013-1 Title :Initiative to Disincorporate the City of Damascus

Petition Information

Petition Name : Initiative to Disincorporate the City of Damascus

Petition Date : 05/07/2013

Date Filed : 04/30/2013

End Circulation Date : 07/17/2013

Minimum Signatures Required : 304

Accepted Of Minimum : (198.36%)

Total Signatures Processed : 689

Processing Summary Sample: All

Total Accepted Signatures : 603 (88%) **Of Those Processed**

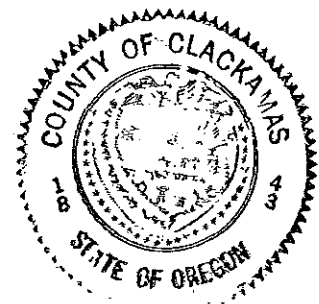
Total Rejected Signatures : 86 (12%) **Of Those Processed**

Accepted Reason	Total	(% Rejected)
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Valid Signature	603	(100%)
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Rejected Reason	Total	(% Rejected)
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Out of City	6	(6.9%)
Signatures Do Not Match	29	(33.7%)
Inactive Other or Reason Not Known	13	(15.1%)
Not Registered (Includes Cancelled)	31	(36%)
Printed Signature, No Attestation on File	6	(6.9%)
Illegible Signature (Can Not Read Signature or Handwritten Name)	1	(1.1%)



STATE OF OREGON
CLACKAMAS COUNTY COURTS
FILED

2013 MAR 27 AM 10:00
ENTERED

MAR 29 2013

By: KLC

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

Dan Phegley, an individual,
Petitioner,

vs.

City Attorney for the City of Damascus,
Respondent

Case No. CV12120850

General Judgment

1.

This matter arose from a petition filed pursuant to ORS 250.296 by an elector of the City of Damascus dissatisfied with a ballot title filed with the city elections officer by the city attorney. ORS 250.296(1) provides, *inter alia*, "The court shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the city elections officer a title for the measure which meets the requirements of ORS 250.035."

2.

A hearing on the matter was held before the undersigned judge on March 11, 2013. Petitioner, Dan Phegley, appeared by and through Bruce R. McCain, his attorney. Respondent City of Damascus appeared by and through Harlan E. Jones, of its attorneys.

3.

The court completed its review of petitioner's proposed ballot title changes and the respondent's reply. Based upon such review, it is hereby:

ORDERED AND ADJUDGED that, pursuant to ORS 250.296(1), the following ballot title for the proposed measure is hereby certified to the City of Damascus elections officer:

CERTIFIED BALLOT TITLE

CAPTION: Vote to Determine Whether to Disincorporate the City of Dmascus.

QUESTION: Shall the City of Damascus be Disincorporated?


SUMMARY: A "yes" vote on this measure will disincorporate the City of Damascus. Under Oregon law, a city must not be liable for any debt or other obligation before disincorporation is permitted.

If disincorporation is approved by a majority of electors, the City of Damascus must surrender its charter and will cease to exist after 60 days without any further or other formal action. If disincorporation is approved, the City of Damascus must transfer all its property, real and personal, and property rights, to Clackamas County for the benefit and use of the county. At the end of the 60 days the records of the City of Damascus shall be deposited in the office of the Clackamas County clerk.

City taxes and fees will be eliminated, as will services currently provided by the city, including city law enforcement services provided under contract by the Clackamas County Sheriff's Office. Damascus will revert to an unincorporated area, governed by Clackamas County.

A "no" vote retains the status quo. Damascus will remain an independent city operating under home rule.

DATED: 3/26/2013


ROBERT D. HERNDON
Presiding Judge
Clackamas County Circuit Court

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Submitted by:

Bruce R. McCain, OSB 91373
BRUCE R. MCCAIN LLC
Attorney for Petitioner
(503) 944-9200
bruce@brucemccain.com



Certified True Copy Of The Original
Dated This 8 Day Of Apr, 2013
Trial Court Administrator
By [Signature]