



# Metro

**Carrie MacLaren, Metro Attorney**

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SENT VIA EMAIL ([tim.scott@multco.us](mailto:tim.scott@multco.us))

April 8, 2022

Tim Scott, Director  
Multnomah County Elections Division  
1040 SE Morrison Street  
Portland, Oregon 97214

RECEIVED  
2022 APR -8 AM 11:39  
MULTNOMAH COUNTY  
DIRECTOR OF ELECTIONS

## DETERMINATION THAT METROINIT-02 DOES NOT MEET CONSTITUTIONAL REQUIREMENTS

Dear Mr. Scott,

I have reviewed the attached Prospective Initiative, filed on March 25, 2022, and identified by Multnomah County Elections Division as "MetroInit-02" (hereinafter "MetroInit-02"), and conclude that MetroInit-02 does not meet the requirements of Section 1(2)(d) and (5) of Article IV of the Oregon Constitution for the reasons set forth below.

Under Article IV, section 1(5) of the Oregon Constitution, the initiative and referendum power is reserved to the people of Metro as to legislation, not administrative matters. Here, MetroInit-02 proposes to amend certain administrative elements of an existing legal framework; it does not propose new legislation. Because the substance of MetroInit-02 is administrative in nature, it is not subject to the initiative process provided by Article IV of the Oregon Constitution.

Article IV, section 1(2)(d) of the Oregon Constitution requires that voters must be provided with the full text of the statute as it would appear if amended. Here, MetroInit-02 proposes to amend Metro Code Chapter 11.01 by adding specific sections. However, several of proposed "new" code sections amend existing sections of the Metro Code, but those sections are not included or otherwise referenced. Without the context of the existing sections of Metro Code, voters do not have sufficient information to understand the full impacts of MetroInit-02. As a result, MetroInit-02 does not comply with the full text requirement of Article IV of the Oregon Constitution.

Separately, Metro Charter Section 35 requires that each ordinance include an ordaining clause and further specifies the form for an initiated or referred ordinance. MetroInit-02 does not include the required ordaining clause.

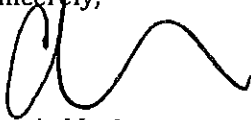
This letter serves as notice of my determination made pursuant to Metro Code Section 9.02.030(e) that MetroInit-02 does not meet constitutional requirements. Pursuant to Metro Code Section 9.02.030(f), I respectfully request that you notify the chief petitioners.

Mr. Tim Scott  
April 8, 2022  
Re: MetroInit-02 Determination  
Page 2

Metro Code 9.02.030(e) provides that the decision of the Metro Attorney may be challenged exclusively in accordance with the procedures set forth in ORS 255.140(4) and (5).

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Carrie MacLaren', written in a cursive style.

Carrie MacLaren  
Metro Attorney

Attachment

# Prospective Petition

## Local Initiative and Referendum

SEL 370

rev. 01/22 ORS 250.045,  
250.165, 250.265, 255.135

**Warning** Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Each chief petitioner is required to provide, on the same form, their name, residence address, contact phone number and signature attesting that the information on the form is true and correct. Changes to the information provided for a chief petitioner or to the circulator pay status must be reported to the filing officer no later than the 10th day after a chief petitioner first has knowledge or should have had knowledge of the change. At least one original chief petitioner must remain throughout the petition process or the petition is void.

RECEIVED  
 2022 MAR 25 AM 10:05  
 CLATSOP COUNTY  
 CLERK OF COUNTY  
 CLERK OF ELECTION

Petition Information		Type	
This filing is an	<input type="checkbox"/> Original	<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Initiative
Jurisdiction		Some Circulators may be Paid	
<input type="checkbox"/> County	<input type="checkbox"/> City	<input checked="" type="checkbox"/> District	<input checked="" type="checkbox"/> Yes

Title Subject or name you give your petition.  
 Everyone Deserves Safe Shelter

Petition Correspondence Select the method of receiving notices or other correspondence from the Filing Officer.

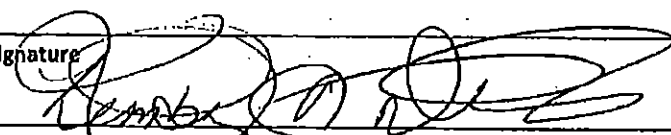
Correspondence Recipient     Email Chief Petitioners     Mail Chief Petitioners


Recipient Information

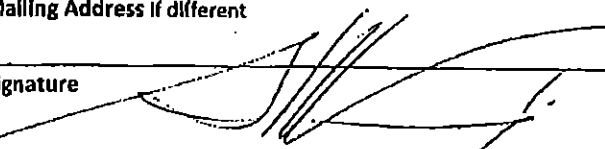
Name	Email Address
Maria Smithson	maria@peopleforportland.org

Chief Petitioner Information Only chief petitioner's residential city and state will appear on petition sheets.

→ By signing this document, I hereby state that all information on the form is true and correct and attest that no circulators will be compensated money or other valuable consideration on this petition based on the number of signatures obtained by the circulator.

Name	Contact Phone
Kimberely Dixon	503-449-1449
Residence Address street, city, state, zip	
3280 NE Lombard, Portland, OR, 97211	
Mailing Address if different	Email Address
	kimberleydixon@gmail.com
Signature	Date Signed
	3/21/2022

Name	Contact Phone
Kristen Downs	719-290-3314
Residence Address street, city, state, zip	
8024 SE 8th Avenue, Portland, OR 97202	
Mailing Address if different	Email Address
	kristen_downs@yahoo.com
Signature	Date Signed
	3/21/2022

Name	Contact Phone
Sohrab Vossoughi	503-223-9606
Residence Address street, city, state, zip	
3915 NW Devoto Lane	
Mailing Address if different	Email Address
	sohrab_vossoughi@ziba.com
Signature	Date Signed
	3/21/2022

The following Sections 11.01.055, 11.01.210, 11.01.220, and 11.01.230 are added to Metro Code Chapter 11.01:

**11.01.055 Distribution of Program Funds to Provide Shelter for All**

No less than 75% of Supportive Housing Services program funds distributed to a Local Implementation Partner shall be expended exclusively for the purpose of construction, maintenance, and operation of safe, sanitary emergency shelters, unless and until:

- (a) The number of emergency shelter beds in the Local Implementation Partner's county meets or exceeds the homeless population in that county; and
- (b) Each municipality within the Local Implementation Partner's county boundary is enforcing its own anti-camping ordinances.

**11.01.210 Annual Performance Audit**

Metro shall contract for an annual independent, comprehensive performance audit of the Supportive Housing Services Program, conducted by a qualified private-sector auditing firm and based on nationally recognized standards for audit services.

**11.01.220 No Conflicts of Interest**

No applicant for or recipient of Program Funds, including any director, officer, agent or employee of an applicant or recipient and any spouse, child, parent or sibling thereof, shall serve as a member of the Regional Oversight Committee.

**11.01.230 Enforcement**

Any resident or taxpayer of the Metro district may commence an action in circuit court to enforce the requirements of this chapter. The court shall award reasonable attorney fees and costs to a prevailing plaintiff in any action under this section.

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2022 MAR 25 AM 10:06  
MULTI-NOMAH COUNTY  
DIRECTOR OF ELECTIONS

**EVERYONE DESERVES SAFE SHELTER**  
**PROPOSED BALLOT TITLE**

**Caption (10):** Requires homeless shelter creation; prohibits conflicts of interest; requires audits.

**Question (20):** Should Supplemental Housing Services revenue primarily fund safe emergency shelters until adequate shelter capacity exists for each county's homeless persons?

**Statement (175):**

The measure would require that 75% of Supportive Housing Services program funds that Metro distributes to a county must be used to build and maintain emergency shelters, unless and until two conditions are satisfied: that the county has more shelter beds than homeless persons; and that each municipality in the county is enforcing its own anti-camping laws.

The measure would not restrict use of the remaining 25% of Supportive Housing Services program funds or the use of other Metro or county revenue.

The measure would require that Metro contract for independent, comprehensive performance audits of the program on an annual basis.

The measure would bar appointment to the program's oversight committee of individuals with financial conflicts of interest.

The measure would permit any Metro resident or taxpayer to sue in state court to enforce the requirements of the program's code provisions. The measure would direct that a prevailing plaintiff in any such action be awarded his or her reasonable attorney fees and costs.