

COUNCIL DEPARTMENT

October 9, 1992

Resolution No. 92-1689 was tabled at the October 8, 1992 Council meeting. See Resolution No. 92-1697 which was adopted instead. Refer also to meeting record (minutes and pink sheet).

METRO

2000 SW First Ave.
Portland, OR 97201-5398
(503) 221-1646

BALLOT MEASURE 9

AN ACT

Be it Enacted by the People by the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section to be added to and made a part of Article 1 and to read:

SECTION 41 (1) This state shall not recognize any categorical provision such as "sexual orientation," "sexual preference," and similar phrases that includes homosexuality, pedophilia, sadism or masochism. Quotas, minority status, affirmative action, or any similar concepts, shall not apply to these forms of conduct, nor shall government promote these behaviors.

(2) State, regional and local governments and their properties and monies shall not be used to promote, encourage, or facilitate homosexuality, pedophilia, sadism or masochism.

(3) State, regional and local governments and their departments, agencies and other entities, including specifically the State Department of Higher Education and the public schools, shall assist in setting a standard for Oregon's youth that recognizes homosexuality, pedophilia, sadism and masochism as abnormal, wrong, unnatural, and perverse and that these behaviors are to be discouraged and avoided.

(4) It shall be considered that it is the intent of the people in enacting this section that if any part thereof is held unconstitutional, the remaining parts shall be held in force.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

September 30, 1992

TO: Tanya Collier, Chair, Government Affairs Committee
Richard Devlin, Vice Chair
Edward Gronke
Terry Moore
Judy Wyers

FROM: Rena Cusma, Executive Officer

RE: Support of Resolution 92-1689 opposing State
Constitutional Amendment - Ballot Measure 9

I am asking your support in adopting Resolution 92-1689 opposing Oregon State Constitutional Amendment - Ballot Measure 9. The Presiding Officer, Jim Gardner, has joined with me in co-sponsoring this resolution. I encourage all Councilors to join us in opposing what has been described by Ron Schmidt as "the meanest initiative I have seen on an Oregon ballot." He stated that "if Measure 9 passes, we will have lost Oregon as it is today. We will have our Constitution amended to say we are discriminating against a class of people." He further states; "if Measure 9 passes, we will get the reputation of being the most bigoted state in America."

The initiative as proposed by the OCA has three primary requirements:

-the state cannot "recognize phrases such as sexual orientation."

-State and local governments cannot "promote, encourage or facilitate homosexuality"

-public schools, colleges and universities must teach that homosexuality is "abnormal, wrong, unnatural and perverse" and should be "discouraged and avoided."

What does Measure 9 mean for Metro? No one is quite certain about the effects of this initiative on local government, but we already

have some indication on the impact regarding future convention business. The Portland Oregon Visitors Association, estimates that the area would lose approximately \$19 million in business if Measure 9 were to pass. This is only the tip of the iceberg and we can expect further loss of business if this measure were to pass.

In addition, the measure as written raises serious questions about the use of our facilities by groups such as the Right to Privacy and the Gay Men's Chorus. Will we be required to bar groups like these from utilizing Metro facilities?

Notwithstanding the potential economic loss to our state and region, the most compelling argument for opposing this measure is that it singles out a specific group of individuals and legalizes discrimination against them. The target of the OCA today is the gay and lesbian community. Their goal is to force a narrow, divisive concept of "family values" on all Oregonians. We all should ask; who is next on the OCA's list to be targeted.

This is bad legislation. It deserves a resounding defeat at the polls.

cc: Jim Gardner, Presiding Officer
Councilors

Portland Oregon Visitors Association

A R K E T I N G T O U R I S M & C O N V E N T I O N S

September 29, 1992

FROM: Jim Bocci, Portland/Oregon Visitors Association
275-9795

RE: Ballot Measure #9

Potential Lost Portland/Oregon Convention Business if Ballot Measure #9 passes

ORGANIZATION	DELEGATE NO.	ROOM NIGHTS	ECON. IMPACT
✓ National Middle School Assn. Booked for 11/93	4,200	11,610	\$2.2 mil.
✓ Association for Computing Machinery Booked for 10/94	2,000	6,700	\$1.1 mil.
✓ Public Library Association Lead for 3/96	5,500	8,960	\$3.2 mil.
✓ American Assn. of School Librarians Lead for 10/96	3,500	6,125	\$2 mil.
✓ American Symphony Orchestra League Booked for 6/95	2,000	3,800	\$1 mil.
✓ American Alliance for Health, Physical Education, Recreation, Dance Booked for 3/95	9,000	16,060	\$4.6 mil.
✓ American Society of Landscape Architects Lead for 9/98	3,000	6,485	\$1.7 mil.
✓ National League for Nursing Lead for 9/93	750	1,450	\$0.5 mil.
✓ National Council of Teachers of English Booked for 3/94 (Has not cancelled yet)	3,000	4,300	\$1.5 mil.
✓ National Recycling Coalition Booked 9/94	3,000	4,425	\$1.5 mil.

TOTAL ECONOMIC IMPACT

\$19.3 mil.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 92-1689, ESTABLISHING A POSITION OPPOSING OREGON STATE CONSTITUTIONAL AMENDMENT - BALLOT MEASURE 9

Date: October 2, 1992

Presented by: Councilor Collier

COMMITTEE RECOMMENDATION: At its meeting of October 1, 1992 the Governmental Affairs Committee voted 4-1 to recommend Council adoption of Resolution No. 92-1689. Voting aye were Councilors Collier, Devlin, Moore, and Wyers. Councilor Gronke voted no.

COMMITTEE DISCUSSION/ISSUES: Deputy Executive Officer Dick Engstrom presented the committee report, representing the Executive Officer who was not able to attend the committee meeting. He referred to a memorandum to the committee from the Executive dated September 30, 1992, and an attached communication from the Portland/Oregon Visitors Association which lists potential lost conventions if Ballot Measure 9 should pass. He said the resolution, opposing Measure 9, was drafted at the request of the Executive Officer and Presiding Officer.

Councilor Gardner spoke to the resolution and the process of having it introduced. He said it occurred to him that Measure 9 would affect not only Oregonians in general, but would also have a direct effect on Metro because of its potential impact on convention business. For that reason, he thought it appropriate for Metro to take a position on the measure. He explained that it is jointly sponsored by him and Executive Officer Cusma because they decided independently to introduce a resolution opposing Measure 9, and chose to co-sponsor it when they found they were both working on it. He said Measure 9 is extremely bad policy, putting the state on record as not only legalizing discrimination, but requiring the state to do so, which he described as wrong, un-American and un-Christian. The specific effect on Metro would be to hurt our growing convention and visitor business. He added that its passage would jeopardize a scholarship program at the University of Oregon, and the presence of the measure on the ballot had already resulted in the cancellation of an upcoming convention of the Association of State Governments. He said it is the Council's responsibility as citizens and elected officials to make their views known.

Councilor Gronke said the measure is abhorrent to him, but he questioned whether it is in Metro's charter to take a position on it. He was also concerned with the possibility that if Metro takes a position, that would encourage people who don't support Metro to vote the other way on Measure 9.

Chair Collier opened the public hearing. Patricia Miller testified, saying she was concerned about notification of the resolution. She also echoed Councilor Gronke's concern of whether it was appropriate for Metro to take a position on the measure. She said that Metro's taking a position would infer that voters

would listen to Metro's position and would not make up their minds on their own. She questioned whether it was proper and within Metro's authority to take a position, not knowing what effect it would have on voters. She recommended the Council take no position.

Chair Collier asked Council staff if adequate notification had been given. Council Analyst Casey Short said the meeting had been advertised in the usual manner. Public Affairs Specialist Cathy Thomas said the meeting notice did not contain specific reference to this resolution, which is standard practice: ordinances are specified by title in advertised meeting notices, but resolutions generally are not.

Chair Collier addressed Ms. Miller's question regarding the Council's authority to take a position on a measure. She said the Council had done so in the past without any question as to authority, but she would ask counsel for a formal opinion regarding authority. That opinion would be given and available prior to Council's consideration of the Resolution on October 8.

Chuck Geyer, President of AFSCME Local #3580, spoke in favor of the resolution. His local represents many Metro employees, and opposes Measure 9. He urged the committee to support the resolution. He said his local has worked to defeat the ballot measure, and encouraged Councilors not only to adopt the resolution, but use their forum as elected officials to notify their constituencies and educate them about this measure.

Sandra Snavelly testified, saying she questioned whether adoption of this resolution was within the proper and legitimate function of the Council. She was concerned with whether it was a proper use of tax dollars to take a collective position on any issue. She said that once a measure is put on the ballot, it is no longer a committee issue. At that point, it is up to the voters and they must be trusted to vote their consciences. She questioned whether the Council should single out one issue on which to take a position; she cited Ballot Measure #4, which would ban triple trailer trucks, saying that could have an effect on Metro operations. Ms. Snavelly was also concerned that Metro Councilors, as representatives of the people in their districts, would take positions without determining what those constituents thought about the issue. She urged a no vote.

Councilor Devlin said he had participated in taking positions on a number of issues in his experience as an elected official, and had seen other governing bodies do the same. He said it is a common action for a public body, and it would be inappropriate for the Council not to comment on their perception of the impact of this measure on the state and the region. He said Measure 9 represents very bad policy. He would hate to see it pass without his taking the opportunity, as a public official, to speak out in opposition.

Councilor Moore said she wanted an answer to the question whether this resolution fell within the scope of Council's authority. To the content of the measure, she said Metro has employees who would be directly affected by it and it was not our business to delve into their personal lives. She will trust the voters to decide this matter, but as leaders in the community it is Councilors' responsibility to provide the information to their constituents as they see it. The information in the resolution is pertinent and should be forwarded to citizens, if it is within Council's scope.

Councilor Gardner said that Metro has responsibility to operate convention and visitor facilities and programs, and that they do not operate in a vacuum. Because Measure 9 would affect the environment in which those operate, the Council has the right and the obligation to express an opinion. Council would not be telling people how to vote, but would be giving them information and opinion so they could make an informed decision.

Councilor Collier asked Mr. Short to make a formal request to counsel for an opinion on the scope of Council's authority to adopt this resolution. She also asked for a formal opinion whether appropriate notice was given.

Councilor Wyers said it is her firm opinion that the Council has the ability to take a position and that she strongly supports the resolution.