

Bond Case Briefs

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MUNICIPAL CORPORATIONS - OREGON

City of Damascus v. State by and through Brown

Supreme Court of Oregon, En Banc - September 3, 2020 - P.3d - 367 Or. 41 - 2020 WL 5248515

Taxpayer petitioned for direct and expedited review of Senate Bill that presented voters with an alternative mechanism for the disincorporation of city.

The Supreme Court held that:

- Voters of city had the authority to decide whether or not to disincorporate city, and there was no need for a delegation of authority from the legislature to the city voters to make that decision;
- Senate bill that presented voters with an alternative mechanism for the disincorporation of city did not operate to change the value of some votes cast in a prior election after the fact, and thus, was not in violation of the Equal Protection and Due Process clauses of the United States Constitution;
- Senate bill did not violate city's home rule authority by providing the "manner of exercising" initiative and referendum powers as to municipal legislation;
- Senate bill did not violate the home rule prohibition against interfering with municipality's ability to modify the "structures and procedures" of its own local government as it saw fit;
- Senate bill was not irreconcilable with the community's freedom to choose its own political form; and
- Senate bill did not violate the separation of powers principles incorporated in the state constitution by overturning a prior judicial decision.