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PORT AUTHORITY FINANCING - OREGON

International Longshore and Warehouse Union v. Port of Portland

United States Court of Appeals, Ninth Circuit - December 27, 2016 - F.3d - 2016 WL 7438634

Labor union representing longshore workers filed suit against municipal port and port officials, alleging that programs adopted by the port to mitigate its financial losses, which involved incentive payments to private entities who did business with the port and were funded out of port bank account that contained tax and non-tax revenue violated the Oregon Constitutional prohibition against a public entity raising money for, or lending credit to, any private entity.

The United States District Court granted summary judgment in favor of defendants on certain claims, and subsequently granted summary judgment in favor of defendants on the remaining claims. Union appealed.

The Court of Appeals held that the Court of Appeals would certify question to the Oregon Supreme Court as to whether municipal port's incentive programs violated Oregon Constitutional prohibition against public entity raising money for, or lending credit to, private entities.