

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

April 15, 1993 Hearing Room 357 9:30 a.m. Tapes 56 - 57

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Jim Edmunson Rep. Patti Milne Rep. Sharon Wylie Rep. Cedric Hayden, ex-officio

VISITING MEMBER: Rep. Ken Baker

STAFF PRESENT: Janet Adkins, Committee Administrator Amy Jahnke, Committee Assistant

MEASURES CONSIDERED: HB 2533 HB 2534

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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. [--- Unable To Translate Graphic ---]

TAPE 56, SIDE A

CHAIR PARKS: CALLS MEETING TO ORDER AT 10:25

PUBLIC HEARING HB 2533 and HB 2534 Witnesses: John Bohn, City of Portland Rep. Calouri, District 7 Tom Barrows, City of Bend Jan Childs, City of Eugene Burton Weast, Special Districts Association of Oregon Irma Trommutz, CPO I Carol Gearin, CPO Jim Claypool, City of Portland

011 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2533;

023 JOHN BONN, CITY OF PORTLAND: Testifies in opposition to HB 2533.

045 REP. EDMUNSON: In a double majority annexation in a county which is not served by a boundary commission, do the electors have an opportunity for a remonstrance election of that annexation

BONN: With a double majority there is not an opportunity for a remonstrance.

056 EDMUNSON: This bill would create a privilege for a class of persons in a boundary commission county which is not extended on the same terms to a class of person in a non boundary commission county?

BONN: That is how I would understand it as well.

PARKS: The rational as you understand it for that double standard; whether you agree with it or not, what is the rational?

BONN: The rational must be that there is a right to vote on this type of annexation but apparently only if you are within a boundary commission's jurisdiction.

067 REP. CALOURI, DISTRICT 7: Testifies in support of HB 2533. There is a double rational: 1. the advice of legislative counsel was that in

those non boundary commission areas that they already presumably have that right and 2. I didn't want to burden the bill down any more than need be, but if that is not the case I see nothing wrong with making sure there is consistency.

080 REP. HAYDEN: In that case wouldn't you just take the summary sentence here and put a period after the word territory in the second line?

REP. CALOURI: That is right.

REP. HAYDEN: Then that would take out section 2; and then the bill would apply statewide and would be acceptable to you?

REP. CALOURI: Yes.

088 ADKINS: Other things would have to be done. The boundary commission statutes are separate from the...but it could be done.

HAYDEN: It seems to me that the double majorities gain by contacting voters one on one and presenting the situation in the most favorable one sided light, and an election puts much more sunlight on it and allows wide debate.

REP. CALOURI: In the town hall meeting last night a gentlemen said that it was his understanding that when those one sided positions are presented and when someone signs the document, they are not allowed to withdraw them.

132 BONN: Comments further.

165 REP. EDMUNSON: Regarding the absolute ability to revoke an assent, that is before the governing body has received that consent. Because what triggers the authority under ORS 199.492 (a) (a) is the receipt of the assent, correct?

BONN: We interpret that to meant when the consents are filed with the city auditor on an annexation case.

REP. EDMUNSON: Then a person cannot say wait a minute, I didn't know what you were talking about when you came to my door, I want that withdrawn. There is no authority in the statute for the withdrawal of assent after those petitions are filed.

178 BONN: In that particular phase an individual may appear at city council and council, at its discretion, could return that consent.

REP. EDMUNSON: The city council would have the decision whether to honor the request or not?

BONN: That's right.

REP. EDMUNSON: Are you aware anywhere else in Oregon's system of government where door to door voting is allowed?

BONN: I can't think of any.

186 CHAIR PARKS: If this bill were to pass, presently the double majority, that is the annexation process?

BONN: That is the preferred method in Portland and most other municipalities.

CHAIR PARKS: And the remonstrance, where does that fit in right now if we don't change the law?

BONN: A group of citizens may initiate one of a number of other annexation methodologies and if that is approved by the governing body and the boundary commission, then they may remonstrate and take it to a vote. There is no annexation methodology on the books now that goes directly to the vote.

201 CHAIR PARKS: The change is that we would now have the double majority to get into the position that someone can remonstrate. Within 45 days, how many people have to object to get it into a voting...

BONN: 10% of the registered voters or 100 voters whichever is less.

213 HAYDEN: I would be interested in hearing the logistics in procedures for obtaining those 4500 votes, how is that done?

BONN: Basically I have five pages of process here for getting double majority; normally what we do is hold meetings, send out mailings and we do go door to door.

228 HAYDEN: Who goes door to door; do you have permanent staff that does that?

BONN: We have people on personal service contracts; independent contractors.

HAYDEN: How many do you hire to get 4500 signatures?

BONN: I have four people hired to do this.

HAYDEN: How long do they work for you to do this?

BONN: It has occurred, for the most part, within the course of this fiscal year; since July 1.

241 HAYDEN: Would you estimate the your cost of that was in the order of \$50,000 or \$100,000?

BONN: In the range of \$100,000 to \$150,000, including the full time staff, which is only three people.

246 REP. BAKER: This department has three full time employees and spends an excess of \$200,000 per year doing nothing but trying to get annexations.

BONN: It is not just economic development, but we also do the service planning; gives example.

261 HAYDEN: I would be interested to hear from someone from the secretary of state's office, the cost of the vote by mail election for 4500 voters.

BONN: I have done a little research on that and actually it is covered to some extent in HB 2534, but if a vote occurs a primary or general election the county picks up the cost. If you hold a special election

then the cost just depends on how big of a population is affected by the vote.

271 HAYDEN: There must be a cost per voter of ____.

BONN: We had talked about an annexation methodology that combined the affected territory with the voters of the city in one vote and the estimate I got from the elections office was about \$150,000 for a population of 500,000 to 550,000 people. 284 HAYDEN: An election seems much cheaper.

292 EDMUNSON: The requirement now is that 50% of the affected voters must sign petitions. If we were to use a vote by mail instead, it seems to me the problem is do you get 50% of the registered voters to assent in a vote by mail.

305 BONN: In your packet, page 3, I did a little bar chart of voter turnout in Multnomah County the past few elections and the last election we had was the March special election; the voter turnout was about 18% and that was a mail ballot.

318 TOM BARROWS, CITY OF BEND: Testifies in opposition to HB 2533. Doesn't affect them but consider it a bad precedent.

339 JAN CHILDS, CITY OF EUGENE: Testifies in opposition to HB 2533; unlike the city of Portland, the city of Eugene is not currently processing double majority annexations.

396 REP. EDMUNSON: Do you agree with earlier testimony that non boundary commission counties do not provide for remonstrance votes in double majority annexations?

415 CHILDS: My understanding is that is correct.

TAPE 57 - SIDE A

065 REP. EDMUNSON: If the law were changed to require a blind election as the means to obtain the majority of electors as opposed to the door to door approach, how difficult would it be for a city to obtain a majority of electors through a vote by mail?

070 CHILDS: I cannot give you the statistics on the most recent voter turnout in one of our mailed elections. It certainly is not anywhere near 50% of the registered electors.

REP. EDMUNSON: That is a problematic question because the more people you attempt to include the harder it becomes.

081 CHILDS: That is an issue because if you only have 15% or 18% voter turnout and the people who support the election are not part of the people that turned out, then a small majority of the total electorate in the area can impact a decision in a way that is different from the absolute 100% majority.

090 CHAIR PARKS: Would this affect special district annexation within the boundary...

CHILDS: Yes. I think there is someone here who could speak to that point as well. 100 BURTON WEAST, SPECIAL DISTRICTS ASSOCIATION OF OREGON: The answer is yes. The way the special districts use the same methods

of annexations as do cities in Oregon.

108 CHAIR PARKS: Did you testify before about this?

WEIST: No. Special district's position on this bill has simply been to monitor it and to see what the discussion and the issues were.

CHAIR PARKS: Are you saying to the extent that it would make annexations extremely difficult, impossible...?

WEIST: Special Districts have a long standing policy of supporting elections on annexations. However, our concern is, while we are supportive of elections for annexations and peoples' access to remonstrance, we also have to have a way that we can annex speedily and at a low cost in those cases where annexations are not contested or where there is mostly vacant property or not a lot of people.

135 REP. EDMUNSON: If you have two property owners involved, holding an election doesn't really pose a problem either does it?

WEIST: If you hold an election, we are limited to certain times of the year that elections can be held; there are certain procedures you have to go through; I don't think it is an issue of cost as much as it is an issue of reasonable procedure.

150 CHAIR PARKS: And those problems don't apply to areas that have boundary commissions?

WEIST: I think those apply everywhere. The difference here is this is unique situation.

160 REP. EDMUNSON: My point wasn't that the owner of the land would be given a ballot, but the point being that the election would involve the people who live there whether they rent or own.

WEIST: If you are using double majority, yes.

170 REP. EDMUNSON: That is exactly the same under the double majority system. You make a distinction that doesn't have a difference. The only point I find persuasive is having to wait through the four or five opportunities to hold an election so that those two people can cast their ballots.

WEIST: We just need to be extremely careful as we deal through this because the annexation is complicated.

200 IRMA TROMMUTZ, CPO 1: Testifies in support of HB 2533 and HB 2534.

260 CAROL GEARIN, CPO 1: Testifies in support of HB 2533 and HB 2534.

285 REP. HAYDEN: Are they organized by the county or by the citizens directly?

TROMMUTZ: It is a resolution from the county that organizes; it was part of the land use planning process when we grew out of the citizen participation process that was required to create the community plan.

GEARIN: But they are organized by the citizens, run by the citizens, etc.

300 JIM CLAYPOOL, CITY OF PORTLAND: Testifies in support of HB 2534.

385 REP. EDMUNSON: Does city of Portland have a planning commission?

CLAYPOOL: Yes.

REP. EDMUNSON: Do you allow or have you ever had a person who is a resident of the area serve on the city planning commission?

CLAYPOOL: There has been a resident outside the city, I think we are allowed up to two. There has not been a resident of the affected area in Washington County that has served on the planning commission.

397 CHAIR PARKS: How many people on your planning commission?

CLAYPOOL: Nine.

REP. EDMUNSON: They could be residents of Washington County?

CLAYPOOL: Right. Gives one example of where the bill falls short.

460 BONN: This is a bill that is written to apply only in boundary commission areas. One concern is the statement at the beginning of the bill is the creation of the urban service boundary is necessary for promotion of health safety comfort... 475 ADKINS: On HB 2534; we have been under the impression that it does apply statewide.

402 BONN: That is a small point, but in terms of the health safety, comfort, convenience and welfare of the residents of the territory...

TAPE 56 - SIDE B

043 BONN: Continues.

050 PHILLIP FELL, LEAGUE OF OREGON CITIES: In the first hearing on this bill I appeared at the table, Mayor Drake of Beaverton expressed some concern that it might be signaling to the committee some indication that the league supports Portland's proposal for an urban services boundary rather than Beaverton's. I simply want to clarify that the league has no dog in that fight.

061 REP. EDMUNSON: HB 2534; do you understand this would apply to all cities or do you believe this is somehow limited to only those cities served in a boundary commission?

FELL: State wide.

REP. EDMUNSON: Would your position on HB 2533 change if that procedure were to apply state wide?

FELL: No. In both circumstances the league would oppose HB 2533.

079 REP. EDMUNSON: Would your opposition be stronger if it were statewide since more cities would be affected?

FELL: The league opposes strongly to HB 2533 regardless of which geographical area.

082 CHILDS: The issue for us is whether this bill would apply only to the establishment of a new urban services boundary or to any amendments that those of us would make to our existing urban services boundary.

114 REP. CALOURI: I would suggest that if we allow an easy way for annexation of vacant land, there are going to be a lot people living on what was vacant in developed houses in a short time who will say who did us in.

164 ADKINS: The first two paragraphs set out what a city may do on its own without any dispute with another city and so they keep referring back to that section two sub one later and you have to be careful of whether they are talking about a single city process or a dispute between two cities process and keeping that clear as you read it.

REP. CALOURI: That section is laying out what the process is.

ADKINS: Right, but I wanted to say when you read it you really have to pay attention to that.

Meeting Adjourned at 11:30 a.m.

Submitted by, Reviewed by,

Timothy Marshall Janet Adkins Committee
Assistant

Committee Administrator

Exhibit Summary:

A - HB 2534: Hand engrossed version of HB 2534 submitted by staff, not mentioned in minutes. B - HB 2534: Proposed amendments to HB 2534 submitted by staff, not mentioned in minutes. C - HB 2534: Written testimony submitted by Linda Lynch, not mentioned in minutes. D - HB 2534: List of signatures supporting HB 2534 submitted by Rep. Calouri, not mentioned in minutes.