

MINUTES
UMATILLA COUNTY CHARTER REVIEW COMMITTEE
Meeting of April 3, 2018
5:30 p.m., Room 114, Umatilla County Courthouse
Pendleton, Oregon

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- Committee Members Present:** Chair Michele Grable; Vice-Chair Don Miller; Sally Anderson Hansell (arrived at 5:35); Jerry Baker; Dan Dorran; Mark Gomolski (excused at 6:35); Jennifer McClure Spurgeon
- Absent:** Genna Banica; Darla Huxel; Kim Puzey
- County Counsel:** Doug Olsen
- Guests Present:** Rob Bovett, Legal Counsel, Association of Oregon Counties; Glenn Youngman

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CALL TO ORDER

The meeting began at 5:30 p.m.

1. Call to Order - The chair called the meeting to order at 5:30. Mr. Baker reported that Genna Banica was working out of the Hermiston office; she will try to make the meeting but may be late.
2. Chair's Introductory Comments - Chair Grable reminded those present that the meeting is a public forum. It is being audio recorded and minutes will be taken.
3. Minutes of Previous Minutes - The minutes had been emailed to the committee members. Ms. McClure Spurgeon noted a correction; her comments should note that she was not a resident of Wallowa County for 30 years, but that she said her father had been a commissioner in Union County for 30 years. Mr. Dorran moved to approve the minutes as amended, seconded by Mr. Gomolski. Carried 6-0.
4. Appointment of Alternate - Mr. Olsen reported that due to the length of time the committee may take and to provide some representation from the City of Umatilla area, the Board of Commissioners appointed Darla Huxel as an alternate to the committee. An updated list of committee members and contact information was provided to the committee members.
5. Additions to Agenda - None,
6. Public Input - None [Comments from Glenn Youngman were taken during the business items.]
7. Business Items:
 - A. Presentation. Rob Bovett, Legal Counsel for the Association of Oregon Counties, had agreed to provide a presentation on home rule in Oregon. Mr. Bovett introduced himself and added that he had been with county government for over 20 years, as county counsel, district attorney, and now with AOC. Upon his asking, each committee member introduced themselves and provided a brief personal history.

Mr. Bovett had a power point presentation of County Home Rule in Oregon. A copy will be available for the committee. He noted that the Association of Oregon Counties had a paper on home rule developed by a former AOC director Ken Tollenaar. The committee previously had received a copy of it.

John Dillion published the first treatise on Municipal Corporations. He developed what is known as Dillon's Rule, that state legislature created local governments, so it can also abolish a local government. Also, to be valid, a local government enactment must fit within authorization under state law - "Show me where I can." A local government did not have any inherent authority. An Oregon Supreme Court case from 1882 recognized Dillon's Rule as applicable in Oregon.

As part of the Populist Movement, specifically the People's Power League, W. S. U'Ren, lead the charge in Oregon for moving power back to the people. This lead to the Oregon system of the initiative and referendum process in Oregon, approved in 1902 by the voters. Prior to that point, any changes to the constitution required approval from two different legislatures. A number of amendments to the Oregon Constitution were approved through this process by the voters. One of these was the Home Rule Amendment in 1906.

The Home Rule Amendment included two concepts. The form of local government could be made by local voters and that people were granted authority to enact local laws. Legislative authority was no longer needed for local governments. A local government had the authority to take action unless specifically prevented -- "Show me where I can't."

The question remained what would happen if state and local law conflicted. Based on the language of the Oregon Constitution, the courts finally decided in 1956, that if there was a conflict, legislative authorization was needed for a county to have the authority to enact any legislation. As a result, the voters adopted a ballot measure in 1958 that allowed voters to adopt a county charter and that the charter could provide for the exercise by the county of authority over matters of county concern.

Case developed over the years as to what constituted a matter of local concern. By 1978, matters of county concern were limited to two areas: Local government structure, and local internal procedures. In 1973, the legislature amended the county structure options, and gave statutory home rule powers to all counties, so long as it was not preempted. The two options for counties were to be a general law county, or a home rule county. A general law county had two forms of structure: County Court (county judge plus two commissioners) or County Commission (three to five commissioners). A home rule county could take one of these forms or choose any structure.

County Court is the traditional form of county government, with a county judge. The judge can have judicial powers over juvenile and probate courts. At the present time, there are 8 counties in Oregon that retain this form of government.

County Commissioners, whether three or five members, are the form in the remaining 19 general law counties. Both forms can convert to nonpartisan offices, and also can have an administrator.

Home Rule has been adopted in 9 counties, including Umatilla County. Within the charters, different forms have been adopted. These include elimination of offices, election of commissioners by district, and election of the chair by the voters. As of the 1973 amendment, there is not a difference in the authority of a home rule county versus a general law county. The only additional

power now granted by a charter is to structure the local government in a form different from the two statutory options.

As far as a desired form of county structure, that is up to each county. Is there a concern of concentrating too much power, or having it spread too far out. The question is what is effective for the citizens. In a charter review, may want to see what is working and what is wrong, and if there is a better way to provide services. Mr. Bovett would not provide a recommendation on what form works better.

Mr. Dorran inquired as to how get best people for the office. He likes the Home Rule approach, but wants to find out what would work best for the future. Mr. Miller added that must take a long range approach, and insure that quality people are in charge. Mr. Dorran provided insight from his experience in Alaska, and concluded that people will make the difference if the local government will be successful.

Ms. Grable asked the committee if for the next meeting, each member should identify the issues to discuss, and how to get more input. Possible issues might be voting by district, term limits, minimum qualifications or experience.

Mr. Dorran pointed out the requirements for charter amendments, based on page 73 of the Tollenaar paper. Concern is over the single subject rule, and separate vote requirement.

The Chair asked Glenn Youngman on his perspective, as a former commissioner, on what structure would work best for the county. To be an efficient organization, Mr. Youngman's opinion was to have policy makers, maybe 5 or 7, and have a professional administrator. Policy makers should be part time volunteers, and be elected by district, except two at large. A sheriff must be elected, to make sure qualified. The system must have checks and balances, and power not too concentrated.

Discussion continued on list of concerns or issues to address and options available to the Committee for changes to the charter. The consensus was to develop a list of concerns, and people to ask for comment on the current structure. The object is to develop what is the most effective and efficient form of government for the county. Ms. McClure noted the difficulty in obtaining volunteers, and the risk of elected officials in only knowing what is told by administrators.

The committee concluded that they next wanted to have input from past commissioners and administrators. The goal was to obtain information on the existing structure, and suggestions for change, from past commissioners - Dennis Doherty, Bill Hansell, Emile Holeman, Glenn Youngman, and former administrative services director, Jim Barrow. A later meeting could include input from other charter counties, such as Hood River and Clatsop.

- B. Next Meeting. The consensus was to schedule the next meeting for May 1, 2018, at 5:30, in Room 114, Umatilla County Courthouse.

The meeting was adjourned by the Chair at 7:20 p.m.

Respectfully submitted,

Douglas R. Olsen

Umatilla County Counsel