

1/30/18 Public Comment

Dear Chair Bozievich, Vice Chair Leiken, and members of the Lane County Board of Commissioners,

At the January 9th meeting of the Board of Commissioners, four members of the Board indicated that they supported scheduling a work session to consider referring legislation to the November ballot based on ordinances submitted to the board by proponents, and Chair Bozievich committed to scheduling a work session on the topic. This legislation includes the *Lane County Freedom From Aerial Spraying Of Herbicides Bill Of Rights Ordinance* and the *Lane County Community Self-Government Ordinance*.

Proponents of this legislation were heartened to hear that the Board was willing to take this first step towards responding to the will of the citizenry that this legislation represented and the over 30,000 signatures collected for two initiatives addressing identical policies to these ordinances.

But instead of scheduling a timely work session as was expected, the Board voted on January 23rd to schedule a work session on May 23rd, over four months after the Board indicated support for a work session. Chair Bozievich, along with Commissioners Leiken, Williams, and Farr, voted to schedule the work session in May, while Commissioner Sorenson dissented and argued strongly that the proponents expected a timely work session in January or February, and that scheduling one in May was tantamount to indicating little support or interest in referring the legislation. We agree with Commissioner Sorenson's assessment.

In discussing the scheduling of the work session, a number of incorrect assumptions were made about the interests of the Chief Petitioners for the initiatives and the wishes of the proponents of this desired new legislation. To clarify:

- Chief Petitioners of the previously submitted initiatives, along with the proponents of the newly submitted legislation ("the ordinances"), strongly urge the Board of Commissioners to take up referral of this new legislation immediately and with no further delays.
- Chief Petitioners of previously submitted initiatives, along with the proponents of the newly submitted legislation, consider the referral of this new legislation to be distinct and separate from the fate of the previously submitted initiatives, and we do not wish for the consideration of referral of the new ordinances to wait upon the outcome of legal processes related to the initiatives.
- Chief Petitioners of previously submitted initiatives, along with the proponents of the newly submitted legislation, are fully comfortable with the possibility that both the charter amendments and ordinances might be on the same ballot. We respect the intelligence of voters and appreciate their ability to make good choices in such circumstances.
- If a majority of the commissioners themselves are opposed to the charter amendment measures appearing on the ballot alongside the ordinance versions of the same, then we urge them to vote now to refer the ordinances to the November ballot, and if at some later time the charter amendments are cleared to be placed on the ballot, proponents will not object to the commissioners voting to withdraw the referral of the ordinances. Withdrawal of a referred measure is allowed up to the 61st day before the election.
- Proponents of both the initiatives and the new legislation consider the entire separate-vote legal discussion to be an undermining of the people's lawmaking power and a thwarting of the legitimate interests of the public to protect their health and safety. The

initiatives address an urgent life and death public health need, and the use of technicalities to stop them is counter to the entire spirit of the initiative process. In the face of both an uncertain legal process that unfairly delays action on the initiatives, it is in the best interest of the public that immediate action be taken to refer the new ordinance legislation to the ballot.

- Commissioners have already noted the many different dimensions that they wish to consider before referring the new ordinance legislation, so it is imperative that this process begins immediately.
- We all know that industry groups will spend millions of dollars to defeat any ballot measure seeking to limit their ability to spray herbicides as part of clearcut logging operations. Proponents of this legislation deserve a fair chance to present their case to voters before any election, and that requires a full campaign cycle. Delaying the referral until the last minute, as the commissioners seem likely to do, is the same as actively undermining the legislation.
- In May of this year, an election will be held for multiple seats on the Lane County Board of Commissioners. Many citizens, when signing petitions calling for a vote to ban aerial spraying, indicated that this was a key consideration in who they will vote for to be their commissioner. Given that, along with the widespread public support for this legislation, we believe that the electorate deserves to know where the current commissioners and commissioner candidates stand on this issue. Delaying the work session until after the May election either denies voters this information, or gives them but one conclusion to draw, which is that the commissioners will not support referral once they have safely passed their accountability window.

In summary, it's time to move forward on steps to represent the tens of thousands of voters who have demanded a choice to ban aerial spraying. Action needs to be taken immediately to begin the process to refer these ordinances to the November ballot.

Lynn Bowers

Katja Koehler Gause

Tao Orion

Chief Petitioners, Freedom from Aerial Spraying of Herbicides Bill of Rights

Robin Bloomgarden

Laura Ohanian

Michele De La Cruz

Chief Petitioners, Community Self-Government Charter Amendment

Freedom from Aerial Herbicides Alliance

Our Community, Our Rights

Community Rights Lane County