

Council's 'Emergency' Response to

Publisher's Note:

The letters began rolling in just a couple days after the May 11th City Council meeting. Many citizens were upset that an important ordinance was passed in what they felt was not a transparent process.

The use of the seldom used 'Emergency Clause' was certainly a sore point with those who wrote in, along with how this new ordinance might restrict the rights of voters for local initiatives. As you'll read, many thought Council used this means to pass an ordinance that was specifically designed to hinder the term limit initiative that Mae Heide submitted April 28th.

Because I only received letters from citizens upset with Council, I wrote Mayor Ogden and cc'd all Council Members informing them that I received numerous letters about this and invited them to respond to their constituents who felt their actions were unjust.

The only response I received was from Mayor Ogden who had a very different interpretation of the events and the use of the Emergency Clause, which enabled the passage of their new ordinance to take effect immediately, impacting the term limit initiative presented April 28th.



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Why Term Limits for Tualatin City Council

I am the Chief Petitioner of a Tualatin citizen group putting forth an initiative for City Council term limits. On May 11th, AFTER we filed our petition on April 28th, Council enacted an ordinance which pertains to initiatives, referendums, and referrals (No. 1381-15). The timing of the Ordinance passage appears that Council has gone to unprecedented lengths to prevent a vote on term limits applicable to themselves.

Why is City Council so concerned about Tualatin voters having the timely and meaningful opportunity to openly discuss and vote on Council term limits? And, why should you consider term limits for our City Council?

- Neighboring cities have Council term limits. The neighboring cities which have limits are: Tigard, Lake Oswego, Oregon City, Milwaukie, Hillsboro and Sherwood.

- It is important to preserve "experience" and "continuity" on Council, and yet have new ideas and fresh energy in the Council to keep it vibrant and responsive to Tualatin residents. Our term

limit initiative of 12 years in a 20 year period allows for the preservation of experience and continuity, yet provides for new energy and creativity as new representatives routinely come onto Council. This time period allows for a healthy blending of both experience and new ideas.

- At times our City Council has made decisions without voter approval.

- A recent example occurred just last year when our elected officials did not listen to the many Tualatin residents who expressed their opinion that our prior City Hall building should not be torn down until a plan for a replacement building was approved by Tualatin taxpayers. But... Council voted to tear the building down without citizen approval and are now planning their new City building - expecting Tualatin taxpayers to pay.

- A second example recently occurred after Tualatin voters passed by 75% the right of residents to vote before Council approved any expenditure for light rail. In February, 2015 Council voted \$160,000 be given to Metro for further work on the regional light rail and high

capacity transit effort - without first giving Tualatin taxpayers the right to vote. If this transit effort continues forward and comes into our community, Tualatin taxpayers will pay.

- Finally, after we filed our term limit initiative with the City, our Council enacted their new ordinance, significantly eroding voters' rights.

Feel free to check out our website. TualatinTermLimits.org.



Mae Heide,
Chief Petitioner
Retired educator, and
6 year Tualatin resident

Disappointing and Concerning.

On May 11, the City Council reduced Tualatin voters' rights at a Council meeting without notice to the public and by exercising an Emergency Clause. Notice could have been given but they chose not to do so. It's sad that Council's commitment to genuine citizen involvement ended to protect two seats out of seven in the November 2016 election.

Why the return to secrecy and nondisclosure? On April 28, 13 days before the vote, the City received a petition for a Term Limit Charter Amendment. Under new State law, petitions like it, if qualified for the ballot, restricts votes to either May or November elections. No Special Elections allowed.

If the new Term Limits petition committee

gathered enough qualified signatures, under the new State law the earliest it could have made the ballot was the May 2016 election. The new Tualatin ordinance requires it to wait until November 2016 when three current City Council members' seats are up for re-election. If the voters had approved the Term Limit measure in May, two of Council seats would have been open because the current Council members have already served more than three terms.

The Council could have noticed the ordinance on May 4 when they sent out the State required meeting notice and agenda. They could have alerted Tualatin voters that they wanted to take away their rights. Then, by using the Emergency Clause, they made the new ordinance effective immediately. State Law protects us from secret

laws by requiring a 30-day waiting period. What was the Emergency?

I have argued with other Tualatin residents while defending this City Council and their commitment to open decision-making. I've been called naïve. Whether or not the Council's action was lawful, I can't say. What I can say is it was disappointing and concerning.



Cathy Holland
Tualatin Resident

What's All the Fuss?

Ah, Tualatin... what's going on that has many of the community's most active citizens in such a dither? Then, a close friend tells me our City Council passed an ordinance significantly limiting citizens' ability to exercise their right to vote on major community issues through the citizen initiative process.

How did I miss the Council action of such importance and consequence? On the Thursday before the May 11th Council meeting, I looked at the Council agenda on the website to see what was up. Nope-nothing there but routine stuff-so don't need to go.

But, I must have missed something... Certainly; Council would have engaged Tualatin citizens before passing such a significant ordinance pertaining to voter rights. After chatting with fellow residents and doing a little digging, I realized Council created and passed this ordinance in a "public meeting", but

Oops, forgot something - Council did not invite the public to their public meeting

- No community meetings or the CIOs involved in any discussions,

- No prior notice in the Council meeting agenda of this ordinance item,

- No posting of proposed ordinance in the Council agenda,

- No public in attendance - let alone any public comment,

Good, I found the re-broadcast of the meeting on Channel 28. At the very end of the regular Council meeting, and after everyone but some City staff had left, Mayor Ogden announced he would like Council (the 4 Councilors who were there) to discuss and possibly vote on a new ordinance dealing with citizen initiatives and referendums. Mayor Ogden said several times the purpose of the new ordinance was to significantly restrict the citizen initiative process.

Council proceeded to craft the ordinance, seeking no other opinions except each others. They even went into unchartered legal territory; creating two sections which apply retroactively to the citizen initiative already filed and had approval of its text. (1-24-090, 2, 4)

Council violated the trust between themselves and Tualatin voters by not properly and adequately involving the public in a meaningful way regarding this substantive ordinance.

It appears Council members are very threatened Tualatin residents may get the right to vote on the citizen term limit initiative. I guess job security.

If you're concerned by Council's secretiveness and overreach regarding the passage of Ordinance #1381-15, please email them. Ask them to rescind this ordinance and initiate a true public discussion. Contact them at council@ci.tualatin.or.us.



Jan Giunta
Citizen activist
and 24 year
Tualatin
resident

Term Limit Initiative Angers Many

Red Alert! Red Alert! Emergency in Tualatin!

In case you missed it, our Mayor signed into effect Ordinance #1381-15 using the Tualatin Municipal Code provision that allows City Council to enact new ordinances in the event of an emergency. Specifically, in the new ordinance, it states "is necessary for the immediate protection of the public peace, health, safety and welfare and takes effect immediately upon adoption." (1-24-090, 4)

What on earth is threatening Tualatin residents' public peace, or health, safety and welfare that we need immediate protection?

Turns out the "emergency" is the citizen initiative regarding Council term limits. Council had to act quickly if they were to change the rules before it was too late to impact the citizen initiative, already filed April 28th with the its text also approved. Council had a regularly scheduled Council session on May 11th - just in time Council appeared to believe to devise a new ordinance severely restricting voter rights through the initiative process and specifically applying these new rules to the citizen initiative!

This citizen initiative seemed to be such an immediate threat that the Council had to create a new ordinance and vote on it without any public notice, without any public discussion, or even any public present, and the ordinance item not appearing on the Council agenda until after the vote?

However the emergency was so immanent, The Council had to make the new ordinance effective that night, as the citizen's initiative was due to receive its title and summary the very next day. They applied the emergency provision, allowing the immediate enactment of an ordinance. But, they went further, adding an additional provision, specifically applying the ordinance to this citizen initiative

(1-24-090, 2). Unprecedented action by any Tualatin City Council....

But, do term limits, or even the initiative process, threaten the public peace, health, or safety of the citizens?

No, the only peace disturbed is that of entrenched and self-entitled City Council members who would not be able to serve more than 12 years if the citizen's petition made it to the ballot and was supported by a majority vote. Council passing this new ordinance is about self-preservation by elected officials.

Whether you support term limits or not, you should be disturbed that your Council is making it much more difficult for you to vote, not only on term limits, but also future initiatives which ordinary, well-intentioned citizens may bring forth.



Chris Burchill
Tualatin resident and outraged citizen

Score: Tualatin City Council: 1, Democracy: 0

As a Tualatin voter, you should be concerned about what's happened - whether you support term limits or not. The City Council on May 11th passed a new and highly restrictive ordinance in what can only be described as an unethical over reach and certainly an egregiously self-serving act. Their action significantly reduces Tualatin citizens' rights to petition and engage in direct democracy. These petition rights have been protected in State statutes since 1902 and in Tualatin since 1913.

The Ordinance provisions impose extreme new requirements on citizen initiatives and the new law is specifically designed to apply to the citizen's term limit initiative (2015-01i) after it had been filed with the City. It does appear that our Council does not want the public to vote on Council term limits as proposed by its citizens. Major provisions of Ordinance #1381-15:

1. Reduces the amount of time allowed to collect petition signatures by 75%. Instead of the previous allowed two years (and still allowed in State statute), citizens now only have 6 months to collect signatures from 15% or more registered Tualatin voters (Section 1-24-050)

2. A timely vote on an initiative issue is in the best interests of any electorate and community, as this enables the public's ability to bring major issues forward in a timely manner. The current State statute provides two annual dates, in May or November of any given year, allowing for this timeliness. Council's new ordinance, however, requires an initiative vote be held

only at a general election-every 2 years (Section1-24-070). A vote on the citizens' term limit initiative will not be held until the general election in November 2106 - 1 ½ years away from its filing date-and when several of these same Councilors can get re-elected without the term limits.

3. Council changed the rules of the game after the game had started. The use of the emergency provision allowed Council to apply the provisions of its new restrictive ordinance to the already filed citizen initiative. Remember, the City had already approved the Initiative's text and was within 12 hours of approving the title and summary for the citizen's term limit initiative.

It's ironic that the Mayor and fellow Councilors, by these actions, further legitimize why term limits are sometimes necessary. Councilors that become entrenched are hard to unseat, especially when they can and will change the rules.

Our Councilors and Mayor should be ashamed their legacy will be the erosion of Tualatin voter rights so present Council members can protect their own self interests.



Len and Carol Morelli,
Concerned Tualatin citizens, and 13 year Tualatin residents

Mayor Ogden's Response

At the May 11th City Council meeting the council unanimously passed Ordinance No. 1381-15. The purpose of the ordinance was to update the process regarding petition initiatives which would change the City Charter. The council had a work session on the ordinance in December of last year. The intent of the ordinance is to tighten the time lines and standing for submitting a petition to change the City Charter and to ensure maximum voter participation on issues that would change the City's Charter (governing document). We included an emergency clause which is the process used to cause an ordinance to become immediately effective and apply to any outstanding or upcoming petitions which had not already been qualified to collect signatures.

Two and a half weeks prior to that city council meeting, the State legislature passed a bill, which the governor signed, causing initiative petition elections for local governments to be held only

on in May or November, including both even and odd year elections. They also included an emergency clause so it would go into effect upon signing.

The components of the ordinance the City of Tualatin passed are as follows:

The chief petitioner must be a Tualatin elector, i.e., citizen and registered voter in Tualatin.

Prior to that, anyone could initiate a petition to change the City Charter

The petitioner must complete gathering of signatures within 6 months. Prior to that the allowed time period was 2 years. Most cities which have such an ordinance range from 90 days to 180 days to collect signatures. If a city has no ordinance, as we did not, then it defaults to the 2 year state statute.

The completed and verified petition must have its election on the City Charter amendment at a statewide general election (i.e., November of even years). The purpose is to provide for greater voter turnout. Last month was a general election in the spring of an odd year and the county-wide turnout was about 16% I believe. This is a requirement similar to that for passing tax measures, which was itself

created by an initiative petition for a State Constitutional Amendment some years back.

To my recollection, there have been only two initiative petitions to change the Tualatin City Charter in the last quarter century. One was the "Parks" amendment in March of 2011 and the other was the "Light Rail" amendment in Sept of 2014. The first petition seemed to follow the process that one might expect of a local community initiative. The chief petitioner was a Tualatin resident who apparently believed the City Charter needed to be amended to control what was allowed to be built in a City Park. The petitioner worked closely with the City and I believe the signature gatherers were volunteer neighbors who worked during the summer of 2010 and collected the required number of valid signatures in about three months. At the next available election, a special election in March of 2011, with a 34% voter turnout, the ballot measure passed 53% to 47%.

The second initiative petition had a different set of circumstances. The chief petitioner was not a Tualatin resident. The petition was authorized to begin collecting signatures in April of 2012 and final signatures were submitted a full two years later in the Spring of 2014. That ballot measure passed at a

special election in September last year with a 27% voter turnout.

People began to wonder about a process that could change the City Charter which could be initiated by a nonresident, spend two years collecting the required signatures, and be voted upon on a low priority election date with such small voter turnout. That is the context for the recent changes, which again, require the chief petitioner to be a Tualatin resident, allow 6 months to collect the required signatures, and cause the vote to be at a November Gubernatorial or Presidential election where the voter turnouts are generally well over 50%. Since initiative petitions for City Charter amendments are relatively rare, the council wanted to act in a timely manner in order to have this ordinance apply to any outstanding or upcoming petitions which have not already been qualified to collect signatures.



Lou Ogden,
Tualatin Mayor