

AGENDA COVER MEMO



TO: Lane County Board of Commissioners

DATE: July 16, 2024

DEPARTMENT: Lane County Administration

PRESENTED BY: Judy Williams, County Administration
Jenna Cusimano, County Administration
Steve Thiel, Assistant County Counsel

AGENDA ITEM TITLE: In the Matter of Referring to Election Several Amendments to the Lane County Home Rule Charter.

I. MOTION

To approve the orders – as is or with revisions – directing that the proposed amendments to the Home Rule Charter be presented to the County Clerk and directing the County Clerk to place the proposed amendments on the November 5, 2024, ballot.

Board Order 24-07-16-10/ In the Matter of Referring to Election An Amendment to the Lane County Home Rule Charter (Sec. 32)

Board Order 24-07-16-11/ In the Matter of Referring to Election An Amendment to the Lane County Home Rule Charter (Sec. 33)

Board Order 24-07-16-12/ In the Matter of Referring to Election An Amendment to the Lane County Home Rule Charter (Sec. 34)

II. AGENDA ITEM SUMMARY

Per direction of the Board of County Commissioners (hereinafter, “Board”), the Charter Review Committee has identified 6 proposed amendments to the Lane County Home Rule Charter.

A Public Hearing was conducted on June 26, 2024 and July 9, 2024. On July 9, 2024, the Board asked staff to prepare three (3) Board Orders, one for each of the Charter Section Repeals. Those Board Orders and Ballot Title language for each are attached. The Board may also continue to discuss next steps for the three (3) Charter Amendment Revisions.

The material from the June 26, 2024 and July 9, 2024 Board meetings contain Board Order

language for all six (6) charter amendments.

III. BACKGROUND/IMPLICATIONS OF ACTION

In July 2022, the Board directed staff to begin the process of convening a Charter Review Committee and appointed the initial five members on October 11, 2022. County Counsel reviewed the CRC process as outlined in the Lane County Charter. Counsel confirmed that to remain in compliance, the CRC should complete their work within one year following their initial appointment, October 11, 2023. All relevant meeting materials of the CRC including agendas, packets, recordings, and meeting minutes are available on the Charter Review Committee webpage located at www.LaneCountyOR.gov/CharterReviewCommittee.

On October 10, 2023, the CRC presented to the Board a report with their final recommendations and proposed changes to the Charter as outlined in the Lane County Charter. Commissioners continued their discussion of the CRC recommendations in a November 2023 work session and requested to have an outline of the timeline and process should they choose to proceed with either the section repeals or revisions as recommended by the CRC.

On April 30, 2024, and May 7, 2024, Commissioners were presented with additional information about the CRC recommendations. The Board directed staff to prepare referrals of those recommendations to the voters for Commissioners' consideration. On June 26, 2024 and July 9, 2024, the Board conducted Public Hearings. On July 9, 2024, the Board asked staff to prepare three (3) Board Orders, one for each of the Charter Section Repeals. Those Board Orders and Ballot Title language for each are attached. The Board may also continue to discuss next steps for the three (3) Charter Amendment Revisions.

The Board may move any and all of the 6 Charter Amendments forward or defer a final decision on the proposals and direct that the matter be brought back before the Board at a later date. In order to be placed on the November 5, 2024, ballot, measures must be provided to the County Clerk no later than August 16, 2024.

CRC Proposal 1 – Section 10.3.c

In the most recent redistricting effort concerns were raised by multiple committee members that due to highly concentrated population growth within the Urban Growth Boundary (UGB), the current Commissioner District definitions within the Charter were increasingly challenging to follow while also honoring state and federal requirements. Lane County CRC member Munro provided background information that the Independent Redistricting Committee expressed concern with both the titles of the Commissioner Districts as well as the definitions provided within the Charter.

The CRC members generally agreed upon the importance of retaining the intent of preserving commissioner representation from outside of the Eugene/Springfield metro area. The committee also generally acknowledged that due to population growth being concentrated within the UGB that portions of the Eugene/Springfield metro had been included in each of the five Commissioner districts. The CRC also heard from community members who were confused about the naming

conventions of the Commissioner districts.

The Committee recommends that Commissioner Districts be identified solely by number and that geographic references be removed from district titles. The CRC further recommends that district definitions be revised as follows:

Section 10: Membership, Election, and Tenure

(3) The board of county commissioners shall be elected as follows.

(c) For the purpose of this Section, metropolitan area shall be defined as the area within the urban growth boundaries of Eugene and Springfield. The following election districts shall be established from which the commissioners shall be elected:

- (i) District No. 1, generally comprised of western Lane County outside the metropolitan area, but also including contiguous portions of the County as necessary to comply with subsection (d). Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 1.
- (ii) District No. 2, generally comprised of the Springfield metropolitan area, but also including contiguous portions of the County as necessary to comply with subsection (d). Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 2.
- (iii) District No. 3, generally comprised of a portion of the Eugene metropolitan area, but also including contiguous portions of the County as necessary to comply with subsection (d). Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 3.
- (iv) District No. 4, generally comprised of a portion of the Eugene metropolitan area, but also including contiguous portions of the County as necessary to comply with subsection (d). Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 4.
- (v) District No. 5, generally comprised of eastern Lane County outside the metropolitan area, but also including contiguous portions of the County as necessary to comply with subsection (d). Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 5.

CRC Proposal 2 – Sections 10.3.d and e

In 2021, an Independent Redistricting Committee (IRC) was adopted by ordinance and established in Lane Code. Each redistricting cycle, the IRC is tasked with bringing forward 2-4 recommended maps to the Board of Commissioners and then the Board selects one of the recommended maps. The Charter states that "The board of commissioners shall, not less than every 10 years, initiate review of the population densities of each district and boundaries when necessary." This allows for the possibility of multiple redistricting efforts within each decennial.

The Committee discussed the merits of enshrining an IRC within the Charter versus leaving the IRC entirely within Lane Code. Additionally, there was much discussion about where the authority and responsibility for redistricting should reside. The Charter assigns the work of redistricting to the Board of Commissioners, and the Commissioners have recently tasked the IRC with drafting recommended maps while reserving for the Board of Commissioners the task of determining which map to move forward.

The committee was split on this topic with a majority in support of these recommendations and a minority in opposition. Those in opposition were interested in fully retaining the responsibility and authority for redistricting with the Board of Commissioners and maintaining the IRC within Lane Code.

The Committee recommends replacing Sections 10.3.d and 10.3.e with the following:

Section 10: Membership, Election, and Tenure

(3) The board of county commissioners shall be elected as follows.

(d) In accordance with Federal, State, or County census figures, the boundaries of the five districts shall be drawn so as not to deny any person equal protection of the law. Every 10 years, in conjunction with the release of Federal Census Data, the board of commissioners shall initiate a review of the population of each district and determine if a modification of boundaries is necessary to ensure equal protection under the law. If so, an Independent Redistricting Committee shall be convened. No boundary creation, position designation, or boundary change shall disqualify a commissioner from completing the term of office to which that commissioner was elected or appointed.

(e) Each Independent Redistricting Committee (IRC) shall be established as follows:

(i) The IRC shall be composed of fifteen (15) Regular and three (3) Alternate members.

(ii) The application process shall be laid out in Lane Code. From the applicant pool, each commissioner will select one (1) member to serve as a Regular member of the IRC. The five (5) directly appointed Regular members will select the remaining ten (10) Regular and three (3) Alternate committee members from the applicant pool.

(iii) The IRC will hold at least ten (10) public meetings at times and locations that will reasonably maximize access for all county residents to participate.

(iv) The IRC will prepare at least two (2) but not more than four (4) proposed redistricting plans. The proposed plans must comply with relevant laws relating to redistricting and voting rights. Following a series of no fewer than five (5) public meetings, the IRC will select one (1) plan.

(v) The Board of Commissioners must adopt the plan selected by the IRC in the form of an ordinance. District boundaries shall be adopted at least six months prior to any election for which they are to be effective.

CRC Proposal 3 – Section 32

Section 32: Spending Limitation was established prior to current state laws and practices that govern spending by the county. Additionally, many terms used within this section are out of date and have shifted in meaning since this provision was included in the Charter.

The Committee discussed this provision and determined that this section serves no modern purpose for the County. Additionally, the County is out of compliance with some elements of this provision as they are past practices that are no longer applicable. The committee agreed that this provision serves largely as a historical artifact and provides no or minimal value to the county.

The Committee determined that Section 32: Spending Limitation should be repealed.

CRC Proposal 4 – Section 33

This provision about East Alton Baker Park was established when the county still owned this land. This land has been sold to the City of Eugene.

The Committee discussed repealing this provision and determined that the primary value of retaining this section would be as a historical artifact. As this provision serves little purpose and also with the awareness that developable land within the Urban Growth Boundary may benefit from greater flexibility governing its use, the committee largely agreed that this provision served little purpose for the county.

The Committee determined that Section 33: East Alton Baker Park should be repealed.

CRC Proposal 5 – Section 34

This provision of the Charter was established at the same time that a companion provision to create a county level income tax was voted down. Thus, we have a provision that restricts how an income tax would be used but no county level income tax.

The Committee discussed this provision and determined that there is no current need to restrict how a non-existent tax will be spent. The committee further discussed that any future implementation of an income tax would be best served by the opportunity to define and determine parameters that suit that moment.

The Committee determined that Section 34: Income Tax Cap should be repealed.

CRC Proposal 6 – Section 35

The dates specified within this provision relate largely to the 2011 Committee and haven't aged well. Additionally, constraining the work of the Charter Review Committee (CRC) to one year limits the effectiveness of this effort.

The Committee determined that this provision includes very specific historical dates that are unnecessary going forward. The Committee also found that a one year limit on the work of the committee reduced opportunities to engage with the public and seek input as well as reduced opportunities for the committee to engage more deeply with the Charter and possible recommendations.

The Committee determined that Section 35: Charter Review Committee should be replaced with the following:

Section 35. CHARTER REVIEW COMMITTEE. Every ten years, beginning in 2034, the Board of County Commissioners shall convene a Charter Review Committee to review the existing charter and make recommendations to the Board of County Commissioners regarding suggested changes to the Charter.

(1) Membership. The Charter Review Committee shall consist of seven members. Each

member of the Board of County Commissioners shall appoint a member to each subsequent charter review committee by July 1st of the year that each subsequent committee is convened. The five members of the committee appointed by the individual commissioners shall nominate additional persons to fill two at-large positions. At-large appointees shall be appointed by the Board of Commissioners as a whole. The member of the Committee shall serve at the will of the appointing Commissioner(s), but for no longer than two (2) years from the date of appointment, or until the assigned tasks have been accomplished. Subsequent Charter Review Committees shall be appointed in the same manner every 10 years.

(2) Timeframe. Members shall immediately begin meeting to review the current Charter, and shall report back to the Board of County Commissioners with recommendations for any suggested changes no later than two years from the date each subsequent committee is convened.

IV. ACTION

On July 9, 2024, the Board gave staff direction to bring three (3) Orders to the Board for potential action. The three attached Orders pertain to the Charter Section Repeals (Section 32: Spending Limitation, Section 33: East Alton Baker Park; and Section 34: Income Tax Cap) and reflect the Board's direction.

Option 1: Adopt one or all three of the attached Orders directing that the three proposed Charter amendments be provided to the County Clerk for placement on the November 5, 2024, ballot.

Option 2: Take no action on the attached Orders and direct that the matter be brought back before the Board in the future for additional comment and/or discussion.

Option 3: Take no action on the attached Orders. No amendments to the Charter would be made.

V. RECOMMENDATION

Staff does not have a recommendation.

VI. FOLLOW-UP

If the Board chooses Option 1, the proposed amendment(s) would be provided to the County Clerk with direction to place them on the ballot for the November 5, 2024, election.

If the Board chooses Option 2, staff would look to the Board for further direction.

If the Board chooses Option 3, no follow up is needed.

VII. ATTACHMENTS

N/A