TO:	Board of County Commissioners
DATE:	August 6, 2024
DEPARTMENT:	County Administration
PRESENTED BY:	Judy Williams, Chief of Staff Jenna Cusimano, Community & Economic Development Management Analyst Morgan Munro, Charter Review Committee Chair
AGENDA ITEM TITLE:	DISCUSSION & ORDER/ In the Matter of Referring to Elections an Amendment to the Lane County Home Rule Charter

I. MOTION

A. Move to *approve* directing the May 23, 2024, Harrang/Long proposed amendments be provided to the County Clerk for placement on the November 5, 2024, ballot.
B. Move to *approve* the order – as is or with revisions - directing the revised Charter amendments, based on the feedback of the Charter Review Committee, be provided to the County Clerk for placement on the November 5, 2024, ballot.
C. Take no action on the attached Order and direct that the Charter Review Committee continue their work towards a future charter review amendment and any subsequent Lane Code and /or bylaws drafts for the Board's consideration.
D. Take no action on the attached Order and direct that the matter be brought back before the Board in the future for additional comment and/or discussion.
E. Take no action on the attached Orders. No amendment to the Charter would be made.

II. AGENDA ITEM SUMMARY

At their July 16, 2024 meeting, the Board of County Commissioners directed staff to return with a Board Order by August 6, 2024, including the Charter Review Committee review, with the items and statutes included in the "Harrang/Long" proposal, along with Board suggestions, for the formation of the Redistricting Committee standards which could be put before the public for a vote in time for the November 5, 2024, general election. This item recounts the subsequent Charter Review Committee review and a Board Order drafted by County Counsel incorporating their recommendations.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

A 1958 amendment to the Oregon Constitution reserved Oregon county voters the right to adopt charters prescribing how their county governments should be organized, what powers they should have, and what procedure they should follow in administering county affairs. The Home Rule Charter for Lane County was approved by voters in 1962.

In 2010, Lane County voters approved an amendment to the Charter directing the Board of Commissioners to convene a Charter Review Committee (CRC) for the purpose of reviewing and recommending changes or updates to the existing charter every ten years beginning in 2010.

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. The Board opted to not move forward with the CRC recommendations to revise the Section 10.3.C around Commissioner districts or Section 35. Charter Review Committee at this time.

On July 16, 2024, the Board unanimously approved referring the three (3) Charter Amendments repealing sections of the Lane County Home Rule Charter to the County Clerk for the November 5, 2024, ballot, specifically:

- Section 32. Spending Limitation
- Section 33. East Alton Baker Park
- Section 34. Income Tax Cap.

The Board delegated the County Administrator to establish an explanatory committee to work on explanatory statements for each of the 3 charter amendments

described above.

B. Policy Issues

According to the Lane County Charter, a Charter Review Committee is to be convened every 10 years for the purpose of reviewing and recommending changes. Per County Counsel's guidance, the committee has one year following their initial appointment to submit their recommendations to the Board. It is up to the Board to determine which, if any, of the recommended changes to the charter shall be referred to Lane County voters for approval.

C. Board Goals

The Charter serves as the foundational guide for Lane County's administration, powers, elections, personnel, finances and spending. As such, the recommendations resulting from the CRC have the ability to impact all four of the Board's strategic priorities of a (1) Safe, Healthy County, (2) Vibrant Communities, (3) Robust Infrastructure, and (4) Our People & Partnerships. The CRC recommendations most directly connect to the equity and civic engagement components of Vibrant Communities.

D. Financial and/or Resource Considerations

While there are no significant direct financial and/or resource considerations currently, other than staff time to prepare materials, there will be financial and resource impacts if and when any measure is placed on the ballot. It is challenging to estimate financial cost as it is so dependent on the quantity of items going onto the ballot, the timing of which election you are going for, voter pamphlet costs (if selected), and the amount of other measures on the same ballot.

An election at any other time than a primary or general (May and November of even numbered years) will have lower turnout, which could translate to lower demand on staff resources and lower overall cost. Alternately, if fewer districts participate there would be fewer entities to share the cost. Any estimated cost will always be based on the best available data but will always be approximate.

In 2012, when three items were placed onto the ballot after the Charter Review Committee process, the cost was approximately $71,000 in total, of which, $12,400 was allocated towards voter pamphlet costs. Since at least, 2016, the number of active voters had increased by 75,000 and printing and maintenance fees have increased by up to 20%, which would significantly increase the cost of conducting an election. In 2020, the cost for placing the Oregon State University Extension Levy on the ballot, was approximately $28,000.

E. Health Implications

There are no significant direct health implications at this time.

F. Analysis

On July 16, 2024, the Board of County Commissioners directed staff to return with a Board Order by August 6, 2024, including the Charter Review Committee review, with the items and statutes included in the "Harrang/Long" proposal, along with Board suggestions, for the formation of the Redistricting Committee standards which could be put before the public for a vote in time for the November 5, 2024, general election. The Harrang/Long proposal can be found as Attachment A.

The CRC subsequently met four times over the course of eight hours, from July 26th – July 31st, to review the Harrang/Long proposal and provide recommendations.

The County Clerk provided an overview in response to the Harrang/Long proposal and can be found in Attachment B. In addition, a legal analysis, compiled by Miller Nash, was prepared and given to the CRC, and can be found as Attachment C. Attachment D is a Redistricting Directive from the Secretary of State and addresses much of the redistricting terms and criteria that shaped conversations among the CRC. The result of the CRC's discussions is summarized in a report found in Attachment E along with an in-depth overview of the thoughts and comments the CRC made specific to the Harrang/Long proposal, found in Attachment F. County Counsel incorporated the CRC discussion into the attached revised charter amendment proposal, found in Attachment G.

In conclusion, per the Board assignment, a Board Order that reflects the revised proposal found in Attachment G is also attached along with the required Ballot Title, Question and Summary for which the Board may move to forward to the County Clerk. 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.

Voters' Pamphlet

If the Board considers moving forward with a charter amendment, the Board will also need to decide if materials will be prepared for the voters' pamphlet and, if so, who will prepare the materials. For Charter amendments, the Board may appoint a more "neutral" committee to draft the explanatory statement and may appoint a committee that is "in support" of the Charter amendments to prepare an argument in support of the referred Charter amendment. The County only provides a Voter's Pamphlet in odd year November Elections, so for the November 2024 election, you can submit a measure(s) and explanatory statement(s) for inclusion in the State Voters' Pamphlet for free.

G. Alternatives/Options

On July 16, 2024, the Board gave staff direction to bring an Order to the Board for potential action. The attached Order pertains to the May 23, 2024,

Harrang/Long proposal with revisions incorporated via County Counsel based on Charter Review Committee review for the formation of the Redistricting Committee standards.

A. Move to *approve* directing the May 23, 2024, Harrang/Long proposed amendments be provided to the County Clerk for placement on the November 5, 2024, ballot.

B. Move to *approve* the order – as is or with revisions - directing the revised Charter amendments, based on the feedback of the Charter Review Committee, be provided to the County Clerk for placement on the November 5, 2024, ballot.

C. Take no action on the attached Order and direct that the Charter Review Committee continue their work towards a future charter review amendment and any subsequent Lane Code and /or bylaws drafts for the Board's consideration.

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

E. Take no action on the attached Orders. No amendment to the Charter would be made.

IV. RECOMMENDATION

None.

V. TIMING/IMPLEMENTATION

Should the Board vote to approve the Order, the proposed amendment would be provided to the County Clerk with direction to place it on the ballot for the November 5, 2024, election.

Additionally, the Board must decide if materials will be prepared for the voters' pamphlet and, if so, who will prepare the materials. If it is the Board's direction, then staff will prepare a Board order to direct preparation of voters' pamphlet materials (or not).

VI. ATTACHMENTS

A. May 23, 2024, Harrang/Long Proposal
B. Letter from the County Clerk
C. Legal Analysis of Harrang/Long Proposal
D. Secretary of State Redistricting Directive
E. Summary Report from the Charter Review Committee
F. Charter Review Committee comments/feedback on the Harrang/Long Proposal
   F-1: Expanded Comments from Attachment F.
G. Revised Charter Amendment by Legal Counsel
   Board Order for the Revised Charter Amendment
   Ballot Title, Question and Summary

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May 23, 2024

Via Email to Commissioners at lcbcccom@lanecountyor.gov and via First Class Mail
Via Email to County Counsel at erin.pettigrew@lanecountyor.gov and via First Class Mail

Ryan Ceniga
Commissioner - District 1 West Lane
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Pat Farr
Commissioner - District 4 North Eugene
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David Loveall
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Laurie Trieger
Commissioner - District 3 South Eugene
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Erin Pettigrew
Lane County Counsel
125 East 8th Avenue
Eugene, OR 97401

Re: Proposed Lane County Charter Amendment: Citizen's Redistricting Commission

Dear Commissioners and County Counsel:

On behalf of my client, Lane County resident Stanton F. Long, I submit for your consideration and possible referral to the voters two proposed amendments to the Lane County Charter. The first measure would create a 15-member, non-partisan, citizen commission to assume responsibility for the decennial review and revision of Lane County Commission Districts. Under current law, the redistricting responsibility is borne directly by the Board of Commissioners itself, placing each Commissioner in the position of voting on the boundaries of his or her own district. The second measure is essentially housekeeping. It would name and generally describe the five districts comprising the Board of Commissioners.

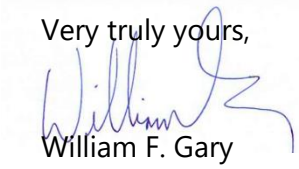
Mr. Long has no partisan or political interest in this matter beyond his life-long commitment to good government and the rule of law. In his career in Oregon public service, he has served Democrat and Republican administrations alike in diverse positions of responsibility such as Deputy Attorney General, Chair of the Land Conservation and Development Commission, Director of the Department of Commerce, and President of SAIF Corporation. He presents these

measures for your consideration because he believes they would enhance the confidence of Lane County residents in their government institutions.

In my nearly fifty years of work in and around Oregon state and local government, as Solicitor General, Deputy Attorney General, City Attorney, and legal counsel, I have become convinced that citizens' confidence in their government and political institutions is strengthened by government structures that advance both the appearance and the reality of fairness, accountability, and transparency in the political process. There is, perhaps, no subject more potentially corrosive of trust and confidence in government than the methods used to create and identify the political districts from which representatives are elected. Because current law places responsibility for that critical task in the hands of the elected representatives themselves--whose careers might depend on how those lines are drawn--the existing process can foster a perception that redistricting decisions are influenced by political gerrymandering, discrimination, and self-interest. In contrast, a redistricting method that gives that responsibility to a 15-member, non-partisan, citizen commission not only helps to bolster confidence in county government, but also makes the redistricting process itself a fairer and more representative one.

Mr. Long respectfully requests that the Board of Commissioners refer these charter amendments to the voters for their approval.

Very truly yours,



William F. Gary

WFG:gf

LEGISLATIVE FINDINGS

Whereas we believe Lane County voters should choose their commissioners — commissioners should not choose their voters; and

Whereas Election Day is when Oregonians exercise their right to vote and make their voice heard; and

Whereas under current law, county politicians draw the boundaries for their own county districts, a serious conflict of interest that harms voters; and

Whereas county redistricting rules should be determined by a politically neutral entity; and

Whereas 96.3% percent of incumbent politicians are re-elected in the districts they have drawn for themselves year after year; and

Whereas current law allows politicians to draw districts to serve their interests, not those of our communities; and

Whereas the people of Lane County believe in fairness, accountability and transparency in political processes; and

Whereas Lane County Commission districts should be drawn to represent voters from all party affiliations, income levels, backgrounds, identities, and all corners of Lane County; and

Whereas voters across the country – from Arizona to California to Colorado to Michigan – have been moving to reject partisan gerrymandering, adopting reforms to make the redistricting process open and impartial so it is controlled by people, not partisan politicians; and

Whereas the people of Lane County need an independent commission to draw fair and impartial County Commission districts so that every vote matters; and

Whereas an independent Lane County Citizens Redistricting Commission provides a greater opportunity for under-represented communities like low-income Oregonians, persons of color, rural residents and seniors to have a voice in their representation; and

Whereas it is in the best interest of the people of Lane County to create an independent Citizens Redistricting Commission to draw the County Commission districts in an impartial and fully transparent manner, that will promote the representation of all residents; and

Whereas it is in the best interest of the people of Lane County to require the independent Citizens Redistricting Commission to draw County Commission districts based on strict nonpartisan rules designed to ensure fair representation, and guarantees redistricting will be carried out by a group of impartial Lane County residents, in open public meetings, without favor to incumbents or parties, and for every aspect of this process to be open to scrutiny by the public and the press; and now, therefore,

CHAPTER III

BOARD OF COUNTY COMMISSIONERS

CITIZENS REDISTRICTING COMMISSION: POLICY AND PURPOSES

(1) The Citizens Redistricting Commission is established. The Citizens Redistricting Commission shall consist of fifteen commissioners and be created no later than July 15, 2025, and thereafter no later and no more than December 31 in each year ending in the number one.

(2) The County Clerk shall adopt rules as to each and every provision of this Charter Amendment as is necessary and proper to carry out the intentions and purposes of the Legislative Findings, and as necessary to facilitate and assist in achieving and maintaining a maximum degree of correctness, impartiality and efficiency in administration of subsections (3) through (24) of this section.

QUALIFICATIONS, DISQUALIFICATIONS

(3) By December 3, 2024, and thereafter August 15 in each year ending in the number zero, the County Clerk shall initiate a process for individuals to apply for membership on the Citizens Redistricting Commission. The process shall promote a diverse and qualified applicant pool.

(4) An individual may serve on the Citizens Redistricting Commission if the individual:

(a) Is registered to vote in Lane County;

(b) For the three years preceding the initiation of the application process has been registered to vote in Lane County; and

(c) Voted in at least two of the three most recent general elections.

(5) Notwithstanding subsection (4) of this section, an individual may not serve on the Citizens Redistricting Commission if the individual is or, within four years of the initiation of the application process, was:

(a) A holder of or candidate for federal, state, county or other elective office for which the holder receives compensation other than for expenses;

(b) An officer, employee or paid consultant of a political party;

(c) (i) An officer, director or employee of a campaign committee of a candidate for or holder of a federal, state county or local office; or

(ii) A paid contractor or member of the staff of a paid contractor of a campaign committee of a candidate for or holder of a federal, state, county or local office.

(d) A registered lobbyist;

(e) A paid congressional, legislative or county employee;

(f) A member of the staff of a holder of a federal, state or county office;

(g) A legislative or campaign contractor, or staff of the contractor, to a holder of a federal, state, county or local office; or

(h) A spouse, parent, child, sibling, in-law or cohabitating member of a household of an individual described in subparagraphs (a) to (g) of this paragraph.

(6) For purposes of this subsection, "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, State Senator, State Representative, Judge or District Attorney; "county office" means Lane County Commissioner or Sheriff; "local office" means Mayor, City Councilor or other elected position.

APPLICANT POOL

(7) No later than January 15, 2025, and thereafter no later than January 15 of the year ending in zero, the County Clerk of Lane County shall notify Citizens of Lane County that persons who satisfy the criteria in subsections (3)-(6) may apply for appointment to the Citizens Redistricting Commission.

APPLICANT REVIEW

(8) No later than March 15, 2025, and thereafter no later than March 15 in each year ending with the number zero, after removing applicants who do not meet the qualifications and conditions as described in subsections (3)-(6), the County Clerk shall notify the Board of Commissioners and the general public the names of the individuals in the Applicant Pool in a manner that ensures widespread public access and provides the applications to the Board of Commissioners.

(9) Each member of the Applicant Pool shall be interviewed by the Board of Commissioners in a manner they deem fit.

SELECTION OF SUB-POOL

(10) No later than June 15, 2025, and thereafter no later than June 15 in each year ending with the number zero, each member of the Board of Commissioners in a sequential manner, starting with Board of Commissioner Position No. 1 and ending with Board of Commissioner Position No. 5, shall select two applicants who reside in each district for a total sub-pool of 50 individuals.

(11) In the event fewer than ten qualified individuals have applied for a district position, the Board of Commissioners shall choose all the qualified individuals from that district.

RANDOM SELECTION OF REDISTRICTING COMMISSIONERS

(12) No later than July 15, 2025, and thereafter no later than July 15 in each year ending with the number zero, at a time and place accessible to the general public, the County Clerk shall randomly select by lot 15 members to serve on the Citizens Redistricting Commission from the individuals presented under subsection (10) and (11) of this section as follows:

(a) Three individuals must reside in the West Lane District, represented by Position No. 1;;

(b) Three individuals must reside in the Springfield District, represented by Position No. 2;

(c) Three individuals must reside in the South Eugene District, represented by Position No. 3;

(d) Three individuals must reside in the North Eugene District, represented by Position No. 4 ; and

(e) Three individuals must reside in the East Lane District, represented by Position No. 5.

(13) In the event that fewer than three qualified individuals have applied for each district position, the Board of Commissioners shall choose all the qualified individuals from that district.

REMOVAL

(14) Upon petition by a resident of Lane County who is a registered voter, the Lane County Circuit Court may remove a member of the Citizens Redistricting Commission in the event of substantial neglect of duty or gross misconduct in office, or if a Citizens Redistricting Commission member is unable to discharge the duties of the office. The member may contest the removal by means of an evidentiary hearing in circuit court in an action in the manner of an action for a declaratory judgment. The removal, if contested by the member, shall not be effective until judicial review is concluded.

VACANCY

(15) If a position among the Citizens Redistricting Commission becomes vacant, the County Clerk shall randomly select by lot out of the sub-pool an individual who resides in the same district as the individual that vacated the open position. In the event there are no qualified individuals from the district for which the individual vacated the position, the position will remain vacant.

ADMINISTRATION

(16) The Board of Commissioners shall:

(a) Provide staff, legal counsel and consultants as needed to accomplish the purposes of the Citizens Redistricting Commission and fulfill the Citizens Redistricting Commission's obligations. Any staff member, legal counsel or consultant may not serve the Citizens Redistricting Commission if the individual is described in subsection (5) of this section other than by virtue of the employee being an employee or contractor of the county.

(b) Make available a complete and accurate computerized database and precinct shapefiles for redistricting to the Citizens Redistricting Commission.

(c) For each day a member of the Citizens Redistricting Commission is engaged in the business of the Citizens Redistricting Commission, the member shall receive a per diem and a mileage reimbursement for reasonable travel expenses consistent with rules promulgated by the Clerk of Lane County.

(d) (i) An employer may not discharge, threaten to discharge, intimidate, coerce or retaliate against any employee by reason of the employee's service as a Citizens Redistricting Commissioner or staff of the Citizens Redistricting Commission.

(ii) If the employment of a member of the Citizens Redistricting Commission is interrupted because of the performance of official duties as a member of the Citizens Redistricting Commission, the member's employer shall restore the member to the employment status the member would have enjoyed if the member had continued in employment during the performance of the official duties. This requirement shall not apply if the employer is a small business. As used in this subparagraph, "small business" means an independent business with fewer than 20 employees and with average annual gross receipts over the last three years not exceeding $1 million for construction firms and $300,000 for non-construction firms. "Small business" does not include a subsidiary or parent company belonging to a group of firms that are owned

and controlled by the same individuals and that have average aggregate annual gross receipts in excess of $1 million for construction firms or $300,000 for non-construction firms over the last three years.

TERM OF SERVICE

(17) The term of office of each Citizens Redistricting Commissioner begins with their appointment to the Citizens Redistricting Commission and ends when the new districts are finalized.

TRANSPARENCY; PUBLIC INPUT

(18) The Citizens Redistricting Commission shall:

(a) Conduct an open and transparent process enabling full public participation, including public consideration of and comment on the drawing of Lane County Commission district boundaries.

(b) Draw district boundaries according to the redistricting criteria specified in subsection (21) of this section.

(c) Conduct all business of the Citizens Redistricting Commission with integrity, impartiality and fairness in a manner that reinforces public confidence in the integrity of the redistricting process, including adopting rules that further these purposes.

(d) The Citizens Redistricting Commission shall provide at least 10 days' public notice for each meeting or hearing, except that meetings held within 15 days of August 15, in the year ending in the number one may be held with three days' notice. In the event that the Citizens Redistricting Commission must re-convene following a court order, meetings and hearings may be held with three days' notice. The records of the Citizens Redistricting Commission pertaining to redistricting and all data considered by the Citizens Redistricting Commission in redistricting are public records. The Citizens Redistricting Commission must post records and data in a manner that ensures immediate and widespread public access.

(e) A member of the Citizens Redistricting Commission, staff or consultant shall disclose at the next meeting of the Citizens Redistricting Commission any communication, including the name of the person and the content of the communication, that person has had with any individual who is not a member of the Citizens Redistricting Commission, staff or consultant. Any written communications regarding redistricting received by a member of the Citizens Redistricting Commission or Citizens Redistricting Commission staff or a Citizens Redistricting Commission consultant shall be considered a public record.

(f) Citizens Redistricting Commissioners shall comply with Oregon Public Records and Meetings Laws.

QUORUM; CHAIR; VOTING

(19) Eight Citizens Redistricting Commissioners constitutes a quorum for the conduct of business. The Citizens Redistricting Commission shall select, by a majority vote, one member to serve as chair and one member to serve as vice chair. The chair and vice chair may not be of the same political district.

(20) Official action by the Citizens Redistricting Commission requires an affirmative vote by eight or more Citizens Redistricting Commissioners. Approval of the final redistricting maps described in

subsection (21) of this section requires eight or more affirmative votes, including at least one vote cast by a Citizens Redistricting Commission member from each district.

MAPPING CRITERIA

(21) The Citizens Redistricting Commission shall use a mapping process to establish Commission districts using the following criteria, to:

(a) Comply with provisions of the United States Constitution relating to equal protection and the federal Voting Rights Act (42 U.S.C. 1971 et seq.) or its successor law.

(b) Achieve population equality as nearly as practicable using the total population of Lane County as determined by the decennial census preceding the redistricting process.

(c) Be geographically contiguous.

(d) To the extent practicable, and if possible without conflicting with the criteria set forth in subparagraphs (a), (b) and (c) of this paragraph, respect the geographic integrity and minimize the division of a city, county, local neighborhood and school district, government jurisdiction, community of common interest or other contiguous population that shares common social and economic interests and is cohesive for purposes of its effective and fair representation.

(22) When establishing districts under subsection (21) of this section, the Citizens Redistricting Commission may not:

(a) Consider the place of residence of a holder of or candidate for public office;

(b) Favor or discriminate against a holder of or candidate for public office or a political party; or

(c) Create a district for the purpose of or with the effect of diluting the voting strength of any common social or economic interests. Common social and economic interests are those common to an urban area, a rural area, an industrial area or an agricultural area and those common to areas in which individuals share similar living standards, use of schools, use of the same transportation facilities, reside in the same watershed, have similar work opportunities or have access to the same media of communication relevant to the election process. Common social and economic interests do not include relationships with political parties, incumbents or political candidates.

HEARINGS

(23) The Citizens Redistricting Commission shall hold at least two public hearings prior to proposing a redistricting plan. In addition to the hearings required under this paragraph, the Citizens Redistricting Commission shall hold at least two additional public hearings after a redistricting plan is proposed, but before the plan is adopted.

ADOPTION OF FINAL MAPS – TIMING, REPORT

(24) No later than October 15, 2025, and thereafter no later than October 15 in each year ending with the number one, the Citizens Redistricting Commission shall approve final maps that separately set forth the district boundary lines for Lane County Commission districts. The Citizens Redistricting Commission shall issue, with the final maps, a report that includes an explanation of the basis on which the Citizens Redistricting Commission established the districts, responded to public input, and achieved compliance

with the criteria listed in subsection (21) of this section and definitions of the terms and standards used in drawing each final map.

SUPERSEDENCE, SEVERABILITY

(25) If any provision of this Charter Amendment is held to be invalid, the court shall sever the provision and the remaining provisions shall remain in full force and effect.

Section 10. MEMBERSHIP, ELECTION AND TENURE

(1) The board of commissioners shall consist of five county commissioners.

(2) Except as this charter provides to the contrary, each commissioner shall be elected by district for a four-year term.

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

(a) At the November general election the commissioners shall be elected as provided for in this charter. Commissioner position numbers 3 and 4 shall be elected at the November general election of presidential election years and commissioner position numbers 1, 2, and 5 shall be elected at the November general election of non-presidential election years.

(b) At the election the candidate for each position who receives the highest number of votes cast shall be entitled to a certificate of election to office.

(c) The following election districts shall be established from which the commissioners shall be elected:

(i) The West Lane County District, ~~generally~~ comprised of **the entirety of** western Lane County outside the metropolitan area **and those contiguous areas necessary to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 1.

(ii) The Springfield District, ~~generally~~ comprised ~~of~~ **entirely within** the Springfield metropolitan area **inside the Urban Growth Boundary and those contiguous areas necessary to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 2.

(iii) The South Eugene District, ~~generally~~ comprised ~~of~~ **entirely within** the southern Eugene metropolitan area**, defined as south of Roosevelt Boulevard and the Willamette River inside the Urban Growth Boundary, and those contiguous areas necessary, if any, to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 3.

(iv) The North Eugene District, ~~generally~~ comprised ~~of~~ **entirely within** the northern Eugene metropolitan area**, defined as north of Roosevelt Boulevard and the Willamette River inside the Urban Growth Boundary, and those contiguous areas necessary, if any, to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 4.

(v) The East Lane County District, ~~generally~~ comprised of eastern Lane County outside the metropolitan area **and those contiguous areas necessary to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 5.

(d) In accordance with Federal, State, or County census figures, the boundaries of the five districts shall be drawn by the board of commissioners so as not to deny any person equal protection of the law. The board of commissioners shall, not less than every 10 years, initiate review of the population densities of each district and modify boundaries when necessary. 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) The board of commissioners shall adopt by ordinance the district boundaries as required by subsection (d) above. District boundaries shall be finally adopted at least six months prior to any election for which they are to be effective.

Attachment B

Office of the County Clerk

July 25, 2024

Dear Charter Review Committee,

I appreciate the opportunity to provide input on this topic. I've had a chance to review the Proposed Citizen Redistricting Commission Charter amendment, and I have a few concerns that merit attention:

1. The proposed involvement of the Clerk's Office in this amendment is a shift from the current practices in Lane County and as observed in other counties. Presently, our participation is limited to offering specialized insights on precincts, voter impacts, and post-approval procedural steps. Drafting and adopting rules will necessitate extensive research and preparation along with significant resources for administering the process.
2. The prospect of an additional redistricting effort in 2025 is particularly noteworthy. Such an endeavor would demand substantial and immediate resources from our office, occurring amidst preparations for, and the conduct of, the 2024 Presidential Election. These efforts are further complicated by the May special district election, a notably intricate administrative task requiring extensive coordination with multiple special districts and the development of a County Voters' Pamphlet. The anticipated fiscal, voter, and district impacts, including potential confusion, and downstream effects to other districts, underscore the critical nature of our current resource limitations.

Furthermore, it is important to acknowledge that the Secretary of State plans to introduce a new election management and voter registration system in the first quarter of 2025 and there is a possibility that we will begin the daunting task of implementing Ranked Choice Voting in 2025. I have prepared an unpolished chart illustrating the conflicts between the Proposed Citizen Redistricting Commission Charter amendment and statutory election deadlines.

Deadline	Charter Details	Clerk Function Details
12/3/2024	Clerk to initiate a process for individuals to apply for Citizen Redistricting Commission membership. Rules must be adopted prior to the initiation of this process.	12/2/2024 is the deadline to certify Presidential Election Results. 12/2/2024 is the first day to begin hand count audit of Presidential Election. Lane County is also participating in a pilot for Risk limiting audit. Clerk staff will be conducting all post-election activities, through mid-January. (It will be impossible for the County Clerk to promulgate and adopt rules as to every provision of the Charter Amendment, subsections (3) – (24) during this time frame)
	County Clerk to notify citizens of requirements and how to apply.	During this period County Clerk and staff will be coordinating with special districts in preparation of

275 W 10th Ave / Eugene OR 97401-3008 / (541) 682-4234 / Fax (541) 682-2303
elections@lanecountyor.gov / lanecounty.org/elections
9 a.m.-Noon and 1-4 p.m. Monday-Friday / 7 a.m.-8 p.m. on Election Day

1/15/2024-3/15-2024	Basically, begin accepting and vetting applications.	the special district election, finalizing open position lists, administering candidate filing for hundreds of offices, preparing the budget, processing Property Value Appeals Board (PVAB) (formerly BoPTA) petitions, coordinating and staffing hundreds of PVAB hearings and implementing the new election management and voter registration system.
3/15/2024-6/15/2024	BCC Selection process of CRC members. Likely significant support required from Clerk staff to coordinate.	During this period, we are in an active election cycle for the May 2025 Special District Election, which includes the creation of a County Voters' Pamphlet. Staff will still be learning a new statewide election management and voter registration system.
7/15/2025 – 10/15/2025	Clerk randomly selects 15 board members and starts the redistricting process and work to approve final maps by 10/15/2025	August election cycle begins in earnest in July and runs through October.
After 10/15/2025		County Clerk must make changes to commissioner district boundaries (and any other affected districts) in the new election management and voter registration system. Changes to district boundaries must be completed by March of 2026, in advance of the Primary Election.

In closing, introducing tasks outside the normal scope of election management within the proposed timeline poses significant risks to the integrity of elections in Lane County. Should the Charter Review Committee advance this amendment, I respectfully urge reconsideration of the timeline to better synchronize with the election calendar and the implementation of a new election management and voter registration system, as well as potential adoption of Ranked Choice Voting.

Respectfully,

Dena Dawson, County Clerk

Memorandum

To: Lane County Charter Review Committee

From: Jeffrey G. Condit, Miller Nash LLP, Interim County Counsel

Subject: Review of Stanton Long Charter Amendment Proposal

Date: July 24, 2024

INTRODUCTION

The Lane County Board of Commissioners (the "Board") has referred two charter amendments proposed by county resident Stanton Long (attached) to the Lane County Charter Review Committee for review and recommendation. The Board asked us to provide a nonprivileged legal analysis for your consideration and for the benefit of the general public.

THE PROPOSED AMENDMENTS

Mr. Long asked the Board to refer two charter amendments to the voters. The first would add a section to Chapter III of the charter, creating an independent redistricting commission to draw commission district boundaries, initially by 2025 and thereafter following each decennial census. The second would amend current Chapter III, Section 10, of the charter to more precisely define the commission districts.

ANALYSIS

We have reviewed the proposed charter amendments for any legal issues that might affect compliance with law and any legal ambiguities or issues that might affect implementation if passed by the voters.

A. County Authority

Lane County operates under a home rule charter first adopted by the voters in 1962 as authorized under Article XI, Section 14, of the Oregon Constitution. Cities are also authorized to enact home rule charters. Or Const Art IV, § 1(5), Art XI, § 2. City and county home rule authority has been extensively litigated and has generally been construed to grant equivalent broad authority over all matters of local concern. *See, e.g.*, *Thunderbird Mob. Club v. City of Wilsonville*, 234 Or App 457, 469-79, 228 P3d 650, *rev denied*, 348 Or 524 (2010). *See also*

GTE Northwest Inc. v. Oregon Pub. Utils. Comm'n, 179 Or App 46, 39 P3d 201 (2002), *rev denied*, 334 Or 491 (2002) (the same broad authority is conferred on counties by ORS 203.035).

The breadth of home powers is established in Oregon Supreme Court cases *Rogue Valley Sewer Servs. v. City of Phoenix*, 357 Or 437, 353 P3d 581 (2015) and *Northwest Natural Gas Co. v. City of Gresham*, 359 Or 309, 374 P3d 829 (2016). These cases stand for the proposition that a home rule city or county can act on all matters of local concern without express authorization by statute. "The validity of local action depends, first, on whether it is authorized by the local charter or by a statute[, and] second, on whether it contravenes state or federal law." *Rogue Valley*, 357 Or at 450, citing *LaGrande/Astoria v. PERB*, 281 Or 137, 142, 576 P2d 1204, *adh'd to on recons*, 284 Or 173, 586 P2d 765 (1978).

Cities and counties do not require express statutory authority to act in a particular area but may legislate on any matter of local concern unless that authority is expressly preempted by statute. *Thunderbird Mob. Club*, 234 Or App at 469-79. Local authority is preeminent on all questions of the structure and function of the local government. *See LaGrande/Astoria.*

The proposed charter amendments go directly to the structure of county government and are within the authority of Lane County voters to enact under both state and federal law.

B. Ambiguities and Issues

Although the proposed measure is within the authority of the voters, there are a couple of provisions that could create implementation issues.

Conflict with Existing Charter Provisions. We read Section 24 of the proposed amendment to empower the Citizen Redistricting Commission (the "CRC") to adopt the final district maps. Chapter III, Sections 10(3)(d) and (e), which are not proposed for amendment in the Stanton Long proposal, would continue to provide that the Board is responsible for creating and adopting the maps. This a conflict that could go to the question of the eligibility of the measure for the ballot,[1] and in any case is a potential source of future interpretational problems. If the

[1] Article IV, Section (1)(2)(d), of the Oregon Constitution requires an initiated measure to contain the full text of the proposed change, including circumstances in which a measure changes the meaning of an existing provision. *See Kerr v. Bradbury*, 193 Or App 304, 89 P3d 1227 (2004). There is an argument that the "full text" requirement does not apply to a governing-body referral, but amending the proposal to conform the charter with the measure avoids the argument and resolves the ambiguity.

intent is to empower the CRC to adopt the final maps, we recommend that any referral also include conforming amendments to Chapter III, Sections 10(3)(d) and (e).

Potential Issue With Circuit Court Jurisdiction Over Removal of CRC Members. Section 14 of the proposed amendment empowers any registered voter to petition the Lane County Circuit Court to remove a CRC member for substantial neglect of duty, gross misconduct, or inability to discharge the duties of office. As general rule, a local government cannot add to the jurisdiction of the state courts. *See Sims v. Besaw's Café*, 165 Or App 180, 997 P2d 201 (2000). In the *Sims* case, the court upheld a City of Portland ordinance creating a private right of action for unlawful employment discrimination based upon sexual orientation on the ground that it was within a state court's general authority to adjudicate legal disputes. Although a similar argument could be made with regard to Section 14, it is not creating a private right of action between two parties; it is asking the circuit court to police the membership of a purely county body. We believe that Section 14 would be vulnerable to challenge under *Sims* and the cases cited therein. We recommend replacing it with a provision that would allow a majority or supermajority of the CRC to remove a member in these circumstances.

Unclear Terms. Section 5(d) prohibits service on the CRC by a "registered lobbyist." Although it does not appear that Lane County or any city in Lane County provides for registration of lobbyists, several local-government entities in Oregon do have independent lobbyist registration requirements. We recommend adding the following to the definitions in Section 6: "'registered lobbyist' means a lobbyist registered with the State of Oregon or any local government in Lane County."

Section 19 provides for an appointment of a chair and vice chair of the CRC and states that they "may not be of the same political district." Because there are multiple political districts in Lane County, from city wards to legislative districts, we recommend changing this to "may not be residents of the same county commission district."

The Amended Definitions of the Commission Districts Contemplate Expansion, But Not Contraction, of Districts. The proposed much-more-detailed descriptions of the commission districts, particularly the Springfield, South Eugene, and North Eugene districts, establish specific geographic boundaries. The language permits addition of "those contiguous areas necessary, if any, to comply with all applicable laws and provide equal protection under the law" but does not provide for any reduction of the boundaries. It seems conceivable that growth within the Springfield, South Eugene, or North Eugene districts as described could

require a reduction in the size of one or more of these districts in order to achieve population equality. We are not demographers and do not know the likelihood of this occurring, but the Charter Review Committee might wish to consider retaining the "generally" modifier that was stricken in the proposal so that the CRC is not faced with violation of the charter if it must reduce the size of a district to achieve equal representation.

Formatting Issues. The proposed measure is not formatted consistently with the current Lane County charter, creating citation and readability issues. If the Charter Review Committee recommends referral, we recommend that the measure be reformatted consistent with the charter. We agree that it most appropriately belongs in Section III relating to the Board of Commissioners, and believe that it should be located at Section 10(4), or perhaps, given its length, as a new Section 10.5 (to avoid having to renumber the remaining charter sections). Alternatively, it could be added to Chapter VII (Miscellaneous Provisions) as a new Section 35 and cross-referenced in the conforming amendments we recommend to Chapter III, Section 10, noted above.

CONCLUSION

Our analysis is limited to improving or clarifying the measure from a legal standpoint should the Charter Review Committee recommend referral. It is not intended to be commentary or a recommendation on any of the policy issues relating to that decision. We hope the above analysis is helpful to the Charter Review Committee in its review of the Stanton Long proposed charter amendments.

OFFICE OF THE SECRETARY OF STATE

ELECTIONS DIVISION

DIRECTIVE OF THE SECRETARY OF STATE	SUBJECT: Redistricting	DIRECTIVE ISSUED AT THE REQUEST OF: Secretary of State	DATE: September 9, 2021	NO.: 2021-1

The Secretary of State, in carrying out the duties of the office, is authorized to issue detailed directives when necessary to maintain uniformity in the application, operation and interpretation of Oregon election laws. (ORS 246.110 and 246.120). The information provided below is an official directive of the Secretary of State. ORS 246.120 and 246.410 specify that a county clerk must comply with this directive. ORS 246.410 specifies that a local government or special government body, as defined in ORS 174.116 and 174.117, that fixes electoral district boundaries based on census population figures, must comply with this directive.

In an effort to promote uniform and consistent application of traditional districting principles established by the Oregon Constitution, Oregon statute and court precedent, in the drawing and redrawing of electoral districts and precincts, the Secretary of State issues this directive to each county clerk and to any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes or modifies electoral district boundaries based on population. More uniform and consistent application of traditional districting principles will assist the efficient and cost-effective administration of elections, reduce the probability of administrative errors and promote easily understandable boundaries for voters, analysts and election officials.

Each county clerk, and any local governments or special government bodies that fix electoral district boundaries based on population, shall consider the following when drawing district or precinct boundaries:

Each district or precinct, as nearly as practicable, shall:

- Be contiguous;
- Utilize existing geographic or political boundaries;
- Not divide communities of common interest; and
- Be connected by transportation links.
- For districts, be of equal population.

No district shall be drawn for the purpose of favoring any political party, incumbent elected official or other person.

No district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.

Each county clerk and any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes or modifies electoral district boundaries based on population shall, to the greatest extent practicable, consider newly drawn legislative and congressional district boundaries as well as the boundaries of neighboring jurisdictions when drawing districts. When drawing new district boundaries, the Secretary of State recommends close consultation with relevant county clerks for advice on meeting the election administration goals of this directive.

When drawing or altering precinct boundaries, county clerks shall, as nearly as practicable, contain precincts wholly within one state House district and one Congressional district, and must seek to minimize the change to current precincts. County clerks must also, to the extent possible, consider forecasted population trends to reduce the necessity for new precincts prior to the next decennial census. As soon as practicable after creating new precincts or altering existing precinct boundaries, county clerks shall notify the State Elections Division.

The timelines and processes associated with the apportionment of legislative districts is described in Appendix 2 of *State ex rel Kotek v. Fagan*, 367 Or. 803 (2021). The timelines and processes associated with the apportionment of congressional districts is described in Chapter 419, Oregon Laws 2021 (Enrolled Senate Bill 259). Redistricting shall be completed with enough time for all candidates to file to appear on the ballot for all offices, including new or reapportioned districts. If events necessitate an update to this directive, further information will be provided.

Lane County Charter Review Committee Summary Report

The Charter Review Committee reviewed the Gary/Long Redistricting Committee proposal. The committee provides the enclosed review of the proposal for the Commissioners.

The committee identified these high level areas of **unanimous** agreement:

1. The committee recommends that the commissioners do not initiate a mid-cycle redistricting effort.
2. The committee recommends that the commissioners do not move forward with the proposal to amend commissioner district definitions.
3. The committee recommends that the role of the County Clerk (as described in the Gary/Long proposal) be largely confined to supporting the Redistricting Committee and that references in the proposal to the County Clerk be replaced with "the County" or "Lane County."
4. The committee recommends that the legal analysis of County Counsel and Miller/Nash be followed and incorporated (as presented to the committee in a memo dated July 24, 2024).
5. The committee recommends that the only required qualification for membership to serve on the Redistricting Committee be current voter registration in Lane County.

Other areas of unanimity were identified and are noted in the detailed review that follows this summary.

Through discussion, the committee identified high level questions about the proposal. We frequently came back to the following topics:

A. Should the authority to determine final commissioner district maps be retained by the County Commissioners or should this authority be assigned to a Redistricting Committee?
B. Should membership criteria and the selection process for Redistricting Committee members prioritize random selection or intentional representation?
C. What accountability might or should exist between a Redistricting Committee and the residents of Lane County?
D. What role or involvement should the Lane County Commissioners have in a Redistricting Committee?
E. Which elements that define and describe a Redistricting Committee are best suited for inclusion within any of the following: Lane County Charter, Lane Code/Manual, and Committee Bylaws?
F. In which ways might a Redistricting Committee Charter Amendment:
    a. limit what might be included in Lane Manual and Committee Bylaws?
    b. require conforming adjustments within the current Charter and Lane Manual?
    c. rely on Lane Manual and Committee Bylaws to describe and define requirements and procedures necessary for the effective functioning of a Redistricting Committee?
G. What role or involvement should the Lane County Clerk have in a Redistricting Committee?
H. What might disqualify potential members from serving on a Redistricting Committee?
I. What risks might be created for the county by the creation of a Redistricting Committee?
J. How might a Redistricting Committee be set up for success?

Next Steps:
Due to the shortened time frame the committee had to work within, a Board Order was not prepared by this committee.

The committee was unable to recommend the Gary/Long proposal be placed on the ballot. If the ideas within the Gary/Long proposal appeal to commissioners, the committee recommends significant and in-depth further reviews before action would be taken. Through our review many areas of significant concern were identified. The Charter Review Committee term expires in October of this year and we could be an option for the Board if further review is desired.

Attachment F,
for expanded comments
see "Attachment F-1"

Draft Redistricting Charter Amendment

LEGISLATIVE FINDINGS

Commented [CJL1]: As legislative findings are not traditionally part of Charter Amendments, the CRC did not review this section.

Whereas we believe Lane County voters should choose their commissioners — commissioners should not choose their voters; and

Whereas Election Day is when Oregonians exercise their right to vote and make their voice heard; and

Whereas under current law, county politicians draw the boundaries for their own county districts, a serious conflict of interest that harms voters; and

Whereas county redistricting rules should be determined by a politically neutral entity; and

Whereas 96.3% percent of incumbent politicians are re-elected in the districts they have drawn for themselves year after year; and

Whereas current law allows politicians to draw districts to serve their interests, not those of our communities; and

Whereas the people of Lane County believe in fairness, accountability and transparency in political processes; and

Whereas Lane County Commission districts should be drawn to represent voters from all party affiliations, income levels, backgrounds, identities, and all corners of Lane County; and

Whereas voters across the country – from Arizona to California to Colorado to Michigan – have been moving to reject partisan gerrymandering, adopting reforms to make the redistricting process open and impartial so it is controlled by people, not partisan politicians; and

Whereas the people of Lane County need an independent commission to draw fair and impartial County Commission districts so that every vote matters; and

Whereas an independent Lane County Citizens Redistricting Commission provides a greater opportunity for under-represented communities like low-income Oregonians, persons of color, rural residents and seniors to have a voice in their representation; and

Whereas it is in the best interest of the people of Lane County to create an independent Citizens Redistricting Commission to draw the County Commission districts in an impartial and fully transparent manner, that will promote the representation of all residents; and

Whereas it is in the best interest of the people of Lane County to require the independent Citizens Redistricting Commission to draw County Commission districts based on strict nonpartisan rules designed to ensure fair representation, and guarantees redistricting will be carried out by a group of impartial Lane County residents, in open public meetings, without favor to incumbents or parties, and for every aspect of this process to be open to scrutiny by the public and the press; and now, therefore,

CHAPTER III

BOARD OF COUNTY COMMISSIONERS

CITIZENS REDISTRICTING COMMISSION: POLICY AND PURPOSES

(1) The Citizens Redistricting Commission is established. The Citizens Redistricting Commission shall consist of fifteen commissioners and be created no later than July 15, 2025, and thereafter no later and no more than December 31 in each year ending in the number one.

(2) The County Clerk shall adopt rules as to each and every provision of this Charter Amendment as is necessary and proper to carry out the intentions and purposes of the Legislative Findings, and as necessary to facilitate and assist in achieving and maintaining a maximum degree of correctness, impartiality and efficiency in administration of subsections (3) through (24) of this section.

QUALIFICATIONS, DISQUALIFICATIONS

(3) By December 3, 2024, and thereafter August 15 in each year ending in the number zero, the County Clerk shall initiate a process for individuals to apply for membership on the Citizens Redistricting Commission. The process shall promote a diverse and qualified applicant pool.

(4) An individual may serve on the Citizens Redistricting Commission if the individual:

(a) Is registered to vote in Lane County;

(b) For the three years preceding the initiation of the application process has been registered to vote in Lane County; and

(c) Voted in at least two of the three most recent general elections.

(5) Notwithstanding subsection (4) of this section, an individual may not serve on the Citizens Redistricting Commission if the individual is or, within four years of the initiation of the application process, was:

(a) A holder of or candidate for federal, state, county or other elective office for which the holder receives compensation other than for expenses;

(b) An officer, employee or paid consultant of a political party;

(c) (i) An officer, director or employee of a campaign committee of a candidate for or holder of a federal, state county or local office; or

(ii) A paid contractor or member of the staff of a paid contractor of a campaign committee of a candidate for or holder of a federal, state, county or local office.

(d) A registered lobbyist;

(e) A paid congressional, legislative or county employee;

(f) A member of the staff of a holder of a federal, state or county office;

Commented [CJL2]: Please note: All comments below reflect conversations that took place during the Charter Review Committee meetings (7/26-7/31), unless otherwise noted. Comments below do not reflect those of staff (Judy Williams and Jenna Cusimano) as we are simply recording information discussed by the committee. For more detailed information, please see: Charter Review Committee - Lane County

Commented [MM3]: Section 1: The committee unanimously agreed that alternate members should be included and also that the county should not pursue a mid-cycle redistricting effort of 2025. The committee was generally in support of limiting redetecting to occur once each census cycle (once every ten years.)

The committee was of multiple opinions about the size (10, 15?) of a Redistricting Committee (RC) and the number of alternates (5,10?).

Commented [MM4]: Section 2: The committee unanimously agreed that the County Clerk should not lead the work of the RC but rather that staff leadership of the RC should be left to the more general "Lane County" or "the County." This will allow the county administrator to determine which staff to assign to lead or staff this effort.

The committee also unanimously agreed to strike the mention of "Legislative Findings" from this section.

Commented [WJM5]: Details/Tasks viewed to be more administrative in nature are difficult to change and expensive if future adjustments are needed. Perhaps belongs in Lane Code or commission bylaws. Legislative Findings -

Commented [MM6]: Section 3: As the committee unanimously agreed that the county not engage in a mid-cycle RC every mention of that effort or dates related to that effort should be removed or ignored.

As the committee unanimously agreed that the County Clerk's role within this effort be significantly limited; every mention of the "Clerk" should be removed or ignored, unless otherwise noted.

The committee was of multiple opinions about the phrase "shall promote a diverse...applicant pool." Some thought it ...

Commented [WJM7]: Such a specific date and what happens if this date is missed? Does it align with the normal tasks for redistricting?

Commented [WJM8]: Do we put this in there if we have a random process? Perhaps strike. This is about the applicant pool, so leave it in.

Commented [MM9]: Section 4: Qualifications to serve on the RC

The committee unanimously agreed that sections 4 (b) and 4 (c) should be deleted. This would leave being registered to vote in Lane County as the sole qualification required for ...

Commented [MM10]: Section 5: Disqualifications to serve on the RC

The committee was of multiple opinions on many elements of this section. A tension was revealed between the interest of limiting participation for a variety of reasons and ...

(g) A legislative or campaign contractor, or staff of the contractor, to a holder of a federal, state, county or local office; or

(h) A spouse, parent, child, sibling, in-law or cohabitating member of a household of an individual described in subparagraphs (a) to (g) of this paragraph.

(6) For purposes of this subsection, "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, State Senator, State Representative, Judge or District Attorney; "county office" means Lane County Commissioner or Sheriff; "local office" means Mayor, City Councilor or other elected position.

APPLICANT POOL

(7) No later than January 15, 2025, and thereafter no later than January 15 of the year ending in zero, the County Clerk of Lane County shall notify Citizens of Lane County that persons who satisfy the criteria in subsections (3)-(6) may apply for appointment to the Citizens Redistricting Commission.

APPLICANT REVIEW

(8) No later than March 15, 2025, and thereafter no later than March 15 in each year ending with the number zero, after removing applicants who do not meet the qualifications and conditions as described in subsections (3)-(6), the County Clerk shall notify the Board of Commissioners and the general public the names of the individuals in the Applicant Pool in a manner that ensures widespread public access and provides the applications to the Board of Commissioners.

(9) Each member of the Applicant Pool shall be interviewed by the Board of Commissioners in a manner they deem fit.

SELECTION OF SUB-POOL

(10) No later than June 15, 2025, and thereafter no later than June 15 in each year ending with the number zero, each member of the Board of Commissioners in a sequential manner, starting with Board of Commissioner Position No. 1 and ending with Board of Commissioner Position No. 5, shall select two applicants who reside in each district for a total sub-pool of 50 individuals.

(11) In the event fewer than ten qualified individuals have applied for a district position, the Board of Commissioners shall choose all the qualified individuals from that district.

RANDOM SELECTION OF REDISTRICTING COMMISSIONERS

(12) No later than July 15, 2025, and thereafter no later than July 15 in each year ending with the number zero, at a time and place accessible to the general public, the County Clerk shall randomly select by lot 15 members to serve on the Citizens Redistricting Commission from the individuals presented under subsection (10) and (11) of this section as follows:

(a) Three individuals must reside in the West Lane District, represented by Position No. 1;;

(b) Three individuals must reside in the Springfield District, represented by Position No. 2;

(c) Three individuals must reside in the South Eugene District, represented by Position No. 3;

(d) Three individuals must reside in the North Eugene District, represented by Position No. 4 ; and

Commented [MM11]: Section 6: The committee's discussion of this section mirrored opinions shared within our discussion of section 5.

Commented [MM12]: Section 7: The committee discussed the timeline for the RC. In order for the RC to complete their work in sufficient time, the committee agreed on the value of moving the timeline for the RC up. Establishing the RC should happen early enough that the RC has the time they need to do a great job. The members of the RC will have many hours of work to do as they establish the committee, learn about redistricting, learn about Lane County, learn about the software they will be using, and much more. This could take months and all of it could be accomplished before federal census results are shared. The committee need not wait to be seated until census data is available.

Commented [MM13]: Section 8: A concern was raised by committee members that requiring county staff to remove applicants who are disqualified from serving may put significant financial and time burdens on the county. It may be beneficial for the RC application to list the disqualificating factors and ask applicants to verify that they do not fall into any of those categories (vs. the county having to research people's lives to confirm).

The committee discussed the benefits and drawbacks of publicly announcing the names of committee applicants. The committee was of multiple opinions as to whether this practice should be retained in the proposal.

Commented [MM14]: Section 9: The requirement that every applicant be interviewed by the County Commissioners seemed that it could create undue burden on commissioners and staff. The committee unanimously suggests changing the word "shall" in this section to "may."

Commented [WJM15]: What would the Board of Commissioners do or look for in interview? Could the Board veto/select?

Commented [MM16]: Section 10: The committee generally suggests that this section be fully removed from the proposal and an alternate process be devised.

The committee was of multiple opinions as to what should replace this section. Some committee members were in favor of commissioners selecting the applicants from their district that would join the sub-pool, other committee members were in favor of restricting commissioner involvement to removing a limited number people from the entire sub-pool (1-3), and some committee members were in favor of removing commissioner involvement at this stage entirely and shifting this work to judges or others.

...

Commented [WJM17]: Inquired w/ Mr. Gary - the author used several existing examples, including one from California and this is what they had. Not worded well as is. Perhaps pick 10 each and the randomness can occur?

Commented [MM18]: Section 12: See the comments on Section 7 as to timeline.

This is the one area where there was interest by some committee members in retaining the specific role of the County Clerk.

...

(e) Three individuals must reside in the East Lane District, represented by Position No. 5.

(13) In the event that fewer than three qualified individuals have applied for each district position, the Board of Commissioners shall choose all the qualified individuals from that district.

REMOVAL

(14) Upon petition by a resident of Lane County who is a registered voter, the Lane County Circuit Court may remove a member of the Citizens Redistricting Commission in the event of substantial neglect of duty or gross misconduct in office, or if a Citizens Redistricting Commission member is unable to discharge the duties of the office. The member may contest the removal by means of an evidentiary hearing in circuit court in an action in the manner of an action for a declaratory judgment. The removal, if contested by the member, shall not be effective until judicial review is concluded.

VACANCY

(15) If a position among the Citizens Redistricting Commission becomes vacant, the County Clerk shall randomly select by lot out of the sub-pool an individual who resides in the same district as the individual that vacated the open position. In the event there are no qualified individuals from the district for which the individual vacated the position, the position will remain vacant.

ADMINISTRATION

(16) The Board of Commissioners shall:

(a) Provide staff, legal counsel and consultants as needed to accomplish the purposes of the Citizens Redistricting Commission and fulfill the Citizens Redistricting Commission's obligations. Any staff member, legal counsel or consultant may not serve the Citizens Redistricting Commission if the individual is described in subsection (5) of this section other than by virtue of the employee being an employee or contractor of the county.

(b) Make available a complete and accurate computerized database and precinct shapefiles for redistricting to the Citizens Redistricting Commission.

(c) For each day a member of the Citizens Redistricting Commission is engaged in the business of the Citizens Redistricting Commission, the member shall receive a per diem and a mileage reimbursement for reasonable travel expenses consistent with rules promulgated by the Clerk of Lane County.

(d) (i) An employer may not discharge, threaten to discharge, intimidate, coerce or retaliate against any employee by reason of the employee's service as a Citizens Redistricting Commissioner or staff of the Citizens Redistricting Commission.

(ii) If the employment of a member of the Citizens Redistricting Commission is interrupted because of the performance of official duties as a member of the Citizens Redistricting Commission, the member's employer shall restore the member to the employment status the member would have enjoyed if the member had continued in employment during the performance of the official duties. This requirement shall not apply if the employer is a small business. As used in this subparagraph, "small business" means an independent business with fewer than 20 employees and with average annual gross receipts over the last three years not exceeding $1 million for construction firms and $300,000 for non-construction firms. "Small business" does not include a subsidiary or parent company belonging to a group of firms that are owned

Commented [MM19]: Section 13: See the comments and concerns raised above in Section 10 about what happens if there are not 3 applicants from a commissioner district.

Commented [MM20]: Section 14: The committee generally recommends that this entire section be struck and any removal process be left to the RC to establish within the committee bylaws.

See concerns raised about expanding the jurisdiction of the court in the memo from counsel.

There was a concern expressed by committee members of what would happen if a member of the RC was thought to have behaved inappropriately or be otherwise worthy of removal, but the committee does not choose to remove that member from the committee. What would happen then?

There were also concerns raised by committee members that retaining this section would create significant risk of committee derailment. The committee and its members might be subject to a barrage of demands to remove members and that these claims could be launched to intentionally sabotage the work of the RC.

Commented [MM21]: Section 15: The committee largely preferred identifying alternates when committee members are selected so that they can follow along with the work and also to smooth the transition were an alternate needed to join the RC.

Commented [MM22]: Sections 14-23: The committee found that much of these sections might be better suited to being excluded from the Charter and covered instead within Lane Code/Manual, Committee Bylaws, or the Committee's workplan. As such, the committee did not review these sections in detail. The areas that the committee did review will be called out below.

Commented [MM23]: Section 16(a): The committee unanimously agreed that the BoC should be required to provide "staff, legal counsel, resources, and consultants as reasonably needed to accomplish…"

These changes are intended to prohibit the RC from being starved of plausible resources.

The committee also was generally in support of removing restrictions on staff or consultants who would be supporting the committee. These individuals would be employed for their professional skills.

Commented [MM24]: Section 16(b): The committee unanimously recommends that this language be updated to reflect modern and accurate terminology.

Commented [WJM25]: CRC: Relegated to bylaws. Issues with per diem such as assumptions it's a full day work, who can/cant attend a full day. Perhaps "stipend" is better.

and controlled by the same individuals and that have average aggregate annual gross receipts in excess of $1 million for construction firms or $300,000 for non-construction firms over the last three years.

TERM OF SERVICE

(17) The term of office of each Citizens Redistricting Commissioner begins with their appointment to the Citizens Redistricting Commission and ends when the new districts are finalized.

TRANSPARENCY; PUBLIC INPUT

(18) The Citizens Redistricting Commission shall:

(a) Conduct an open and transparent process enabling full public participation, including public consideration of and comment on the drawing of Lane County Commission district boundaries.

(b) Draw district boundaries according to the redistricting criteria specified in subsection (21) of this section.

(c) Conduct all business of the Citizens Redistricting Commission with integrity, impartiality and fairness in a manner that reinforces public confidence in the integrity of the redistricting process, including adopting rules that further these purposes.

(d) The Citizens Redistricting Commission shall provide at least 10 days' public notice for each meeting or hearing, except that meetings held within 15 days of August 15, in the year ending in the number one may be held with three days' notice. In the event that the Citizens Redistricting Commission must re-convene following a court order, meetings and hearings may be held with three days' notice. The records of the Citizens Redistricting Commission pertaining to redistricting and all data considered by the Citizens Redistricting Commission in redistricting are public records. The Citizens Redistricting Commission must post records and data in a manner that ensures immediate and widespread public access.

(e) A member of the Citizens Redistricting Commission, staff or consultant shall disclose at the next meeting of the Citizens Redistricting Commission any communication, including the name of the person and the content of the communication, that person has had with any individual who is not a member of the Citizens Redistricting Commission, staff or consultant. Any written communications regarding redistricting received by a member of the Citizens Redistricting Commission or Citizens Redistricting Commission staff or a Citizens Redistricting Commission consultant shall be considered a public record.

(f) Citizens Redistricting Commissioners shall comply with Oregon Public Records and Meetings Laws.

QUORUM; CHAIR; VOTING

(19) Eight Citizens Redistricting Commissioners constitutes a quorum for the conduct of business. The Citizens Redistricting Commission shall select, by a majority vote, one member to serve as chair and one member to serve as vice chair. The chair and vice chair may not be of the same political district.

(20) Official action by the Citizens Redistricting Commission requires an affirmative vote by eight or more Citizens Redistricting Commissioners. Approval of the final redistricting maps described in

Commented [MM26]: Section 16 (d): The committee generally found that these sections could be challenging to implement and might benefit from being excluded from the proposal.

Commented [WJM27]: CRC: Section 17 - Section 23 (except for 18 a) should belong in Lane Code or Bylaws

Commented [MM28]: Section 17: There may be a need to reseat the committee after maps are finalized (such as, if there is court action and needed work to be done). The committee generally recommends that more flexibility be included in this section in case the county wants to request the committee come back to work.

Commented [MM29]: Section 18(c) : The committee was unanimous in our support for this section and hope it is retained.

Commented [MM30]: Section 18 (e): The committee generally found the required disclosures in this section to be excessive and cumbersome. Any written communication regarding the RC would already be considered a public record. The committee generally recommends that this section be removed.

Commented [MM31]: Section 18(f): The committee agrees that this section is unnecessary and recommends it be removed. All meetings of the RC would already be considered public meetings and subject to these regulations.

subsection (21) of this section requires eight or more affirmative votes, including at least one vote cast by a Citizens Redistricting Commission member from each district.

MAPPING CRITERIA

(21) The Citizens Redistricting Commission shall use a mapping process to establish Commission districts using the following criteria, to:

(a) Comply with provisions of the United States Constitution relating to equal protection and the federal Voting Rights Act (42 U.S.C. 1971 et seq.) or its successor law.

(b) Achieve population equality as nearly as practicable using the total population of Lane County as determined by the decennial census preceding the redistricting process.

(c) Be geographically contiguous.

(d) To the extent practicable, and if possible without conflicting with the criteria set forth in subparagraphs (a), (b) and (c) of this paragraph, respect the geographic integrity and minimize the division of a city, county, local neighborhood and school district, government jurisdiction, community of common interest or other contiguous population that shares common social and economic interests and is cohesive for purposes of its effective and fair representation.

(22) When establishing districts under subsection (21) of this section, the Citizens Redistricting Commission may not:

(a) Consider the place of residence of a holder of or candidate for public office;

(b) Favor or discriminate against a holder of or candidate for public office or a political party; or

(c) Create a district for the purpose of or with the effect of diluting the voting strength of any common social or economic interests. Common social and economic interests are those common to an urban area, a rural area, an industrial area or an agricultural area and those common to areas in which individuals share similar living standards, use of schools, use of the same transportation facilities, reside in the same watershed, have similar work opportunities or have access to the same media of communication relevant to the election process. Common social and economic interests do not include relationships with political parties, incumbents or political candidates.

HEARINGS

(23) The Citizens Redistricting Commission shall hold at least two public hearings prior to proposing a redistricting plan. In addition to the hearings required under this paragraph, the Citizens Redistricting Commission shall hold at least two additional public hearings after a redistricting plan is proposed, but before the plan is adopted.

ADOPTION OF FINAL MAPS – TIMING, REPORT

(24) No later than October 15, 2025, and thereafter no later than October 15 in each year ending with the number one, the Citizens Redistricting Commission shall approve final maps that separately set forth the district boundary lines for Lane County Commission districts. The Citizens Redistricting Commission shall issue, with the final maps, a report that includes an explanation of the basis on which the Citizens Redistricting Commission established the districts, responded to public input, and achieved compliance

Commented [MM32]: Sections 21 and 22: The committee agrees that these sections should be struck as they merely restate federal and state laws that must be followed.

Commented [WJM33]: Section 23: Staff noted that after the RC would hold a public hearing "before" proposing a plan and "after" proposing a plan. But per current rules, the Board would likely still need to adopt the final maps via Ordinace and therefore would be required to have another public hearing for the ordinance to adopt a map.

Commented [MM34]: Section 24: The committee brought up many concerns with this section.

A concern was raised about removing the authority to determine maps from the BoC and fully assigning that authority to the RC.

Support was also expressed by other committee members about this change in authority.

Concern about what would happen if the RC is unable to approve final maps by October 15 was unanimously shared within the committee. What would happen if that date is missed? Who then would have the authority to draw maps?

The committee unanimously agreed that the language in this section should be revised to encourage completion by a certain date but also allow for what would happen if that date is missed.

with the criteria listed in subsection (21) of this section and definitions of the terms and standards used in drawing each final map.

SUPERSEDENCE, SEVERABILITY

(25) If any provision of this Charter Amendment is held to be invalid, the court shall sever the provision and the remaining provisions shall remain in full force and effect.

Commented [MM35]: Section 25: The committee unanimously found this section to be unnecessary as it is already included within the Lane County Charter.

Section 10. MEMBERSHIP, ELECTION AND TENURE

(1) The board of commissioners shall consist of five county commissioners.

(2) Except as this charter provides to the contrary, each commissioner shall be elected by district for a four-year term.

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

(a) At the November general election the commissioners shall be elected as provided for in this charter. Commissioner position numbers 3 and 4 shall be elected at the November general election of presidential election years and commissioner position numbers 1, 2, and 5 shall be elected at the November general election of non-presidential election years.

(b) At the election the candidate for each position who receives the highest number of votes cast shall be entitled to a certificate of election to office.

(c) The following election districts shall be established from which the commissioners shall be elected:

(i) The West Lane County District, ~~generally~~ comprised of **the entirety of** western Lane County outside the metropolitan area **and those contiguous areas necessary to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 1.

(ii) The Springfield District, ~~generally~~ comprised ~~of~~ **entirely within** the Springfield metropolitan area **inside the Urban Growth Boundary and those contiguous areas necessary to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 2.

(iii) The South Eugene District, ~~generally~~ comprised ~~of~~ **entirely within** the southern Eugene metropolitan area**, defined as south of Roosevelt Boulevard and the Willamette River inside the Urban Growth Boundary, and those contiguous areas necessary, if any, to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 3.

(iv) The North Eugene District, ~~generally~~ comprised ~~of~~ **entirely within** the northern Eugene metropolitan area**, defined as north of Roosevelt Boulevard and the Willamette River inside the Urban Growth Boundary, and those contiguous areas necessary, if any, to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 4.

(v) The East Lane County District, ~~generally~~ comprised of eastern Lane County outside the metropolitan area **and those contiguous areas necessary to comply with all applicable laws and provide equal protection under the law**. Except as otherwise provided in this charter, the commissioner elected from this district shall fill Position No. 5.

Commented [MM2]: Commissioner District definitions
Section 10: Membership, Election, and Tenure
The committee was unanimous in our recommendation that the Board of Commissioners not place this proposal on the ballot.

When the county reviews the population after a census during redistricting, one of the required criteria is to have equal population among districts. In 2021, one fifth of the county population was 76,594 and thus, the RC aimed to draft districts that were as close to that number as possible.

The inclusion in this proposal of the words “entirely” or “entirety” pose significant challenge to the task of drawing equal districts. The committee shared the concerns raised by counsel on this matter. Any expansion of the boundaries of one district will require the contraction of the boundaries of neighboring districts. Using the words "entirely" or “entirety” instead of "generally" may add risk to the county that any maps could be challenged and held up in court.

For example, Springfield has a population that is below 76,500 residents. To draw a map for Springfield District 2 people living outside of Springfield must also be included. With the East Lane District 5 on the eastern border of the Springfield District, many commissioner district maps over the past decades have included county residents living in Eugene within the “Springfield” district in order to fulfill the numerical requirements of equal population within districts.

In addition to the challenges presented by the inclusion of the word “entirely,” the specific district boundaries added in this proposal could also create serious challenges for drawing districts with equal population.

The proposed district boundaries of Roosevelt Boulevard and the Willamette River seem to arbitrarily divide "communities of common interest" within the county. ("Communities of common interest" is a term from state and federal redistricting regulations.)

For example, students at the University of Oregon are often considered a community of common interest. University students live on both sides of the Willamette River. Using the river as a district boundary would split this community between two commissioner districts and would divide this community of common interest.

Additionally, requiring that the Springfield and both Eugene districts exist “entirely within” with Urban Growth Boundary (UGB) may prohibit land within the UGB from being included in districts 1 (West Lane) and 5 (East Lane). Again, this is because any increase or decrease of the boundaries of a district results in the equivalent decrease or increase in the boundaries of neighboring districts.

While these proposed changes to district descriptions were not recommended by the committee, there were committee members who expressed interest in other adjustments to district definitions.

Some committee members expressed an interest in future changes to the commissioner district definitions that would add specificity to boundaries. This could help ensure that any future RC was honoring community intent in drawing map ...

(d) In accordance with Federal, State, or County census figures, the boundaries of the five districts shall be drawn by the board of commissioners so as not to deny any person equal protection of the law. The board of commissioners shall, not less than every 10 years, initiate review of the population densities of each district and modify boundaries when necessary. 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) The board of commissioners shall adopt by ordinance the district boundaries as required by subsection (d) above. District boundaries shall be finally adopted at least six months prior to any election for which they are to be effective.

Main document changes and comments

Page 1: Commented [WJM1] WILLIAMS Judy M 7/31/2024 5:08:00 PM

There is not a need to have legislative findings as part of a Charter Amendment. The CRC did not go through these.

Page 2: Commented [MM3] Morgan Munro 8/1/2024 12:31:00 PM

Section 1: The committee unanimously agreed that alternate members should be included and also that the county should not pursue a mid-cycle redistricting effort of 2025. The committee was generally in support of limiting redetecting to occur once each census cycle (once every ten years.)

The committee was of multiple opinions about the size (10, 15?) of a Redistricting Committee (RC) and the number of alternates (5,10?).

Page 2: Commented [WJM4] WILLIAMS Judy M 7/31/2024 5:09:00 PM

Consensus with including alternates. Life happens and it's great to have an alternate step in.

Page 2: Commented [WJM5] WILLIAMS Judy M 7/31/2024 5:12:00 PM

Consensus on striking the mid term redistricting effort (2025) found in this section and all throughout the proposal.

Page 2: Commented [WJM6] WILLIAMS Judy M 7/31/2024 5:14:00 PM

Like the clarity of no later and no more than once every 10 years.

Page 2: Commented [MM7] Morgan Munro 8/1/2024 12:35:00 PM

Section 2: The committee unanimously agreed that the County Clerk should not lead the work of the RC but rather that staff leadership of the RC should be left to the more general "Lane County" or "the County." This will allow the county administrator to determine which staff to assign to lead or staff this effort.

The committee also unanimously agreed to strike the mention of "Legislative Findings" from this section.

Page 2: Commented [WJM8] WILLIAMS Judy M 7/31/2024 5:17:00 PM

This is not where the responsibility currently exists. Strike County Clerk and replace with "Lane County" or "Board".

Page 2: Commented [WJM9] WILLIAMS Judy M 7/31/2024 5:26:00 PM

Details/Tasks viewed to be more administrative in nature are difficult to change and expensive if future adjustments are needed. Perhaps belongs in Lane Code or commission bylaws. Legislative Findings -

Page 2: Commented [MM10] Morgan Munro 8/1/2024 12:42:00 PM

Section 3: As the committee unanimously agreed that the county not engage in a mid-cycle RC every mention of that effort or dates related to that effort should be removed or ignored.

As the committee unanimously agreed that the County Clerk's role within this effort be significantly limited; every mention of the "Clerk" should be removed or ignored, unless otherwise noted.

The committee was of multiple opinions about the phrase "shall promote a diverse...applicant pool." Some thought it was overly limiting and promoted an excessive focus on diversity and others thought it was beneficial and spoke to recruiting a wide range of applicants.

Page 2: Commented [WJM11] WILLIAMS Judy M 7/31/2024 5:31:00 PM

Such a specific date and what happens if this date is missed? Does it align with the normal tasks for redistricting?

Page 2: Commented [WJM12] WILLIAMS Judy M 7/31/2024 5:32:00 PM

Do we put this in there if we have a random process? Perhaps strike. This is about the applicant pool, so leave it in.

Page 2: Commented [MM13] Morgan Munro 8/1/2024 12:50:00 PM

Section 4: Qualifications to serve on the RC

The committee unanimously agreed that sections 4 (b) and 4 (c) should be deleted. This would leave being registered to vote in Lane County as the sole qualification required for participation on the RC.

4(b) and 4(c) were found to excessively limit participation on the RC.

4(b): The requirement to have "been registered" for three years would exclude new citizens, people under 21, and newer residents of our community.

4(c): The requirement to have participated in at least two of the three most recent general elections would exclude voters who are registered to vote but were not able to participate in previous elections - due to factors like age or citizenship. Additionally, it was discussed that voter participation can vary based on demographics; some groups of voters may be less likely or more likely to participate in voting.

Page 2: Commented [WJM14] WILLIAMS Judy M 7/31/2024 5:34:00 PM

Agreement to strike b. and c. as it is excludes new citizens, youth, people of color.

Page 2: Commented [MM15] Morgan Munro 8/1/2024 12:53:00 PM

Section 5: Disqualifications to serve on the RC

The committee was of multiple opinions on many elements of this section. A tension was revealed between the interest of limiting participation for a variety of reasons and encouraging participation. Each suggested reason to disqualify each category of participants may inadvertently disqualify others who could be a great addition to the RC.

If participation the RC is randomly assigned within the sub-pool (see later sections) then the disqualifications to serve could be essential to this effort. The work and work product of the RC will be judged by the public as to whether it seems legitimate and whether it seems suspect. Public faith in the RC and the RC's perceived impartiality, balance, representation, and/or neutrality could be at the very heart of the success of this effort.

Reasons brought up to disqualify participants include (but are not limited to):

- Having a partisan agenda or another strong agenda that might be in conflict with the stated goals of the RC
- Following Federal and State ethics regulations (such as Conflicts of Interest)
- Having a current or recent elected position in government (serving, running for office, or working for someone who serves or ran for office)
- Being staff of the county (especially if they are in a position that works directly for commissioners or the county administrator)
- Not being sufficiently independent from politics and politicians in ways that might call into question the legitimacy of the process and maps

Additionally, the committee was of multiple opinions on related ideas, such as:

- How might certain limits to participation run the risk of violating the rights of Lane County voters to participate in democracy?
- How might certain limits to participation reduce applications from people within historically marginalized groups?
- How might certain limits to participation reduce the potential to have representative or inclusive participation within the RC?

5: The committee was of multiple opinions on whether "within four years of initiation" should be retained.

5(a): The committee was of multiple opinions on whether holders of Federal, State, or other elective offices should be disqualified.

The committee was in unanimous agreement that holders of county office should be disqualified from participation. The committee discussed whether holders of county-wide offices that use the Lane County Commissioner District maps (such as LCC) should also be disqualified from serving on the RC.

The committee was also of multiple opinions as to whether candidates for office (who lose their races) should be disqualified from serving on the RC. The committee generally agreed that current candidates for county office should be disqualified from serving on the RC.

The committee was in unanimous agreement that if compensation for office is retained as a disqualifying factor that what should matter is not whether compensation is received but rather whether it is available. If this change were not made, office holders who do not take the optional compensation would be eligible to serve but their colleagues who do take the optional compensation would be disqualified.

5(b): The committee was of multiple opinions on this topic. The benefit of excluding people seen to have a partisan agenda appealed to many committee members. A concern was raised that party officers are often volunteers and that this would disqualify not just officers from major parties but also volunteer officers from smaller parties.

Additionally, the terms “employee” and “paid consultant” were discussed as needing clearer definition. Would a printer who prints leaflets for a candidate be disqualified? Would a caterer? Would the firm that cleans their offices?

5(c)(i): Campaign committees are defined by the Oregon Secretary of State and that definition may be used in this section. There are campaign committees for ballot initiatives as well; if this is retained, should they also be disqualified? Additionally, the committee discussed participation in races below the county level. Would the treasurer of a candidate committee for a fire district seat be important to disqualify from serving on the RC?

5(d) If this is retained, the committee would encourage the terminology suggested by counsel in their memo. Additionally the committee discussed that many people must register as lobbyists and that some of their work or topics on which they lobby might not have partisan or county implications. If someone is a registered lobbyist for better school lunches, for the Latino business community, or for revisions to state water regulations they would also be disqualified from serving on the RC.

5(e): The committee was of multiple opinions on this section. Some committee members fully support this as written. Other committee members found it overly general. This would disqualify potential applicants who work in administrative or non-partisan roles as well as those who work in every area of the county (including public safety, transportation, and public health).

5(f) and 5(g): Discussion on these was similar to other subsections of 5.

5(h): The committee was largely supportive of striking this section. It seemed overly limiting. A concern was raised as to whether this is an artifice of time gone by when the head of the household might exert undue influence on family members. A separate idea was raised as to whether this could be revised to refer to OGEC requirements around Conflicts of Interest to ensure that those with a “real” conflict of interest be disqualified from serving on the RC.

Page 2: Commented [WJM16] WILLIAMS Judy M 7/31/2024 5:38:00 PM

1) There is interest to reduce the influence of folks that come in with an agenda.
1) Concern around conflicts of interest-real or perceived.
1) How should levels of government interact with one another. Appropriate to disqualify one from serving on this? What do we mean by independence?

Page 2: Commented [WJM17] WILLIAMS Judy M 7/31/2024 5:47:00 PM

Limit it to just “a holder of or current candidate of federal, state, or county office”.

Page 2: Commented [WJM18] WILLIAMS Judy M 7/31/2024 5:49:00 PM

If it's random and we don't have this, we could get into trouble without parameters. Can have check boxes on application form. Leave as is.

Page 2: Commented [WJM19] WILLIAMS Judy M 7/31/2024 5:51:00 PM

Some agreement to strike this - so as not to exclude those that may simply hold a neighborhood coffee meetup. Use Secretary of State definition of campaign committee. Be as specific as possible and can we ascertain it via public record? Definitions help here.

Page 2: Commented [WJM20] WILLIAMS Judy M 7/31/2024 5:52:00 PM

See legal counsel's analysis - unclear terms. Add, "registered lobbyist means a lobbyist registered with the State of Oregon or any local government in Lane County."

Page 2: Commented [WJM21] WILLIAMS Judy M 7/31/2024 5:54:00 PM

Trying to manage around conflict of interest. Some boards such as the Lane Community College and …...

Page 3: Commented [WJM22] WILLIAMS Judy M 7/31/2024 5:55:00 PM

Strike this one all together. Intrusive and how would one determine up front/if status changes mid way through, etc.?

Page 3: Commented [MM23] Morgan Munro 8/1/2024 1:53:00 PM

Section 6: The committee's discussion of this section mirrored opinions shared within our discussion of section 5.

Page 3: Commented [MM24] Morgan Munro 8/1/2024 1:57:00 PM

Section 7: The committee discussed the timeline for the RC. In order for the RC to complete their work in sufficient time, the committee agreed on the value of moving the timeline for the RC up. Establishing the RC should happen early enough that the RC has the time they need to do a great job. The members of the RC will have many hours of work to do as they establish the committee, learn about redistricting, learn about Lane County, learn about the software they will be using, and much more. This could take months and all of it could be accomplished before federal census results are shared. The committee need not wait to be seated until census data is available.

Page 3: Commented [MM25] Morgan Munro 8/1/2024 1:58:00 PM

Section 8: A concern was raised by committee members that requiring county staff to remove applicants who are disqualified from serving may put significant financial and time burdens on the county. It may be beneficial for the RC application to list the disqualificating factors and ask applicants to verify that they do not fall into any of those categories (vs. the county having to research people's lives to confirm).

The committee discussed the benefits and drawbacks of publicly announcing the names of committee applicants. The committee was of multiple opinions as to whether this practice should be retained in the proposal.

Page 3: Commented [WJM26] WILLIAMS Judy M 7/31/2024 5:58:00 PM

Does this create extra burden ? It's upon staff to essentially certify that they have determined who meets qualifications.

Page 3: Commented [WJM27] WILLIAMS Judy M 7/31/2024 5:58:00 PM

May be duplicative to state - but remove County Clerk and replace with Lane County.

Page 3: Commented [MM28] Morgan Munro 8/1/2024 2:06:00 PM

Section 9: The requirement that every applicant be interviewed by the County Commissioners seemed that it could create undue burden on commissioners and staff. The committee unanimously suggests changing the word "shall" in this section to "may."

Page 3: Commented [WJM29] WILLIAMS Judy M 7/31/2024 5:59:00 PM

Change to "may"

Page 3: Commented [WJM30] WILLIAMS Judy M 7/31/2024 6:00:00 PM

What would the Board of Commissioners do or look for in interview? Could the Board veto/select?

Page 3: Commented [MM31] Morgan Munro 8/1/2024 2:14:00 PM

Section 10: The committee generally suggests that this section be fully removed from the proposal and an alternate process be devised.

The committee was of multiple opinions as to what should replace this section. Some committee members were in favor of commissioners selecting the applicants from their district that would join the sub-pool, other committee members were in favor of restricting commissioner involvement to removing a limited number people from the entire sub-pool (1-3), and some committee members were in favor of removing commissioner involvement at this stage entirely and shifting this work to judges or others.

The committee found this section to be confusingly written. What would happen if there were fewer than 10 applicants from a commissioner district, would applicants from other districts be added to the sub-pool and if so, how would that be determined?

Page 3: Commented [WJM32] WILLIAMS Judy M 7/31/2024 6:05:00 PM

Inquired w/ Mr. Gary - the author used several existing examples, including one from California and this is what they had. Not worded well as is. Perhaps pick 10 each and the randomness can occur?

Page 3: Commented [CJL33] CUSIMANO Jenna L 7/31/2024 3:04:00 PM

Sarai: I'm not certain what "...shall select all" means here. Does it mean that the recruitment process that didn't result in enough qualified candidates is overridden by the BCC? Is it that the entire board is to select, or is it by district, as stipulated below?

Page 3: Commented [WJM34] WILLIAMS Judy M 7/31/2024 6:06:00 PM

Do the commissioners have a role? What if there are 9 or less- then what? Needs to be explored further.

Page 3: Commented [MM35] Morgan Munro 8/1/2024 2:17:00 PM

Section 12: See the comments on Section 7 as to timeline.

This is the one area where there was interest by some committee members in retaining the specific role of the County Clerk.

Concerns were raised as to how confidence and transparency in the randomness would be ensured. Should the drawing happen on camera? Might it happen at a public meeting?

Page 3: Commented [WJM36] WILLIAMS Judy M 7/31/2024 6:09:00 PM

Start as early as possible as the last process was highly problematic. Such tight timelines to have product by October.

Page 4: Commented [CJL37] CUSIMANO Jenna L 7/31/2024 3:06:00 PM

Sarai: Same question as above, I'm not certain what "...shall select all" means here. Does it mean that the recruitment process that didn't result in enough qualified candidates is overridden by the BCC? Is it that the entire board is to select, or is it by district, as stipulated below?

Page 4: Commented [MM38] Morgan Munro 8/1/2024 2:18:00 PM

Section 13: See the comments and concerns raised above in Section 10 about what happens if there are not 3 applicants from a commissioner district.

Page 4: Commented [CJL39] CUSIMANO Jenna L 7/31/2024 3:06:00 PM

Sarai: As mentioned before, since we can't expand the court's jurisdiction, we would need a different mechanism for the removal of a member. I believe we have examples for how this works for other committees, and/or perhaps this is a consideration for the bylaws of this committee when it is formed. Personally, I like to borrow the phrasing and practice for this kind of thing from existing sources for consistency and ease of use.

Page 4: Commented [MM40] Morgan Munro 8/1/2024 2:23:00 PM

Section 14: The committee generally recommends that this entire section be struck and any removal process be left

to the RC to establish within the committee bylaws.

See concerns raised about expanding the jurisdiction of the court in the memo from counsel.

There was a concern expressed by committee members of what would happen if a member of the RC was thought to have behaved inappropriately or be otherwise worthy of removal, but the committee does not choose to remove that member from the committee. What would happen then?

There were also concerns raised by committee members that retaining this section would create significant risk of committee derailment. The committee and its members might be subject to a barrage of demands to remove members and that these claims could be launched to intentionally sabotage the work of the RC.

Page 4: Commented [WJM41] WILLIAMS Judy M 7/31/2024 6:13:00 PM

CRC: 1) Not include the Lane County Circuit Court. 2) Perhaps more for the bylaws. 3) add "when necessary" 4) add definitions of gross misconduct and substantial neglect.

Page 4: Commented [CJL42] CUSIMANO Jenna L 7/31/2024 3:07:00 PM

Sarai: This seems to be coverable under the alternates suggestion we have above...that said, do we want to consider having a standing alternate group that is representative of all five districts? As in, we'd have ten alternates instead of four? That seems like a lot, but in the case that folks do need to resign, wouldn't that be an easier way to replace them than going back to the drawing board?

Page 4: Commented [MM43] Morgan Munro 8/1/2024 2:26:00 PM

Section 15: The committee largely preferred identifying alternates when committee members are selected so that they can follow along with the work and also to smooth the transition were an alternate needed to join the RC.

Page 4: Commented [MM44] Morgan Munro 8/1/2024 2:34:00 PM

Sections 14-23: The committee found that much of these sections might be better suited to being excluded from the Charter and covered instead within Lane Code/Manual, Committee Bylaws, or the Committee's workplan. As such, the committee did not review these sections in detail. The areas that the committee did review will be called out below.

Page 4: Commented [MM45] Morgan Munro 8/1/2024 2:31:00 PM

Section 16(a): The committee unanimously agreed that the BoC should be required to provide "staff, legal counsel, resources, and consultants as reasonably needed to accomplish…"

These changes are intended to prohibit the RC from being starved of plausible resources.

The committee also was generally in support of removing restrictions on staff or consultants who would be supporting the committee. These individuals would be employed for their professional skills.

Page 4: Commented [WJM46] WILLIAMS Judy M 7/31/2024 6:16:00 PM

CRC: Unanimous agreement to specify the need for resources to do the work.

Page 4: Commented [CJL47] CUSIMANO Jenna L 7/31/2024 3:08:00 PM

Sarai: I have a concern about this mainly because it is likely that a consultant who has the right expertise to assist the redistricting committee may have ties to other political consulting. Do staff, legal counsel, or consultant for this work need to comply with the same standards as actual committee members? My personal opinion is that they do not. Professionals who can support the work can and rightfully should be savvy enough to support the work of the committee without putting their finger on the scale too heavily for their own individual opinions.

Page 4: Commented [MM48] Morgan Munro 8/1/2024 2:32:00 PM

Section 16(b): The committee unanimously recommends that this language be updated to reflect modern and accurate terminology.

Page 4: Commented [WJM49] WILLIAMS Judy M 7/31/2024 6:17:00 PM

CRC: Having modern and accurate technology. Perhaps have LCOG and Clerk weigh in on right terminology.

Page 4: Commented [CJL50] CUSIMANO Jenna L 7/31/2024 3:08:00 PM

Sarai: This seems like something that would better fit into the future bylaws this committee will create and adopt (for keeping the charter streamlined - it seems like this detail is a bit superfluous here)

Page 4: Commented [WJM51] WILLIAMS Judy M 7/31/2024 6:19:00 PM

CRC: Relegated to bylaws. Issues with per diem such as assumptions it's a full day work, who can/cant attend a full day. Perhaps "stipend" is better.

Page 4: Commented [CJL52] CUSIMANO Jenna L 7/31/2024 3:09:00 PM

Sarai: Is this typical? I appreciate the sentiment, but given that a majority of employers in Lane County are small businesses, it seems the application of this rule would be quite limited.

Page 4: Commented [WJM53] WILLIAMS Judy M 7/31/2024 6:20:00 PM

CRC: Could likely be something the Board could do, but the enforceability would be very challenging.

Page 4: Commented [CJL54] CUSIMANO Jenna L 7/31/2024 3:09:00 PM

Sarai: Is this necessary?

Page 5: Commented [MM55] Morgan Munro 8/1/2024 2:36:00 PM

Section 16 (d): The committee generally found that these sections could be challenging to implement and might benefit from being excluded from the proposal.

Page 5: Commented [WJM56] WILLIAMS Judy M 7/31/2024 6:22:00 PM

CRC: Section 17 - Section 23 (except for 18 a) should belong in Lane Code or Bylaws

Page 5: Commented [MM57] Morgan Munro 8/1/2024 2:38:00 PM

Section 17: There may be a need to reseat the committee after maps are finalized (such as, if there is court action and needed work to be done). The committee generally recommends that more flexibility be included in this section in case the county wants to request the committee come back to work.

Page 5: Commented [CJL58] CUSIMANO Jenna L 7/31/2024 3:10:00 PM

Sarai: Given the need for timeliness on redistricting, ought there be an end date? For Charter Committee we used a two year term - would that be enough time to expect the districts to be finalized?

Is there a statutory rule on this at the state level?

Page 5: Commented [MM59] Morgan Munro 8/1/2024 2:40:00 PM

Section 18(c) : The committee was unanimous in our support for this section and hope it is retained.

Page 5: Commented [CJL60] CUSIMANO Jenna L 7/31/2024 3:12:00 PM

Sarai: This feels like a value more than an enforceable rule, not sure that matters, but in case it does...

Page 5: Commented [CJL61] CUSIMANO Jenna L 7/31/2024 3:12:00 PM

Sarai: Does this replicate or adjust typical public meeting rules and laws? It seems to be redundant to specify here since these practices are already adhered to by all public bodies.

Page 5: Commented [MM62] Morgan Munro 8/1/2024 2:42:00 PM

Section 18 (e): The committee generally found the required disclosures in this section to be excessive and cumbersome. Any written communication regarding the RC would already be considered a public record. The committee generally recommends that this section be removed.

Page 5: Commented [CJL63] CUSIMANO Jenna L 7/31/2024 3:13:00 PM

Sarai: This seems extreme and quite invasive - I understand the sentiment of it, but wonder about enforceability and whether this is a realistic expectation in the first place.

Page 5: Commented [CJL64] CUSIMANO Jenna L 7/31/2024 3:14:00 PM

Sarai: This part seems more reasonable, again, recognizing the sentiment of it. That said, it still seems like it goes beyond what a typical public commission would require, and is redundant again with public meetings/record laws regarding quorum and successive meeting rules

Page 5: Commented [CJL65] CUSIMANO Jenna L 7/31/2024 3:14:00 PM

Sarai: Right, we don't necessarily need all the above then...and also this should just be assumed. As we noted in the Charter itself, we follow all local, state, and federal laws but it's not really necessary to state that because it is part of the work of conducting a public board or commission or committee.

Page 5: Commented [MM66] Morgan Munro 8/1/2024 2:43:00 PM

Section 18(f): The committee agrees that this section is unnecessary and recommends it be removed. All meetings of the RC would already be considered public meetings and subject to these regulations.

Page 6: Commented [CJL67] CUSIMANO Jenna L 7/31/2024 3:15:00 PM

Sarai: Looks like bylaws material to me.

Page 6: Commented [WJM68] WILLIAMS Judy M 7/31/2024 6:29:00 PM

Is this redundant? Perhaps strike this section. Secretary of State Directive on Redistricting.

Page 6: Commented [MM69] Morgan Munro 8/1/2024 2:44:00 PM

Sections 21 and 22: The committee agrees that these sections should be struck as they merely restate federal and state laws that must be followed.

Page 6: Commented [CJL70] CUSIMANO Jenna L 7/31/2024 3:15:00 PM

Sarai: my question on this is again about enforceability and the need to say it - though I understand the PR value of saying all of this, I am not certain as to the practical value of it, especially the parts that may already be contained in applicable laws, statutes, or rules.

Page 6: Commented [CJL71] CUSIMANO Jenna L 7/31/2024 3:16:00 PM

Sarai: Is this enough to capture the level of public participation the committee might require? Is there direction as to how specific groups who have been historically kept out of redistricting processes will be included?

Page 6: Commented [WJM72] WILLIAMS Judy M 7/31/2024 6:26:00 PM

Section 23: Staff noted that after the RC would hold a public hearing “before” proposing a plan and “after” proposing a plan. But per current rules, the Board would likely still need to adopt the final maps via Ordinace and therefore would be required to have another public hearing for the ordinance to adopt a map.

Page 6: Commented [CJL73] CUSIMANO Jenna L 7/31/2024 3:16:00 PM

Sarai: In my opinion, removing the board of commissioners from the approval process is challenging representative democracy. While I appreciate the sentiment of making certain individuals aren't given power over their political fortunes by way of redistricting, I also think it's vital that we uphold the democratic processes that elected the board members. My recommendation would be for the redistricting commission to present more than one map for consideration, and/or for them to present their findings at one or more BCC meetings in advance of the October 15th deadline for submitting the maps.

Page 6: Commented [MM74] Morgan Munro 8/1/2024 2:51:00 PM

Section 24: The committee brought up many concerns with this section.

A concern was raised about removing the authority to determine maps from the BoC and fully assigning that authority to the RC.

Support was also expressed by other committee members about this change in authority.

Concern about what would happen if the RC is unable to approve final maps by October 15 was unanimously shared within the committee. What would happen if that date is missed? Who then would have the authority to draw maps?

The committee unanimously agreed that the language in this section should be revised to encourage completion by a

certain date but also allow for what would happen if that date is missed.

Page 6: Commented [WJM75] WILLIAMS Judy M 7/31/2024 6:27:00 PM

What happens if deadlines are missed? Add in, committee serves until the maps are finalized. If challenged in courts what would happen?

Page 7: Commented [MM76] Morgan Munro 8/1/2024 2:51:00 PM

Section 25: The committee unanimously found this section to be unnecessary as it is already included within the Lane County Charter.

Page 7: Commented [CJL77] CUSIMANO Jenna L 7/31/2024 3:17:00 PM

Sarai: Not sure if this is typical, or how it works with the concerns around circuit court jurisdiction above

Page 8: Commented [CJL78] CUSIMANO Jenna L 7/31/2024 3:18:00 PM

Sarai: I agree with previous discussion that these arbitrary district descriptions do not align with current maps and are not necessary or helpful in this section. I personally would move to strike these and replace them with the current descriptions as described by the most recent redistricting maps, which were the result of the work of a citizen led committee.

Page 9: Commented [CJL79] CUSIMANO Jenna L 7/31/2024 3:18:00 PM

Sarai: Does this belong here, or is it already covered sufficiently in the previous sections

Page 9: Commented [CJL80] CUSIMANO Jenna L 7/31/2024 3:19:00 PM

Sarai: This relates to my comments above on the Adoption of Maps/Timing - does the board have input at all, or is it expected that they will take the findings and recommendations of the commission without commentary, adjustment, or otherwise?

Header and footer changes

Text Box changes

Header and footer text box changes

Footnote changes

Endnote changes

Be It Enacted by the Voters of Lane County, Oregon:

SECTION 1. A new subsection 10(4) is hereby added to and made a part of Chapter III, Section 10, of the Home Rule Charter of Lane County, Oregon, as follows:

(4) Citizens Redistricting Commission.

(a) The Citizens Redistricting Commission is established. The Citizens Redistricting Commission shall be created no later and no more often than December 31 in each year ending in the number "0," and shall consist of 15 commissioners and five alternates.

(b) The Board of County Commissioners shall adopt ordinances or rules as necessary to implement subsection 10(4) of this section and assist in achieving and maintaining a maximum degree of correctness, impartiality, and efficiency in administration of this subsection 10(4).

(c) No later than August 15 in each year ending in the number "0," the County shall initiate a process for individuals to apply for membership on the Citizens Redistricting Commission. The process shall promote a diverse and qualified applicant pool.

(d) An individual may serve on the Citizens Redistricting Commission if the individual is registered to vote in Lane County and is not:

(i) A holder of or current candidate for federal, state, county or other elective office of a local government that uses the county commission district boundaries as the district boundaries to elect the local government's governing body;

(ii) An officer, director, or employee of a campaign committee of a candidate for or holder of an office listed in subsection 10(4)(d)(i) of this subsection 10(4);

(iii) An officer, employee, or paid consultant of a political party;

(iv) A registered lobbyist;

(v) A paid congressional, legislative, or county employee, or an employee of a local government that uses the county commission district boundaries as the district boundaries to elect the local government's governing body; or

(vi) A legislative or campaign contractor, or staff of the contractor, to a holder of an office listed in subsection 10(4)(d)(i) of this subsection 10(4).

(e) For purposes of this Section 4, "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the

Bureau of Labor and Industries, State Senator, State Representative, Judge, or District Attorney; "county office" means Lane County Commissioner or Sheriff; "registered lobbyist" means a lobbyist registered with the State of Oregon or any local government in Lane County.

(f) No later than January 15 of each year ending in the number "1," the County shall notify citizens of Lane County that persons who satisfy the criteria in subsection 10(4)(d) of this subsection 10(4)4 may apply for appointment to the Citizens Redistricting Commission.

(g) No later than March 15 in each year ending with the number "1," the county shall notify the Board of County Commissioners and the general public of the names of the qualified individuals in the applicant pool in a manner that ensures widespread public access and shall provide the applications to the Board of County Commissioners.

(h) No later than July 15 in each year ending with the number "1," at a duly noticed meeting of the Board of County Commissioners, the County Clerk shall randomly select by lot 15 members and five alternates to serve on the Citizens Redistricting Commission from the qualified applicant pool as follows:

(i) Three redistricting commissioners and one alternate must reside in the West Lane District, represented by Position No. 1;

(ii) Three redistricting commissioners and one alternate must reside in the Springfield District, represented by Position No. 2;

(iii) Three redistricting commissioners and one alternate must reside in the South Eugene District, represented by Position No. 3;

(iv) Three redistricting commissioners and one alternate must reside in the North Eugene District, represented by Position No. 4; and

(v) Three redistricting commissioners and one alternate must reside in the East Lane District, represented by Position No. 5.

(i) In the event that fewer than four qualified individuals applied for each district position, the Board of County Commissioners shall select qualified individuals to serve in the remaining positions.

(j) If a position among the Citizens Redistricting Commission becomes vacant, the alternate who resides in the same district shall fill the vacancy

(k) The Citizens Redistricting Commission shall adopt bylaws for the election of officers, governance of meetings, roles of the alternates, and discipline or removal of members for nonperformance, official misconduct, or other offense related to duties as a redistricting commissioner. No two officers may be residents of the same county commission district.

(l) The Board of County Commissioners shall:

(i) Provide staff, legal counsel, and consultants, as needed, to accomplish the purposes of the Citizens Redistricting Commission and fulfill the Citizens Redistricting Commission's obligations;

(ii) Make available relevant and current redistricting technology to the Citizens Redistricting Commission; and

(iii) Provide sufficient other resources as necessary or beneficial for the Citizens Redistricting Commission to achieve accurate and defensible maps within the time periods provided in subsection 10(4) of this Section .

(m) The term of office of each redistricting commissioner and alternate begins with their appointment and ends on the date of adoption of the final district maps and report.

(n) The Citizens Redistricting Commission shall conduct an open and transparent process enabling full public participation, including public consideration of and comment on the drawing of Lane County commission district boundaries.

(o) The Citizens Redistricting Commission shall draw district boundaries according to the redistricting criteria specified in state and federal law and this charter.

(p) No later than October 15 in each year ending with the number "1," the Citizens Redistricting Commission shall adopt final maps that separately set forth the district boundary lines for Lane County commission districts. The Citizens Redistricting Commission shall also issue a report that includes an explanation of the basis on which the Citizens Redistricting Commission established the districts, responded to public input, and achieved compliance with the applicable law. If unforeseen circumstances delay adoption of the final maps, the Citizens Redistricting Commission shall continue until final maps are adopted.

SECTION 2. The Home Rule Charter of Lane County, Oregon, Chapter III, Section 10(3)(d) is hereby amended as follows:

(d) ~~In accordance with Federal, State, or County census figures, the boundaries of the five districts shall be drawn by the board of commissioners so as not to deny any person equal protection of the law. The board of commissioners shall, not less than every 10 years, initiate review of the population densities of each district and modify boundaries when necessary.~~ 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.

SECTION 3. The Home Rule Charter of Lane County, Oregon, Chapter III, Section 10(3)(e) is hereby repealed.

SECTION 4. If any provision of this Charter Amendment is held to be invalid, the court shall sever the provision, and the remaining provisions shall remain in full force and effect.

4864-6629-9347.2

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 24-08-06-06	IN THE MATTER OF REFERRING TO ELECTION AN AMENDMENT TO THE LANE COUNTY HOME RULE CHARTER

WHEREAS, public hearings were held on June 26, 2024, July 9, 2024, and July 16, 2024, in which members of the public were given the opportunity to comment on proposed amendments to the Lane County Charter; and

WHEREAS, the Board of Commissioners has received written public comments on proposed amendments to the Lane County Charter; and

WHEREAS, the Board of Commissioners has determined that it is in the public interest and benefit to offer the voters the option to approve amendment to the Lane County Charter that would enshrine in the Charter an independent citizens redistricting commission empowered to prepare a redistricting plan in conjunction with the release of Federal Census data, as necessary to ensure equal protection under the law (Exhibit A); and

NOW, THEREFORE, IT IS HEREBY ORDERED that the measure and ballot title be submitted to the voters on the November 5, 2024, ballot, as shown in Exhibit A, attached hereto and incorporated herein by reference; and it is further

ORDERED, that a copy of this Board Order be presented to the County Clerk of Lane County and shall constitute our certification that this measure and ballot title be placed on the November 5, 2024, ballot; and it is further

ORDERED, that the County Clerk of Lane County provide notice for and conduct the election in the manner provided by law, including ORS Chapter 250.

ADOPTED this ___ day of_____, 2024.

_____
Laurie Trieger, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date_____

_____
LANE COUNTY OFFICE OF LEGAL COUNSEL

Amended Material

Ballot Title

CAPTION: AMENDMENT OF LANE CHARTER TO REVISE SUBSECTIONS GOVERNING REDISTRICTING

QUESTION: Shall Lane County amend the Lane County Charter to link redistricting to the decennial census, include independent citizens redistricting commission?

SUMMARY: The proposed amendment would add a new subsection 10(4) requiring the formation of a citizens redistricting commission in each year ending in the number one. The citizens redistricting commission would consist of 15 members plus alternates. The power to adopt the final county commission district maps would be transferred from the Board of Commissioner to the new commission. Eligibility requirements for citizens redistricting commission members would include:

- Must be registered to vote in Lane County;
- Could not be candidates for or holders of federal, state, county or certain local offices;
- Could not be a registered lobbyist;
- Could not be a paid congressional, legislative, or county employee.
- Other requirements.

.

Redistricting commissioners would be selected by lot at a public meeting from a pool of eligible candidates from each commissioner district.

Lane County would provide sufficient staff and resources to the commission to fulfill its obligations.

Lane County Board of Commissioners would adopt regulations to implement the new commission.

Charter Subsections 10(3)(d)) and 10(3)(e) would be amended or repealed to conform to the new subsection 10.4.

Be It Enacted by the Voters of Lane County, Oregon:

SECTION 1. A new subsection 10(4) is hereby added to and made a part of Chapter III, Section 10, of the Home Rule Charter of Lane County, Oregon, as follows:

(4) Citizens Redistricting Commission.

(a) The Citizens Redistricting Commission is established. The Citizens Redistricting Commission shall be created in order to adopt district boundaries consistent with the procedures outlined herein by at least six months prior to the 2026 general election; and thereafter shall be created no later and no more often than December 31 in each year ending in the number "0"; and shall consist of 15 commissioners and five alternates.

(b) The Board of County Commissioners shall adopt ordinances or rules as necessary to implement subsection 10(4) of this section and assist in achieving and maintaining a maximum degree of correctness, impartiality, and efficiency in administration of this subsection 10(4).

(c) The County shall initiate a process for individuals to apply for membership on the Citizens Restricting Commission on a timeline that allows for the adoption of district boundaries by at least six months prior to the 2026 general election consistent with the procedures outlined herein; and thereafter no later than August 15 in each year ending in the number "0." The process shall promote a diverse and qualified applicant pool.

(d) An individual may serve on the Citizens Redistricting Commission if the individual is registered to vote in Lane County and is not:

(i) A holder of or current candidate for federal, state, county or other elective office of a local government that uses the county commission district boundaries as the district boundaries to elect the local government's governing body;

(ii) An officer, director, or employee of a campaign committee of a candidate for or holder of an office listed in subsection 10(4)(d)(i) of this subsection 10(4);

(iii) An officer, employee, or paid consultant of a political party;

(iv) A registered lobbyist;

(v) A paid congressional, legislative, or county employee, or an employee of a local government that uses the county commission district boundaries as the district boundaries to elect the local government's governing body; or

(vi) A legislative or campaign contractor, or staff of the contractor, to a holder of an office listed in subsection 10(4)(d)(i) of this subsection 10(4).

(e) For purposes of this Section 4, "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, State Senator, State Representative, Judge, or District Attorney; "county office" means Lane County Commissioner or Sheriff; "registered lobbyist" means a lobbyist registered with the State of Oregon or any local government in Lane County.

(f) The County shall notify citizens of Lane County that persons who satisfy the criteria in subsection 10(4)(d) of this subsection 10(4) may apply for appointment to the Citizens Redistricting Commission on a timeline that allows for the adoption of district boundaries by at least six months prior to the 2026 general election consistent with the procedures outlined herein; and thereafter no later than January 15 of each year ending in the number "1."

(g) The County shall notify the Board of County Commissioners and the general public of the names of the qualified individuals in the applicant pool in a manner that ensures widespread public access and shall provide the applications to the Board of County Commissioners on a timeline that allows for the adoption of district boundaries by at least six months prior to the 2026 general election consistent with the procedures outlined herein; and thereafter no later than March 15 in each year ending with the number "1."

(h) At a duly noticed meeting of the Board of County Commissioners, at a date consistent with a timeline that allows for the adoption of district boundaries at least six months prior to the 2026 general election consistent with the procedures outlined herein, and thereafter no later than July 15 in each year ending with the number "1," the County Clerk shall randomly select by lot 15 members and five alternates to serve on the Citizens Redistricting Commission from the qualified applicant pool as follows:

(i) Three redistricting commissioners and one alternate must reside in the West Lane District, represented by Position No. 1;

(ii) Three redistricting commissioners and one alternate must reside in the Springfield District, represented by Position No. 2;

(iii) Three redistricting commissioners and one alternate must reside in the South Eugene District, represented by Position No. 3;

(iv) Three redistricting commissioners and one alternate must reside in the North Eugene District, represented by Position No. 4; and

(v) Three redistricting commissioners and one alternate must reside in the East Lane District, represented by Position No. 5.

(i) In the event that fewer than four qualified individuals applied for each district position, the Board of County Commissioners shall select qualified individuals to serve in the remaining positions.

(j) If a position among the Citizens Redistricting Commission becomes vacant, the alternate who resides in the same district shall fill the vacancy.

(k) The Citizens Redistricting Commission shall adopt bylaws for the election of officers, governance of meetings, roles of the alternates, and discipline or removal of members for nonperformance, official misconduct, or other offense related to duties as a redistricting commissioner. No two officers may be residents of the same county commission district.

(l) The Board of County Commissioners shall:

(i) Provide staff, legal counsel, and consultants, as needed, to accomplish the purposes of the Citizens Redistricting Commission and fulfill the Citizens Redistricting Commission's obligations;

(ii) Make available relevant and current redistricting technology to the Citizens Redistricting Commission; and

(iii) Provide sufficient other resources as necessary or beneficial for the Citizens Redistricting Commission to achieve accurate and defensible maps within the time periods provided in subsection 10(4) of this Section.

(m) The term of office of each redistricting commissioner and alternate begins with their appointment and ends on the date of adoption of the final district maps and report.

(n) The Citizens Redistricting Commission shall conduct an open and transparent process enabling full public participation, including public consideration of and comment on the drawing of Lane County commission district boundaries.

(o) The Citizens Redistricting Commission shall draw district boundaries according to the redistricting criteria specified in state and federal law and this charter.

(p) The Citizens Redistricting Commission shall adopt final maps that separately set forth the district boundary lines for Lane County commission districts at least six months prior to the 2026 general election; and thereafter no later than October 15 in each year ending with the number "1." The Citizens Redistricting Commission shall also issue a report that includes an explanation of the basis on which the Citizens Redistricting Commission established the districts, responded to public input, and achieved compliance with the applicable law. If unforeseen circumstances delay adoption of the final maps, the Citizens Redistricting Commission shall continue until final maps are adopted.

SECTION 2. The Home Rule Charter of Lane County, Oregon, Chapter III, Section 10(3)(d) is hereby amended as follows:

(d) ~~In accordance with Federal, State, or County census figures, the boundaries of the five districts shall be drawn by the board of commissioners so as not to deny any person equal protection of the law. The board of commissioners shall, not less than every 10 years, initiate review of the population densities of each district and modify boundaries when necessary.~~ 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.

SECTION 3. The Home Rule Charter of Lane County, Oregon, Chapter III, Section 10(3)(e) is hereby repealed.

SECTION 4. If any provision of this Charter Amendment is held to be invalid, the court shall sever the provision, and the remaining provisions shall remain in full force and effect.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 24-08-06-06	IN THE MATTER OF REFERRING TO ELECTION AN AMENDMENT TO THE LANE COUNTY HOME RULE CHARTER

WHEREAS, public hearings were held on June 26, 2024, July 9, 2024, and July 16, 2024, in which members of the public were given the opportunity to comment on proposed amendments to the Lane County Charter; and

WHEREAS, the Board of Commissioners has received written public comments on proposed amendments to the Lane County Charter; and

WHEREAS, the Board of Commissioners has determined that it is in the public interest and benefit to offer the voters the option to approve amendment to the Lane County Charter that would enshrine in the Charter a citizens redistricting commission empowered to prepare a redistricting plan for the 2026 general election and thereafter in conjunction with the release of Federal Census data, as necessary to ensure equal protection under the law (Exhibit A); and

NOW, THEREFORE, IT IS HEREBY ORDERED that the measure and ballot title be submitted to the voters on the November 5, 2024, ballot, as shown in Exhibit A, attached hereto and incorporated herein by reference; and it is further

ORDERED, that a copy of this Board Order be presented to the County Clerk of Lane County and shall constitute our certification that this measure and ballot title be placed on the November 5, 2024, ballot; and it is further

ORDERED, that the County Clerk of Lane County provide notice for and conduct the election in the manner provided by law, including ORS Chapter 250.

ADOPTED this 6th day of August, 2024.

_____

Laurie Trieger, Chair
Lane County Board of Commissioners

Ballot Title

CAPTION: AMENDMENT OF LANE CHARTER TO REVISE SUBSECTIONS GOVERNING REDISTRICTING

QUESTION: Shall Lane County amend the Lane Charter to create redistricting commission, redistrict for 2026, thereafter redistrict after each decennial census?

SUMMARY: The proposed amendment would add subsection 10(4) requiring formation of a citizens redistricting commission to develop Board of Commissioner districts for the 2026 general election and thereafter in each year ending in number one. The citizens redistricting commission would consist of 15 members plus alternates. The power to adopt the final district maps would be transferred from the Board of Commissioners to the new commission. Eligibility requirements for citizens redistricting commission members would include:

- Registration to vote in Lane County;
- Could not be candidates for or holders of federal, state, county or certain local offices;
- Could not be a registered lobbyist;
- Could not be paid congressional, legislative, or county employee.
- Other requirements.

.

Redistricting commissioners would be selected by lot at a public meeting from a pool of candidates from each Commissioner district.

Lane County would provide staff and resources to the commission to fulfill its obligations.

Board of Commissioners would adopt regulations to implement the new commission.

Charter Subsections 10(3)(d)) and 10(3)(e) would be amended or repealed to conform to the new subsection 10(4).