



March 21, 2017

**To:** Chair Ginny Burdick, Vice-chair Ted Ferrioli, and Members of the Senate Rules Committee

**RE:** Testimony in Support of SB 520 with -1 amendment

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Dear Chair Burdick, Vice-Chair Ferrioli, and Members of the Committee:

The Oregon Water Resources Congress (OWRC) is testifying in support of SB 520, with the -1 amendment, which will clarify the process for recalling directors from the boards of irrigation districts.

OWRC is a nonprofit association representing irrigation districts, water control districts, improvement districts, drainage districts and other government entities delivering agricultural water supplies. The water stewards we represent operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower production, and deliver water to roughly 1/3 of all irrigated land in Oregon. OWRC has been promoting the protection and use of water rights and the wise stewardship of water resources on behalf of agricultural water suppliers for over 100 years.

### **Background & Need**

SB 520 is a small but important bill that will clarify the process that is used when patrons of an irrigation district find it necessary to recall one or more elected directors of an irrigation district board. This bill will allow irrigation districts to follow the same procedure as water control districts, drainage districts, and other similar special district entities. The bill also specifies that the petition would be delivered to directors who are not subject to the recall, if there is not a board secretary available to accept the petition.

Recalls of one or more directors of irrigation district boards are rare. However, a recall is an essential component of local government and ensures that directors are accountable to the patrons that elected them. Having a clear process for how to conduct this process is important to avoid controversy and confusion in what is likely an already contentious situation. As an example, in 2016 there were petitions filed to recall several directors from an irrigation district board in the Klamath Basin. It was not clear what process should be used and to whom the petitions should be delivered to which created further angst in already difficult situation. Another complexity is that irrigation districts are governed by patrons of the district (landowners assessed for water delivery) and the county does not have the information or ability to certify who is a qualified elector and whom can sign the petition.

Under normal circumstances the recall petition would be delivered to the irrigation district secretary under ORS 545.430(1). If there is no such officer, then the petition is filed with the irrigation district board of directors, unless they are the subject of the recall petition. In the 2016 Klamath example, there was no secretary at the time and the board of directors were the subject of the recall petition. This highlighted the need for more clarity around the statutory language for recalling irrigation district directors under ORS 545.189.

SB 520 will eliminate the confusion caused by the lack of specificity in ORS 545.189 by referencing ORS 249.865 to 249.877, which is the petition process for recalling most public officers. The -1 amendment further clarifies that for an irrigation district the recall petition would be delivered to the directors who are not subject to the recall if the district does not have a secretary available to accept the petition, and fixes a drafting error by restoring the bracketed language that was not intended to be deleted. **We respectfully request that you support SB 520 with the -1 amendment.**

Sincerely,  
April Snell  
Executive Director