

From: FRANCIS S GILBERT
To: sen.HermanBaertschiger@oregonlegislature; [Sen Prozanski](#); [Sen Roblan](#); [Sen Olsen](#); [Sen Dembrow](#)
Cc: [SENR Exhibits](#)
Subject: SBs 114 & 258
Date: Thursday, March 30, 2017 10:30:55 AM

To: Senate Committee on Environment & Natural Resources
Date: March 30, 2017
From: Francis S. Gilbert
Re.: SBs 114 & 258

Senator,

I ask your support with a “Yes” vote on Senate Bill 114 or 258, repealing SB 1573. Senate Bill 1573 does not comply with provisions of the Oregon Constitution limiting legislative authority, reserving the right of initiative and referendum, or preserving the right of local voters to enact and amend their own city charters. Senate Bills 114 and 258, both identical, would repeal the statutory changes wrought by SB 1573 in 2016.

A yes vote on SB 114 or SB 258, and repeal of SB 1573, takes into account these facts:

- Both the Oregon League of Cities and the Association of Oregon Counties support repeal of SB 1573.
- SB 1573 was a legislative remedy for the affordable housing crisis. There is no credible evidence linking voting on annexations to housing costs or housing availability.
- SB 1573 revoked long-held annexation voting rights in 33 communities around the state, and prohibited all local jurisdictions statewide from initiating those voting privileges.
- SB 1573 requires cities to annex territory when certain conditions are met, regardless of affordability, location or preferred planning options.
- Oregon’s high courts repeatedly recognized that “popular votes” are a legitimate part of the annexation process, e.g., *Heritage Enterprises vs. Corvallis* (708 P.2d 601 (OR. 1985)) and *Bear Creek Sanitary Authority vs. City of Medford* (130 Or. App.24 (1994)). SB 1573 trampled those opinions.
- The argument that citizens have sufficient input on the front end of annexation decisions does not hold water. I am aware of only one case in the state where “front end” citizen input has impacted a city council decision regarding whether or not to annex territory (Springfield/LCOG “SCUSA” ORS-195 plan, 1994).
- Arguments that citizens in “voter annexation” communities repeatedly reject annexation proposals also are weak. Historically, more than 80% of these proposals have been approved in our communities.

Thank-you for supporting Oregon’s Constitution with your yes vote.

Francis S. Gilbert

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