

Sunday, April 2, 2017

Senate Environmental and Natural Resources Committee

As I read through testimony urging real of SB 1573 I notice a couple of themes.

First, community development is complicated. Because it is complicated we might be overlooking our need to fund community development maintenance. An Oregon Department of Transportation study and a League of Oregon Cities study make that clear.

The second theme is that community development affects all of us. Since SB 100 confirmed public involvement in Oregon's land use planning a lifetime ago, public involvement in community development decisions has increased. But our ability to fund the growing backlog of systems maintenance has become the major factor impacting community development.¹

A recent ODOT study² concludes, "The current 20-year forecast budget for the state highway system is insufficient to preserve and maintain pavement and bridges in their current good condition." And that without a sustainable change in how we fund transportation maintenance we can expect "a loss of \$94 billion in cumulative Oregon Gross Domestic Product by 2035 due to higher transportation costs."

That's just for Oregon transportation we need for the health and safety of Oregonians. But our water and wastewater management systems are even more necessary.

¹ The most recent Oregon Economic and Revenue Forecasts is silent on finding for infrastructure maintenance needs. <https://oregoneconomicanalysis.com/2016/11/16/oregon-economic-and-revenue-forecast-december-2016/>

² See: "Rough Roads Ahead: The Cost of Poor Highway Conditions to Oregon's Economy," ODOT (2016). <http://www.oregon.gov/ODOT/COMM/Documents/RoughRoads2014.pdf>

A League of Oregon Cities survey last year reveals, “Infrastructure funding of \$7.6 billion is required for a number of critical projects, including drinking water and wastewater treatment, and water storage.

The League study warns simply adding people to the tax rolls will not solve the problem because as, “populations grow so will the need to replace and expand city infrastructure.”

Community development is complicated because it lies at the intersection of money, population and community services. And whenever community development fails to deliver on its promises of safer, healthier communities we must seek and apply new methods.

The second theme repeated in testimony is that community development affects us all. Community development is about the condition and capacity of the public services we all fund and use. This is as it should be in a democracy but SB 1573 denies that truth.

A democratic principle refuting SB 1573, affirmed and reaffirmed for more than nine centuries applies directly to our situation here today.

Here it is, “What affects all, must be decided by all.” (Henry de Bracton ca 1250).

“What affects all, must be decided by all,” perfectly describes Oregon’s democratic practices not only our right to adopt, amend and reverse state laws but also to have same democratic control of our city charters.

Oregon’s constitution says this about citizen control of our state laws: “The people reserve to themselves the referendum power, which is to approve or reject at an election any Act, or part thereof, of the Legislative Assembly that does not become effective earlier than 90 days after the end of the session at which the Act is passed.” Oregon Constitution Art IV Sec 1. 3.a.

And until SB 1573 denied them our Oregon Constitution left no doubt that citizens control their city charters:

“The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town...”
Oregon Constitution Art XI Sec 2.

This principle, “what affects all must be decided by all” gives Oregon citizens rights to uphold and rely on our Oregon land use planning system as it guides state and community development.

This principle is the first of the 19 Oregon Land Use Planning Goals - we know it as Goal #1, “citizen involvement.” It is evident in the oaths of office where we require our elected officials to uphold our Oregon Constitution and our city charters.

SB 1573 terminate this centuries old principle instead demanding, “what affects all must be decided by the few.” That is NOT democracy as understood throughout the world, or as affirmed in the Oregon Constitution and by Oregon’s chartered communities.

Repealing SB 1573 is urgent.

Fortunately the Committee has two concise bills that would repeal SB 1573 and restore Oregon democracy. Fortunately only one bill is necessary. Fortunately a timely work session and passing either bill to the floor is still possible.

There is no doubt that by authorizing this hearing on repealing SB 1573 this Committee is earnest about returning the authority of Oregon community charters to Oregon communities.

Unfortunately the matter is urgent. Fortunately a work session on the matter could take only minutes. Please send SB 114 or SB 258 to the floor with as “do pass” recommendation as soon as possible.

Thank you,
Richard Reid
324 Bluff Avenue SE
Salem, OR 97302