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Sent from [Mail](#) for Windows 10

Dear Chair Hovey and others on the House Rules Committee,  
I'm James De Young, newly and duly appointed Mayor of the City of Damascus, which is the topic of your bill. I write the following in opposition to SB 226-A.

I am also the plaintiff in *De Young v. Brown*, the land mark case of the Appellate Court that overturned the disincorporation vote of Measure 93, the referendum sent from the State Legislature in 2016. This law was forced on Damascus voters, violating the State Constitution (Art 4, Sec 3), statutory law on disincorporation, and our City Charter.

For four years (2012-2016) I served on the City Council. When HB 3085 and HB 3086 were before the Legislature I testified against them in 2015, believing them to be unconstitutional. I urged our City Council to take these laws to Court but the majority refused (3 of them were encouraging disincorporation). For three years my attorney and I waited for this decision which finally came down on May 1, 2019.

The Appellate Court found that HB 3085 and 3086 violated statutory law which provides THE path to disincorporation with three requirements: the vote must be initiated by the city itself (not the Legislature), the vote must take place in November (it occurred in May), and it requires a "supreme" vote to pass—more than 50% of all registered voters (the actual vote received only 40% of registered voters, and these represent less than a third of all the people in Damascus). The Appellate Court didn't even discuss the potential violations of the State Constitution and our City charter (which is their usual practice when statutory law is alone a sufficient basis for a decision).

As I read SB 226-A with my attorney, I am struck by how much this new bill violates statutory law again and the State Constitution. If it becomes law we will appeal to the courts again. I believe that it will be struck down. Already similar legal efforts in 2013, 2014, 2016 have been struck down. WHY DOES THE LEGISLATURE WANT TO PERSIST IN THIS ENDEAVOR? WHY DOES NOT THE LEGISLATURE PROTECT AND AFFIRM THE HOME RULE CHARTERS OF THE CITIES OF OREGON, including that of Damascus?

Since the decision was handed down on May 1, 2019, the City of Damascus has revived. The Appellate Court decision said that their decision returned the status of the City to where it was prior to the vote. Thus the City was never disincorporated and never surrendered its charter.

The NEW City Council has filled two vacancies, appointed me as Mayor, enlisted the support of a volunteer city manager, city attorney, and finance director. It has appointed a 7-member budget committee which this week and next will be formulating the budget for the next fiscal year.

As a City we want to move forward. We will deal with a comprehensive plan in the near future and with our restrictive charter.

When I testified before the Senate Committee on Rules on June 10, I said that we as a City want good relations with the County and Happy Valley (even though we have lost all our monies and property to the County, and about 1400 A. to Happy Valley). I offered an olive branch to our opponents who

continue to agitate toward disincorporation; I invited them to sit at the table with us. We've never threatened anyone.

We value reconciliation, not retribution. We will not resort to name-calling and other emotive reactions. Does not this tell much about our character?

By the way, whatever happened to the contents of the original SB 226 from our late Sec of State, Dennis Richardson? Is this how his memory should be treated?

Thanks for reading this.  
James B. De Young, Th.D.  
Mayor, City of Damascus