

February 10, 2024

Senator Floyd Prozanski, Chair  
Senator Kim Thatcher, Vice-Chair  
Senators Sara Gelser Blouin, Dennis Linthicum and James Manning  
Senate Judiciary Committee  
Oregon State Legislature  
State Capitol  
Salem, Oregon

Re: Comments Concerning Proposed Amendment -4 (LC 228), SB 1576

I am a candidate for Gilliam County Judge. I am a well-qualified candidate and life-long resident of Gilliam County. Historically, the Gilliam County Judge position has served as the CEO of the County, as well as fulfilling Juvenile and Probate judicial functions. I bring 21 years judicial experience currently serving in my fourth, six year term as Gilliam County Justice of the Peace. I also bring 37 years public administration experience. I have trained for the position of Gilliam County Judge for my entire career, and am prepared and qualified to serve.

Since I filed for election in early November, 2023, there has been a frantic movement by our County Court to whittle down the County Judge position. On December 6, 2023 Juvenile and Probate Jurisdiction was suddenly transferred to Gilliam County Circuit Court, a step in the ultimate plan to abolish the County Judge position. As you can see, this is an election year, and it is just not fair for our government to change the rules of an election, once the race has begun. It was soon after discovered the probate jurisdictional transfer may not be legal. No steps or acknowledgment to determine whether or not it is legal to transfer probate jurisdiction have been taken by our county government, except for this surprise legislation. Legislation, we the citizens of Gilliam County found out about three days ago.

On December 20, 2023 the Gilliam County Court discussed changing to a Board of Commissioners structure. There were close to 50 people in the room and the meeting lasted nearly 5 hours. Virtually all public input supported a vote of the people, rather than a vote of the county court if our government structure is to change.

In early January, 2024 the Gilliam County Court discussed hiring a County Administrator, and provided supporting documents diminishing the County Judge's salary by approximately \$70,000 annually, funding the administrator position with a reduction in the Judge's salary.

There are serious questions about how the position of Gilliam County Judge will be listed on the ballot for election, whether that be a four or six year term due to the action to remove judicial function from the position, although legally questionable. Judicial function requires a six year term. The Gilliam County website published that the term has been shaved down to four years. The Secretary of State's Office can not tell me if it is a four or a six year term. It is very hard to campaign when I do not know what the position entails.

Cris Patnode  
Comments  
Amendment -4 SB 1576  
Page 2

What I am doing for you, by making these points is laying the foundation that there are serious reasons why many in Gilliam County do not trust where a legislative change to the probate law will lead, because as you can see politics are strongly at play here.

I have concerns with the proposed legislation for the following reasons:

1. The proposal has no safeguards to protect an elected judge, if two commissioners want to abolish their position. Two commissioners can vote out a County Judge as the body is a quorum of two. This adversely affects democracy, because it creates an unsafe forum for decision making.
2. Probate jurisdiction provided by a County Judge offers local access to justice to a rural part of Oregon. A County Court Probate Judge serves our local community well under the County Judge structure. Politically altering the County Judge position, may deny the public a local judge available to hear cases at any time. Gilliam County Circuit Court only hears cases in Gilliam County once or twice per month.

I offer the following solutions to amend the legislation:

Option 1: Allow Harney County to opt out of the six counties in the probate law, as they seem to want this legislation. I have watched Harney County Court meetings and they seem to earnestly care about doing the right thing for their constituents. This option corrects only where correction is needed, while leaving the other five counties alone.

Option 2: Add to the legislation that relinquishing probate jurisdiction can only occur by a vote of the people, rather than a vote of the County Court.

Both in Option 1 & 2: Removal of the emergency clause, as no emergency exists to pass this legislation sooner than 2025.

If elected County Judge, I intend to look at all perspectives in my decision making, and I trust you will as well in the respect of the question before you. Please be sure that the probate law change does not adversely affect the citizens of the six named counties, because they are the ones who must live with the decision.

Thank you for your time.

Sincerely,

Cris Patnode  
PO Box 246  
Condon OR 97823  
Phone: 541-980-7108