

February 20, 2024

**RE: Opposition to HB 4026-1**

Chair Fahey, Vice-Chairs Helfrich and Kropf, Members of the House Committee on Rules:

For the record, my name is Nellie McAdams. Thank you for the opportunity to testify.

**I urge you to oppose the dash-1 amendment to House Bill 4026** for the same reasons raised by Friends of North Plains Smart Growth. There is no need to exempt UGB expansion decisions from a referendum, since such referenda are difficult to bring and rare - only one referendum has ever been brought to prevent a UGB expansion.

Yet when this provision *is* needed, it can be **a targeted tool for granting public participation** when the public has been shut out of the process. The city against whom a referendum currently is on the ballot, North Plains, has repeatedly prevented public engagement in its UGB expansion process, from failure to notice the original measure, to telling the public they could not comment on the full, remanded UGB expansion ordinance.

**Contrary to Hillsboro's testimony, the referendum would not be used to reverse OHNA housing production strategies** such as density, since referenda can only be used for administrative and not legislative decisions. I have confirmed with DLCD that housing production strategies that are passed by resolution are administrative and therefore could not be recalled by a referendum.

Also contrary to other testimony, it **does not subvert the Grand Bargain**. The land surrounding North Plains is undesignated, meaning it could be incorporated *if there was a demonstrated need*. It is not available for inclusion in the UGB under any pretext - regardless of how long and expensive the process. The City has failed to demonstrate need, and has based their argument for the biggest UGB expansion by percentage in Oregon history based off of data that has since been disproven.

Organizers of the referendum **are not anti-growth**, but advocate for wise growth that includes affordable housing, main street revitalization, and industries that add to the local economy and complement agricultural industry, while ensuring the city can pay for infrastructure costs. A referendum simply invalidates this current plan and brings the city to the table to work with community members to create a new plan. And it is far more targeted than a recall of city councilors, as was recently used in King City.

Contrary to the testimony from "Mayors in Support of UGB Process Clarification," **the referendum is not being brought by outside forces**. By definition, it is being brought by the city's own residents, 10% of whom signed the petition for referendum. 200 of the 242 addresses on the referendum listserve are from within North Plains, a city of population 3,424.

Most importantly, I object to HB 4026-1 because it is likely unconstitutional. The right to call a voter referendum on a municipal ordinance is enshrined in Article IV of the Oregon Constitution and applies “to all local, special and municipal legislation of every character.” In fact, the right of a referendum is the only express exception to the Legislature’s power.

**A roll back of a constitutional right can only be accomplished by a constitutional amendment.** If the legislature wishes to limit the right of referendum, it must use the amendment process laid out in the Constitution and refer this decision to the voters.

As a matter of good governance, any proposed constitutional amendment should be vetted with stakeholders using the utmost transparency. It should not be amended into a placeholder bill mid-way through a short session on a Friday afternoon before a long weekend.

When North Plains residents expressed their frustration with a process that repeatedly denied them agency in how the city grew, the city had the option to engage its residents in redesigning the plan. Instead, **North Plains is attempting to deny a constitutional right of civic engagement not only to its own residents, but to all Oregonians.** Moreover, they want this provision to be retroactive to prevent their constituents from voting on a ballot measure this May that 10% of North Plains’ voters have asked to put on the ballot.

As a practical matter, few UGB expansion processes will be as egregious as North Plains’ has been. As a legal matter, the Legislature cannot curtail a constitutional right through statute alone. And as a policy matter, they should not do so without thorough vetting.

I urge you to please vote no on HB 4026-1.

Thank you