



LWV Corvallis

Serving Benton and Linn Counties

November 2003

Public Forums

sponsored by

**League of Women Voters of Corvallis
And Corvallis–Benton County Public Library**

Tuesday, November 4



Threats to Judicial Independence Is Oregon's Judicial System in Jeopardy?

Senior Judge Robert S. Gardner

Retired Presiding Judge 21st Judicial District

Assistant Professor Rorie Spill (not confirmed yet)

OSU Political Science Dept.

Attorney Steven Black

ACLU Representative

Attorney Chris Dunfield

Private Practice of Criminal and Civil Law

Moderators: Karen Nibler and Kathryn Conner

LWV Corvallis— See page 3

Both Meetings are at the Corvallis Public Library at 7 PM

Tuesday, November 18



Who funds local government services?

Where does the money go?

Who decides?

Nancy Brewer, City Finance Director & Pat Cochran, County Budget Officer
will answer these questions and others you may have related to the funding required to provide
our community services. LWV Local Funding committee will preside. See page 3

PRESIDENT'S CORNER: Political Influence on Judiciary

The Judicial Independence Project did not stir a need for action at first glance. Judicial elections in Oregon are non-partisan and excessive amounts of money are not spent on judicial elections. Corruption is not a word that is associated with the judiciary here. So why should we participate in this educational project? Read on.

LWVOR decided to participate in the second phase of the project, which was a judicial watch campaign. LWVOR monitored the campaigns of 28 candidates for 10 contested judicial positions in the May 2002 nominating elections. They reported on conduct that could compromise judicial independence. In May 2004, there will be 3 Oregon Supreme Court positions open for election and they will look for special interest campaign financing.

The Oregon Legislature reviews the Judicial Department budget, which is included in the Governor's Budget at the beginning of the session. The legislature hears testimony from the Chief Justice and Administrative staff about the needs of the Judicial Department and makes determinations about the level of funding. The recent concern was the 12% cut taken from the Judicial Dept. at the end of the 2001-03 biennium. Other agencies cuts were lower – 8-9% was the maximum. The Chair of the Public Safety Subcommittee of Ways and Means, which reviews the budgets, is a practicing district attorney. Is this a conflict of interest? This same legislator sponsored HJR 42 this session: the bill proposed an amendment to the Constitution to require Senate confirmation of persons appointed by the Governor to serve as judges. The bill did not pass the Senate and was rewritten for another purpose. This bill would have encroached upon the separation of the 3 branches of government.

Ballot Measures 21 and 22 on the ballot in November of 2002 would have changed the way we elect judges. BM21 would list None of the Above as an option. BM22 would have required appellate judges to reside in and be elected from certain districts in the state. These measures did not pass but some voters did not understand the role of the judiciary. The courts are not representative bodies, legislatures are. Courts apply and interpret the law.

The attention of the League is usually on Administrative and Legislative branches of government, but we need to be aware of the threats to the judiciary, too. These threats surface in elections and in the legislative process, so we need to be alert and proactive.

-- Karen Nibler

THANKS FOR YOUR SUPPORT!

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--Diana Carsten

LWV Corvallis

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Mission

The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues and influences public policy through education and advocacy.

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The bulletin is the newsletter of the LWV Corvallis and is produced nine times a year. Members subscribe through their dues. Membership is open to anyone 18 years or older.



NOVEMBER 4 JUDICIAL INDEPENDENCE DISCUSSION

Senior Judge Robert S. Gardner will speak to LWVCorvallis on November 4 at the Corvallis Library. Judge Gardner was the Presiding Judge of our local circuit court prior to his retirement in January 2002. The academic viewpoint will be presented by Rorie Spill, whose research interests were in the Judiciary. Steve Black, a local attorney, will speak for ACLU, American Civil Liberties Union. Chris Dunfield, private practice attorney, will present his opinions. The 4 speakers have been invited to speak about the threats to Judicial Independence from their experience and perspective.

If you would like background information, LWVUS published an article on Threats to Judicial Independence by Bob Echols in the National Voter in the June/July 2001 issue. The LWVUS website had information on judicial independence at www.lwv.org/join/judicial/. Judicial Independence was defined as the ability of a judge to decide issues based on the facts presented in court and on the applicable law – not based on political or partisan pressures or public opinion.

The American Bar Association convened a Commission on the 21st Judiciary to study, report, and make recommendations on state judiciaries. The study is online at the ABA website www.abanet.org. The title is Justice in Jeopardy and the link is on the home page. This study is very thorough and thought provoking. It's also very long but can be read online. A two page summary of the report and 3 pages of recommendations can be read for brevity. The recommendations include methods of judicial selection and interactions with the legislative branch.

The Oregon State Bar Association also has a website at www.osbar.org which has committee reports. One of those committees is Judicial Administration and that committee was concerned about access to justice with cuts in funding, adequate indigent defense services and unfair criticism of judges. If you don't like to read, come hear the speakers present this information.

---Karen Nibler

WHO PAYS FOR LOCAL GOVERNMENT? GET ANSWERS • SHARE IDEAS November 18, 7PM, at the Library

Corvallis and Benton County pay for many of the services we enjoy in our community. Do you know where the money comes from? Do you know how it is spent? Do you know what funds pay for which services?

Who pays for police and fire protection in Corvallis? For the jail? For upkeep, repair and development of roads and streets? For sewer and water service? For the parole and probation programs for criminal offenders? For animal control? For the city and county parks? For deputy sheriffs? For planning departments? For the library? You name the service—do you know how it is funded?

There are many sources of funds possible to pay for various services. Do you know which services are paid for by the state income tax? The local property tax? Fees and assessments? The federal government?

If there isn't enough money for the services we want, is it possible to find more money? Where do we find it? If we can't find money to pay for services we need and/or want, what do we do?

If you want answers to these questions or you have other questions related to this issue, come to the League meeting on Tuesday, November 18, 7 pm in the Library Meeting Room. **Nancy Brewer, City of Corvallis Finance Director** and **Pat Cochran, County Budget Officer** will set the stage for our discussion. We will start with a number of prepared questions then open it for your questions, comments, and suggestions.

We want to see you there. We want your ideas and your thoughts on the very important financial issues facing our community. ...*Local Funding Options Study Committee: Sue Mariner, Miriam Miller, Shelly Murphy, and Jo Anne Trow*

INFRASTRUCTURE IMPROVEMENT FUND PROPOSAL (Continued from "City Considers Surcharge" on page 3 of October 2003 Bulletin)

The Corvallis City Council held a public hearing on the proposed Infrastructure Improvement Fund concept during its October 20 meeting. Five people testified. A representative from OSU spoke in favor of establishing the fund, but offered no opinion on the proposed funding mechanism or any other funding mechanism. Kirk Bailey, Walter Barkan and former city councilors Bill Constaedt and Tony Howell all testified in opposition to the proposed one percent surcharge on city utility bills to raise money for the fund. Their arguments were:

1) A single hearing about which notice was sent to fewer than 100 people does not provide sufficient opportunity for public input before the Council decides on what is, by any other name, a new city tax.

(continued on page 4)

2) The proposed use of the fund for "infrastructure investments that build capacity and achieve City Council and Corvallis 2020 Vision Statement goals" is not sufficiently specific.

3) A surcharge (tax) on water bills is the most regressive form of an inherently regressive tax. Most sales taxes exempt basic necessities. The proposed sales tax will be levied on basic necessities and nothing else. Water is among the most basic of essentials.

4) US census data on household expenses and incomes show that on average, annual expenses exceed annual income for households with incomes below \$30,000. Moreover, utility costs are among the expenses that vary least with income.

5) City utility rates are currently based solely on the actual costs of delivering the services and products for which they are charged. The proposed increment to city utility rates would corrupt the rigorous "fee for service" approach. It would undermine public acceptance of city utility rates and erode trust in the City Council. The determination of utility rates is currently apolitical and should remain that way. A tax should not be disguised as a rate increase.

6) The establishment of standing funds with dedicated sources compromises the ability of city government to address changes and problems. Such funds are not part of the general fund budget the City Council reviews each year and for which it has a public process to set priorities.

Commenting in favor of the proposal, City Manager Jon Nelson noted that the typical monthly cost per user will be modest, the money raised will serve vital purposes and that the City is becoming increasingly desperate for sources of funding.

The City Council decided to consider the proposal further at its meeting on November 3.

Meeting on October 21, the LWVC Board agreed that the Infrastructure Improvement Fund proposal encompassed matters of interest to three of its standing committees: growth management, affordable housing and funding for local governments. Consequently, it decided that an ad hoc committee should be convened to consider the proposal and recommend a position to the Board. The committee will meet (will have met by the time you read this) on Friday, October 24.
—Walter Barkan

HELP WANTED

Interview Legislators for the LWVOR Action committee. Three of us who worked on the action committee will set up interviews, but we need 2 interviewees for each legislator. It always helps to have another ear and recorder. We have the questions and answers are due on Nov. 15. Phone Karen at 752-8567.

Affordable housing committee chair. We have committee members who are knowledgeable about city planning process, but we need a chairperson to call the meetings and organize the work. Chair will need to help the committee investigate the city development options, current resources, and pitfalls for less expensive housing. February has been scheduled for Affordable Housing.

Interviewers for Human Services agencies will follow up on the results of the Reorganization of the Department of Human Services. Karen will chair the committee and two members have volunteered, but we will need more members to learn about services for welfare assistance, child protection and foster care, public health, voc rehab, developmental disabilities and senior services. If you have worked on any of these studies in the past, you have some background in these areas. Pick your favorite service and come join us. Karen needs more help on this study, and the committee needs to start meeting in November. Karen's e-mail is niblerk@comcast.net. Phone is 752-8567.

Chair and members for Oregon Health Options Committee, reviewers for the "Oregon Health Assessment Project." The committee will review this document and decide the local league's course. March is scheduled for Health Issues and this project is a good discussion start-up for planning that program.

It's very timely as health insurance and drug prescription coverage are debated on the national and state level. If you want something meaty to bite your teeth into, this is it.

If you can help us with any of these tasks, please call any board member you know or send us e-mails. The board and committees work well with e-mail notifications. We will get the messages to the right organizer. Thanks.

LOST YOUR BULLETIN? READ IT ON THE WEB!

Need to know a LWVUS position, a school board member's email, time of the monthly meeting, last day for your new neighbor to register to vote? You'll find this information and more on the new "user-friendly" website <http://www.lwv.corvallis.or.us> Add it to your favorites!



SETTLE DOWN WITH A GOOD BOOK: LWVC BOOK CLUB

Gardeners of League, join us for a discussion of the complex relationship between humans and plants – specifically apples, tulips, marijuana and potatoes – as we discuss Michael Pollan's *Botany of Desire*. We'll meet Monday, November 10, 7:30 PM at Roxana Bodine's, 4830 SW Dresden, 753-5612. Please call Roxana to let her know if you'll be coming.

Meetings are scheduled for the 2nd Monday of the month. Upcoming books include:

- December 8: *The Secret Book of Grazia dei Rossi* by Jacqueline Park
- January 12: *Feast of Love* by Charles Baxter
- February 9: *Founding Brothers* by Joseph J. Ellis
- March 8: *Winter Wheat* by Mildred Walker
- April 12: *The Power of One* by Bryce Courtenay
- May 10: *The Inextinguishable Symphony* by Martin Goldsmith

For more information about the LWVC Book Club, call Corrine Gobeli, 745-7736, cgobeli@aol.com.

NEW MEMBERS

Please welcome new member Denise Nervik. Ten years ago after retiring as director of Academic Computer Services at a women's college in New Jersey, Denise and her husband moved to Corvallis to be closer to their two children and two grandchildren. Denise is an outdoor enthusiast and in 1997 spent two weeks riding her bike on the Great Divide Mountain Bike route from Roosville, BC to Butte, Montana. While bicycling across the country in 2000 with her husband, she had a serious accident in the Michigan Panhandle area. However, she has made a remarkable recovery and last week hiked over 13 miles in the Mary's Peak area. Although not a member at the time, Denise has been a greater supporter of the League in the past by helping with our grapefruit delivery.

--Marolyn Tarrant, Membership Chair.

MEMBERSHIP 2003—2004 DUES

Roses to the over 60 members who have paid their 2003-04 dues and also made some contributions to the LWVOR Education Fund. This makes our job much easier so your quick response is much appreciated. We are looking forward to hearing from the rest of the members in the near future.

If you haven't paid your dues for the 2003-2004 year, please send a check payable to LWV to LWV of Corvallis, PO Box 1679, Corvallis, Oregon 97339-1679. Dues are \$50. for individual membership and \$75. for household.

--Marolyn Tarrant, Membership Chair

LAST REMINDER TO ORDER GRAPEFRUIT!

This is a great opportunity to get good grapefruit for ourselves and friends and support LWVC at the same time. In case you lost your order form, or need more for friends or family, you can still send in orders. November 17 is the deadline for orders.

ORDER FORM	
Name _____	
Address _____	

Phone _____	
Item/Quantity Ordered	Subtotal
_____ 20 lb. box (17-20 grapefruit) @ \$15	_____
_____ 10 lb. box @ \$7.50	_____
TOTAL:	_____
Make checks payable to LWV Corvallis.	
Send form and payment to:	
Lois Marie Zaerr 5945 NW Rosewood Drive Corvallis, OR 97330 Phone: 745-5695	



Upcoming Events: November 2003

- Nov 4** Judicial independence program, 7 – 9 PM, Library.
- Nov 10** LWVC Book Club, 7:30 PM, Roxana Bodine's, 4830 SW Dresden. Discussion of Michael Pollan's *Botany of Desire*. Please call Roxana to let her know if you'll be coming.
- Nov 18** Who Pays For Local Government Services? Get Answers. Share Ideas. 7 – 9 PM, Library.
- Nov 20** Board meeting, 4 – 7 PM, Karen Nibler's, 2750 DeArmond.
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