

I am attending this meeting tonight for several reasons; first, at the behest of your city attorneys to present to this commission what the attorneys referred to as a collective statement; am I correct that all the PC has already seen this, and Lee Reichel who sits on this commission was there and you may have heard from him personally, so I'm unsure as to what I am to present I don't know if you have questions about what all this is, but if you do, I'll be glad to answer as best that I can. First, let me state, that May 15th was the first CCI meeting that I have ever attended in DC, and it was THE most unusual meeting of the hundreds I have attended over the years as a citizen anywhere, bordering on weird. I do know that it is the only meeting for a CCI called in many, many years in DC. In my mind, it is still not completely settled about what in the world we were doing there; except, based on past track record; it appears to have been a legal tactic only, to perform an end run around our present comp plan to erode and undermine citizens' rights under Goal 1 of our existing plan. This does not completely surprise me, given the advice from this same legal outfit that resulted in a LUBA lawsuit, which the city, predictably, expensively and quite handily lost.

*Citizen involvement is still a priority for the state of Oregon and its communities, the perspectives of planning professionals and citizenry are equally important, and need to be built-in to the process so that a clear majority consensus can be reached in these decisions affecting residents.*

*223 ends that.*

Our current plan that is law as of today states the following and I would like to now read our present Goal 1, it is brief, simple and refreshingly pure:

Policy A1. Citizens involvement. Dunes City's citizens involvement program shall insure that the citizens of Dunes City have the opportunity to be involved in all phases of the planning process. The City Council may appoint members to serve on the Committee for Citizen Involvement (CCI). All interested parties, by their attendance at the meetings of the CCI, shall become voting members of the CCI for that meeting. The CCI shall make recommendations to the Planning Commission, who themselves shall make recommendations to the City Council, on matters pertaining to post acknowledgement Plan amendments and periodic review of the Comprehensive Plan.

Planning recommendation is that the CCI will include the City Council, the Planning Commission, and citizens-at-large, Citizens will be members of the committee upon meeting attendance. Participation by elected officials in the CCI should be encouraged.

This is the most inclusive of implementation plans, every single citizen in this city is on an equal footing inside this forum, and will be heard and their opinions considered, and the ensuing results determined by a democratic vote - one citizen, one vote. It captures both the spirit, and the very essence of Goal 1.

It doesn't get any better than this.

This method has been used by this city, under state approval, for years. Historically, this lauded program has successfully produced excellent results for which we, as citizens, directly benefit today. It is not illegal or out of compliance with the state as the Mayor and Council have repeatedly stated. Dunes City has spent numerous months re-codifying everything in the City, this Plan may deserve some of that attention, but no more.

Exhibit E , Page 1

I would like to look at the elements in this single paragraph statement of Goal 1:

Bring Exhibit 2  
MARY JO LEACH

1 of 4

- (1) It states that it shall insure that all **Dunes City citizens** (not attorneys from Eugene, nor paid LCOG staff) have the opportunity to be involved in all phases of the planning process. The meeting we attended was noticed as a CCI meeting, and for your purposes, under your DLCD submitted ordinance 223, which only one citizen, one member of three of the present CCI, appointed by this commission in March, 2012 had been able to find, in searching through the DLCD website. When John Stead brought up his findings of 223, the lawyers didn't want to talk about that. I knew nothing about any of this, nor did anyone else in that room, except those on the payroll; and Planning Commissioner Lee Reichel, City Recorder Fred Hilden, and Councilor Jaime Mills, who were said to be attending as private citizens only and not in any official capacity, and John Stead, a member of the present appointed CCI, who was shushed by EJ – honestly I was having trouble following all of it. The long and short of it, she wasn't going to allow any discussion other than her planned agenda; so I stayed, and I think we all stayed, so as not to be considered impolite. It was a waste of time and effort all around.
- (2) We were not there to consider, nor recommend any pending item, because I still didn't understand that there was one, and except for John Stead, none of the rest of us "regular" citizens knew. But now, voila, here we are at a first evidentiary hearing, and there has been absolutely no CCI meeting, nor public consideration of what is being done here tonight with this ordinance 223. This was not a CCI meeting conducted under present law. According to our plan, all interested parties, by their attendance shall become **voting** members of the CCI for that meeting. Forbearers didn't elaborate on the language in this section to exclude attorneys from outside the area; anything like this, I'm sure, had never been envisioned. The lawyers had seen Dunes City while driving to City Hall, and remarked on how lovely the place was. They also remarked that they wouldn't be allowed by law to attend this meeting tonight, thank god for that one.
- (3) As to voting, we were not allowed to vote, EJ had decided herself, in her mind, that we were all basically of one mind, and therefore, she wouldn't let us vote on anything. I made my own transcript of this May 15<sup>th</sup> meeting. These meetings are supposed to be recorded and become part of the public record. The lawyers refused to allow it, and so there is no official record of anything that we are presenting to you under the lawyer's moniker of a "Collective Statement". We were instructed that we couldn't object to anything that came back to us via email from the attorneys, unless we could prove it, and also, I am quoting, "not true".
- (4) The present Goal I of Dunes City calls for the citizens-at-large who attend these meetings to become voting members, and under our present comp plan, they perform both duties of the CCI/CCA definitions contained now in revised state definition. Dunes City does not differentiate these duties under our present law; EJ said we were there to perform the duties of a CCI, only and nothing else, whose idea of a CCI?. Why would anything that came out of that meeting be pertinent in some way to what we are supposed to be here considering tonight? The logic fails me. It is a twisted path to go when attorneys are leading the way, it was their meeting, limited to answering only their questions. Many citizen questions posed during the meeting were simply put off, with a "we'll discuss that later" – later never came – by 9:00, we were all exhausted from a meeting that was posted as an 8:00 end time from the inane task of answering a question, then having the person sitting next to us, listen and then repeat back to us what we said, and then we clarify it again to them, and back and forth, around a circle meanwhile, Loren, an attorney, and Jake, the city planner scribble down our responses on these huge pads so the attorneys could later transcribe them into this "Collective Statement". Totally weird.

To summarize regarding this meeting:

- (1) It was lawyer agended, lawyer led, lawyer restricted, lawyer dictated – not a citizen meeting under Goal 1.

Pz

Exhibit E , Page 2

- (2) There was absolutely no participation by the City Council, nor Planning Commission in this meeting, as there would normally be at a CCI meeting in DC under our present plan – normally and traditionally under our plan, they would have all been there, but not this time. That’s because they already knew that citizens weren’t going to be allowed to actually have a CCI meeting as has been conducted here for years.
- (3) It was posted as an 8:00 end time, until we got there, and EJ announced, it would end at 9 – it was exhausting, and I now believe that this was a deliberately misleading posted time – someone complained about not having eaten, and though I didn’t complain, I had not eaten; 8:00 is our supper hour, it made the entire process even more difficult to sit through and believe me, we were all glad to get out of there fast. I now think it was just another lawyer tactic to wear you down.
- (4) There are absolutely no Planning Commission meetings available on the website regarding whatever were the: who, what, why, where, when of this get together. No one knows who paid for it, if it was ever publicly discussed, though the recorder says it was, there is no trace at all of any of it in the CC minutes, and who knows about your minutes – I would have to pay Fred \$25. for each copy of any public record that I would request – I have had to do so every time I have ever made a request, and frankly, this is simply unaffordable for me to request months and months of meeting minutes looking to see what went on, and therefore, as the city knows, this is the most effective method of keeping everyone in the dark.
- (5) In an unprecedented move, there were no minutes, nor official tape recording of this meeting which there has always been in every single meeting of the DC CCI, ad finitum; citizens asked for it in this meeting, and were refused by the attorney. Two people, Richard Koehler and Teresa Baer brought tape recorders. Teresa was working for the newspaper, so I took Richard’s tape and transcribed what could be gathered of the proceedings.
- (6) The meeting was on the schedule as an Action item, and EJ just blew that off by saying there wouldn’t be any – how is it that she gets to decide all this stuff, but that does explain the absence of any officialdom at this get-together.
- (7) There was no citizen vote. A vote was asked for, and EJ became very adamant that there would be none.
- (8) The only citizen participation was in what I would describe as an atmosphere, like you might find in a disorder encounter, or intervention group, or marital counseling.
- (9) Notably, the Siuslaw News sent Editor, Teresa Baer, who is also a DC citizen, sent to cover this meeting for the paper, as is done for any citizen PC meeting in any community; has never reported on it. There has never been an article in the paper about this one – to me it’s no surprise, I really don’t know what pertinent or effective purpose of the meeting could have been reported about, the head scratching continues today, the waste galling.
- (10) I took my own informal poll of all the “ordinary citizens attending, with the exception of Teresa Baer, who really was there for work, and to a person, they emphatically stated that if this meeting represented citizen involvement, they would never want to partake again - all the lawyer games we were put through. I wish I had known enough to leave right at the beginning. So, if you’re intent was to anger citizens, exasperate them and discourage them from attending and responding to meeting notices re:CCI, you have probably hit upon the winning formula to keep everyone away.

I don’t understand how a meeting, led by 2 DC lawyers, the DC planner, at the invitation of the City Recorder who attended, with attendees being restricted to commenting on legal staff provided questions, constitutes a CCI, CCA, or any other moniker meeting under Goal 1, regardless if you are considering only the lesser definition presently required by the state, or DC’s own current comp plan where everyone gets to have their own discussion, lead and conduct their own meeting, have a vote, and discuss something substantive – maybe like this 223 ordinance that has already been sent to the state, whose existence had only been discovered by a lone participant prior to this meeting, and was only mentioned, at the last, by Commissioner Reichel (I got this from

P3

the tape), that "something we didn't mention tonight was 223, and we will be considering that at our next meeting". So much for public notice I'm furious about this omission. I am very upset about seeing that document and its details after the fact. It is the CC's/PCs idea of how to remove people from the public process

Why weren't we given that to work on?

The circumstances that were deliberately created, certainly portends a grim future for any citizen who has interest in this city, and wants to take part in the process. We are left out of the loop, and out in the dark, and it is the expressed desire to put us out there, for good, with this ordinance, stripping us of our rights as now contained in our present comp plan.

The only way that citizens will be able to take part is if you do not dismantle our present system, which is really the only reason for the creation of 223, to do that dismantling. **We are already in compliance with the state, and have been for all of our existence. I feel that I should shout this fact from the rooftops – Councilor Mills, Mayor Ruede and other councilors have repeatedly stated in meetings, that we are out of compliance. Commissioner Reichel claimed it in this May 15<sup>th</sup> meeting. We ARE MOST DEFINITELY NOT! The CC is skilled at repeating these untruths so often, that after awhile the public actually believes it – just look at the last 3 council meeting tapes – these are preposterous and untrue statements made for their own agendas, and not at all in the public interest. Councilors Scarberry and Wells repeatedly whine and complain with how long it is taking before they can get the sole control they need to impose their wills on the public, because they failed in LUBA on their personal agendas to kill the septic ordinance. Personally, I feel these are ethics violations of the highest order: misleading, vacuous, lies, and the Mayor and the Councilors repeat them with gusto and authority.**

The City has spent enormous time and money over the past few years re-codifying all of its ordinances – and now you're up to the BIG ONE – but instead of re-codifying the present comp plan, like every ordinance worked upon the City has decided that it wants to shut out the public for good via 223; and dis-mantle what has been a product of historical collective wisdom and a **lauded** successful Goal 1 plan that has stood the test of time.

This method has been used by this city, under state approval, for years. Historically, this lauded program has successfully produced excellent results for which we, as citizens, directly benefit today. ~~It is not illegal or out of compliance with the state as the Mayor and Council have repeatedly stated. It's superior to the state's minimum.~~ Dunes City has spent numerous months re-codifying everything in the City, this Plan may deserve some of that attention, but no more.

Last week at the opening of the DC time capsule – what had our forbearers placed in the box as treasure? – Our Comp Plan – the result of 1000's of hours of accumulated citizen consideration and thought - they were proud of it, and we should be, too. A waste of time may be the thought of people who are either burned-out by the process, or just want to get everything done quickly and over with – Councilor Wells and Councilor Scarberry and others have said they want comp plan changes to be put on the fast track – 223 will serve their purpose of over-riding the LUBA upheld septic ordinance – which Councilor Scarberry has never complied with to this day, though by oath, he has sworn to, even though he felt it appropriate to propose a motion delaying any code financial ramifications for those not in compliance (himself) until the CC can hurry up and get apparently – this 223 through DLCD. Comments on the septic subject may be thought to be straying from the subject, but they are very germane, given the CC repeated public remarks to hurry this all up so they can kill the ordinance, the CC meeting tapes of the past 4 months show the truth in my statement. Then, we have the useable land inventory,

P4

Exhibit E, Page 4

which is really the far bigger prize, and will degrade this city into a changed place that none of the current residents have ever known.

Notably at this May 15<sup>th</sup> meeting, Commissioner Reichel, Councilor Mills and Recorder Hilden repeated the theme that the present system is either too cumbersome, too time and energy consuming, and unwieldy. It can be. The process of citizen involvement can, at times, be cumbersome, unwieldy and time and energy consuming – but the results are stunning. We still have a city where we have managed to preserve what we love most about this unique place – what was so beloved so many years ago- because there have been so many people, ordinary citizens, willing to volunteer their time and thought, and careful consideration under our present Goal 1 procedure to safeguard this jewel.

We have an elderly, successful, educated population here of retirees, and many bring all their life experiences to this most important work – though you may not see them here tonight, they are listening. I spoke with neighbors who have worked on Goal 1, in previous times, some as long as 30 years ago, and they were outraged to think of how this CC and PC could summarily dismiss and disrespect all the work that had been done by their families so that you and I could enjoy this beautiful home, and the imperious unwillingness to allow citizens to determine and safeguard their own destinies, which is guaranteed through our current process, and will be gone under 223.

I find nothing in the state rules about Goal 1 that says it has to be quick and painless – it needs to be totally inclusive, and like it or not, that takes time, and is the most important job a city can perform, to effectively include its citizens, and we want to be. **223 takes all that away, any shred of representation or standing of an ordinary resident in the conduct of affairs that will affect his financial health, his physical health and enjoyment of this place that he has called home.**

Under 223:

Under proposed 223, CAC's may be formed, but **might not** – it is conceivable that no one outside of the CC and PC in this city would be needed to make land-use recommendations – which CC & PC would be, in essence, making their own recommendations to themselves or a CAC position, if they just can't get by with one, could be appointed to a like-minded PAC member.

Anyone who wants to review any of the Citizen Input given at meetings can plainly see what I am talking about. The Mayor has forbidden any citizen to directly make remarks to any Councilor and has forbidden any Councilor from making remarks, or asking questions of the speaker – the ordinary citizen. There is never any CC discussion of anything presented by the speaker, nor is there ever any answers provided; it takes a lot of fortitude to appear at her meetings, and endure the snide callous remarks from Councilors about how “these people” are wasting our time, and sometimes the glaring gaze of the Mayor, or one of her faces that she makes to show her impatience, or disgust. This is the only arena that what will be left to citizens - nothing

Look at this present instance, right now, the one we're here to talk about, where the City has filed the PAPA for 223, and not one single citizen, including us that went to the so-called CIC meeting on May 15<sup>th</sup>, except for the select few - **had ever seen it**. We weren't given it that night either to consider, I noted on the audio tape of the May 15<sup>th</sup> meeting that the first and only mention of this was by Lee Reichel in his final comment, just as we ended, – that “223 was something not mentioned tonight”, but is what the commission will be considering at its next meeting. We got it by downloading it ourselves, after this meeting.

PS

Exhibit E, Page 5

You've already filed for all the changes without an utterance from any citizen in this city, except yourselves. I think that speaks volumes about where the city wishes to take all of us; my concerns are validated by this behavior. Lack of trust in DC officialdom is legendary here, and continues to grow with good reason.

This ordinance change should have been considered and debated per our current comp plan, and it was most assuredly was not.

The state assumes that a Planning Commission represents a diverse cross-section of the community both in interests and geography. We do not have that. Planning officials are not elected, they are appointed.

Currently, members of all committees and commissions are appointed by the Mayor, with advice from councilors – this forms a very tight loop, and is not representative of all citizens, it's not meant to be – it is only an agreeable extension of the council by deliberate design of this Mayor. Everyone must be able to "work" with each other, code name to be of the same mind. A voting majority of the present PC are all members of the same political action committee; there effectively is no diversity, nor geographical diversity, and if any diverse opinions do exist, they are only discussed and vetted out of the light of public view at PAC meetings, of which your attendance has been duly noted publicly.

I once before attended a Planning Commission meeting regarding Ordinance 210, and to my surprise that evening 211. I went for months going to the ORC as a citizen while I watched dedicated and sincere people craft a fine alternative to 203, 210, that would have tempered 203 objectors, and placated 203 proponents. It was a true and fair compromise hammered out, where everyone in this city, could have found some joy – it was an effective COMPROMISE where all concerns were addressed. This Planning Commission meeting went on for hours while you carefully considered what you should recommend to the CC. You all did the yeoman's job, you worked hard to get it right; you thoroughly vetted everything, spent your time, and in the end, recommended passage of both ordinances to the CC. They did not overlap, 210, for maintenance, and 211 for education only. So what did they do – more parliamentary tricks from our Mayor, she called for 211 first, and never visited 210 at all; and where did her actions take us – right to court. My point being in all this, our Comp Plan and its present provisions are the only thing standing in the way of arrogant behavior on the part of City Officials who are conducting a planned agenda of their own, one step at a time. Dismantling the Comp Plan is of their highest priority or they can plan on spending their last dime at LUBA, where they'll lose over, and over again.

Given the untenable and unaffordable specter of legal costs, the quick alternative is simply to disembowel our Goal 1 process. The PC will be the CCI and control all the criteria for citizen involvement, free to have city lawyers change it, without citizen interference, and there will be no need for any CCA's – 223 says they MAY (read MAY NOT) be empaneled. The PC will then have the power to control and set a timeline of their choosing to get all the Goal 1 stuff done that the PAC, THE DCC members of the PAC and the Planning Commission member of the PAC.

Short and sweet.

223 dismantles our Goal 1 policy needlessly and wantonly - take this away, and there is nothing left but the desired herd of silent sheep who will have absolutely no recourse.

THANK YOU.



Exhibit E, Page 6

PL