



Monday, March 20, 2017

9:30 a.m.

Special Meeting of the Board of Commissioners

**Commissioner's Meeting Room
Lincoln County Courthouse
225 W. Olive Street, Room 108
Newport, Oregon**

I. CALL TO ORDER

II. ROLL CALL - ESTABLISHMENT OF A QUORUM

III. DECISION/ACTION

- A. Measure 21-177 Lincoln County – Proposed by Initiative Petition – Prohibits Aerial Pesticide Spray and Creates Rights of Local Citizens

The Board will continue deliberations towards a decision; public input was received on Wednesday March 15, 2017, no further constituent input will be received at this meeting. Constituent input concerning this and other matters will be taken at the regular meeting on March 22, 2017, 9:30 a.m.

IV. ADJOURNMENT

For special physical, language or other accommodations at Board's meeting, please contact the Board at 265-4100 (voice) or dial 7-1-1 Relay Service and include e-mail as soon as possible, but at least 48 hours before the meeting.

Lincoln County Commissioners Oppose Measure 21-177

As the elected leaders of Lincoln County, we have duty to look out for the people we represent. We acknowledge concern within our community about the application of aerial pesticides and want to encourage a deeper dialogue within Lincoln County where we can arrive at common ground on protecting the public's health. Measure 21-177 is *not* that approach.

Unclear Definitions Will Create Unintended Consequences For The County

21-177 fails to define key terms, while defining others too broadly.

- The term "aerial" is undefined, meaning this Measure may prohibit many application methods used by a wide variety of local industries.
- The measure gives individuals the right of "direct action" to enforce this measure. That term is not defined.
- The measure defines corporations to include all government entities, thereby restricting county practices.

Opens A Window To Vigilantism Via "Direct Action"

Under 21-177, individuals from anywhere in the country can use "direct action" to enforce the measure and they are granted civil and criminal immunity for all actions taken – including the destruction of private property. Local law enforcement's hands would be tied in instances of criminal trespass or sabotage of private equipment.

Will Tie Up County Courts And Expose Us To Numerous Legal Challenges

The Measure is a direct challenge to the U.S. Constitution, claiming that a county ordinance should supersede federal law. If adopted, the County will face a protracted battle to defend it in the courts and the legal costs that will tradeoff with funds for county services.

Will Likely Divert County Funds And Force The Increase Of Bureaucracy

Under 21-177, the County would be responsible for "full and complete restoration of the ecosystem" from any impacts from aerial spraying. The county does not have the resources to undertake large-scale habitat and waterway rehabilitation programs.

Measure 21-177 is not the proper tool to protect Lincoln County. We encourage a NO vote.

Commissioners Bill Hall, Doug Hunt, and Terry Thompson