



MEDIA RELEASE

Lincoln County Board of Commissioners

Casey Miller
Public Information Officer
225 West Olive Street
Newport, OR 97365
Phone: 541.265.0211
cmiller@co.lincoln.or.us

County to respond to lawsuit that seeks to invalidate the results of Measure 21-177

(6.7.17 – Lincoln County, OR) The Lincoln County Commissioners have authorized the County Counsel’s office to respond to a lawsuit filed this week that seeks to invalidate the results of Measure 21-177, the ban on aerial pesticide spraying that was narrowly approved by voters last month.

On Monday, June 5, County Clerk Dana Jenkins formally certified the results of the election, which showed 21-177 prevailing by a 61 vote margin (6,994 yes votes to 6,933 no votes). On Tuesday, attorneys filed a suit in Lincoln County Circuit Court on behalf of a local tree farmer seeking to block the measure on a variety of legal grounds. The commissioners approved County Counsel Wayne Belmont’s recommendation to support the request in the suit for an injunction to immediately block the “direct action” provision of the measure. The direct action provision would allow any citizen to enforce the measure if the Sheriff’s Office fails to do so, and exempt them from criminal or civil liability.

In his presentation to the Board, Belmont outlined the broad provisions of the lawsuit, which seeks to invalidate the election itself, contending that the initiative violated the single-subject rule for ballot initiatives and did not fall within the scope of “matters of county concern” as defined in the Oregon Revised Statutes.

If the court does not invalidate the measure on those grounds, the lawsuit contends that it violates the state Forest Practices Act as well as state legislation regulating pesticides and the Right to Farm and Forest Act.

Belmont said he couldn’t provide an exact time line for the courts to resolve the issue, but predicted whatever decision comes out of the Circuit Court is likely to be appealed to the state Court of Appeals, and possibly the state Supreme Court as well.

All court documents related to the case will be posted on the county’s website (<http://www.co.lincoln.or.us/boc/page/measure-21-177>), Belmont said.

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