

1                               IN THE CIRCUIT COURT OF THE STATE OF OREGON

2                               FOR THE COUNTY OF COLUMBIA

3   IN THE MATTER OF THE PETITION of the                               )   Case No. 08-2843  
4   Board of County Commissioners of COLUMBIA                       )  
5   COUNTY, a political subdivision of the State of                )  
6   Oregon,   )   APPEARANCE OF INTERESTED  
7   )   PERSONS AND OBJECTIONS  
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9           Pursuant to ORS 33.720(3), interested persons appear and contest the validity of this  
10 proceeding and the legality of the ordinance that is its subject, as follows:

11   1.

12           Wendi Abbott is a voter in Columbia County and owns real property in Columbia  
13 County. She anticipates needing to obtain building and land use permits in the future in order to  
14 enjoy the use of her property in the County.

15   2.

16           Noni Anderson is a voter in Columbia County and owns real property in Columbia  
17 County. She anticipates needing to obtain building and land use permits in the future in order to  
18 enjoy the use of her property in the County.

19   3.

20           Rich Bailey is a construction contractor and a voter within Columbia County, Oregon.

21   4.

22           Jeff Campbell is a voter in Columbia County and owns real property in Columbia County.  
23 He anticipates needing to obtain building and land use permits in the future in order to enjoy the  
24 use of his property in the County.  
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1 5.

2 Susan Easley Conn is a voter in Columbia County and owns real property in Columbia  
3 County. She anticipates needing to obtain building and land use permits in the future in order to  
4 enjoy the use of her property in the County.  
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6 6.

7 Anne Cox is a voter in Columbia County and owns real property in Columbia County.  
8 She anticipates needing to obtain building and land use permits in the future in order to enjoy the  
9 use of her property in the County.

10 7.

11 Dave Ehrenkranz is a voter in Columbia County and owns real property in Columbia  
12 County. He anticipates needing to obtain building and land use permits in the future in order to  
13 enjoy the use of his property in the County.  
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15 8.

16 Penny Ehrenkranz is a voter in Columbia County and owns real property in Columbia  
17 County. She anticipates needing to obtain building and land use permits in the future in order to  
18 enjoy the use of her property in the County.  
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20 9.

21 Becky Frasier is a voter in Columbia County and owns real property in Columbia County.  
22 She anticipates needing to obtain building and land use permits in the future in order to enjoy the  
23 use of her property in the County.

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10.

Craig Frasier is a voter in Columbia County and owns real property in Columbia County. He anticipates needing to obtain building and land use permits in the future in order to enjoy the use of his property in the County.

11.

Pratiti Fullerton is the proprietor of PBF Enterprises, Inc. dba St. Helens Bowenwork Clinic, and has a business license from the City of St. Helens. She is a voter in Columbia County and owns real property in Columbia County. She anticipates needing to obtain building and land use permits in the future in order to enjoy the use of her property in the County.

12.

Daniel R. Garrison is the proprietor of Daniel R. Garrison, CPA, PC, a business in Columbia County. Garrison has a business license from the City of St. Helens. He is a voter in Columbia County.

13.

Gigi Gordon is a voter in Columbia County and owns real property in Columbia County. She anticipates needing to obtain building and land use permits in the future in order to enjoy the use of her property in the County.

14.

Jolene Jonas is a voter in Columbia County and owns real property in Columbia County. She anticipates needing to obtain building and land use permits in the future in order to enjoy the use of her property in the County.

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15.

Ernie Klostermann is a voter in Columbia County and owns real property in Columbia County. He anticipates needing to obtain building and land use permits in the future in order to enjoy the use of his property in the County.

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Marjorie Kundiger is a voter in Columbia County and owns real property in Columbia County. She anticipates needing to obtain building and land use permits in the future in order to enjoy the use of her property in the County.

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Robert La Liberte is a voter in Columbia County and owns real property in Columbia County. He anticipates needing to obtain building and land use permits in the future in order to enjoy the use of his property in the County.

18.

Gary Liao is the proprietor of whereexactly.com, a business in St. Helens. He holds a business license from the City of St. Helens, and is a voter in Columbia County

19.

Judy Litwin is a voter in Columbia County and owns real property in Columbia County. She anticipates needing to obtain building and land use permits in the future in order to enjoy the use of her property in the County.

20.

Mike Litwin is a voter in Columbia County and owns real property in Columbia County. He anticipates needing to obtain building and land use permits in the future in order to enjoy the

1 use of his property in the County.

2 21.

3 Tony Mandella is a construction contractor and a voter within Columbia County, Oregon.

4 22.

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6 Jesus Ochoa-Madrueno is a resident of Columbia County and is ordinarily employed in  
7 construction work in the County. He is of Mexican national origin.

8 23.

9 Palmer T. Olson is the proprietor of a business in Scappoose and St. Helens. He holds  
10 business licenses from the City of Scappoose and the City of St. Helens. He is a voter in  
11 Columbia County and owns real property in Columbia County. He anticipates needing to obtain  
12 building and land use permits in the future in order to enjoy the use of his property in the County.

13 24.

14  
15 Brady Preheim is the proprietor of Preheim Computers in Scappoose, Oregon. He holds a  
16 business license issued by the City of Scappoose and is a voter in Columbia County.

17 25.

18 The Rural Organizing Project is an Oregon not-for-profit corporation that operates offices  
19 in Scappoose, Oregon. It has a business license from the City of Scappoose.

20 26.

21  
22 Kevin Wayne Walding is a voter in Columbia County and owns real property in  
23 Columbia County. He anticipates needing to obtain building and land use permits in the future in  
24 order to enjoy the use of his property in the County.

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1 27.

2 Marcy Westerling is a voter in Columbia County and owns real property in Columbia  
3 County. She anticipates needing to obtain building and land use permits in the future in order to  
4 enjoy the use of her property in the County.  
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6 28.

7 Pat Zimmerman is a voter in Columbia County and owns real property in Columbia  
8 County. She anticipates needing to obtain building and land use permits in the future in order to  
9 enjoy the use of her property in the County.  
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11 29.

12 This Court lacks jurisdiction over this proceeding because Ordinance 2008-6 has not been  
13 enacted by the Columbia County Board of Commissioners.  
14

15 30.

16 The enactment of Ordinance 2008-6 by the Board of County Commissioners of Columbia  
17 County exceeds the legislative power of the County in each of the following respects:

- 18 a. It exceeds the legislative authority granted by ORS 203.035 in that it seeks  
19 to legislate as to matters that are beyond county concern;  
20 b. It purports to regulate matters within the incorporated cities of the County,  
21 even though none of the governing bodies of those cities has authorized  
22 the application of Ordinance 2008-6 within the jurisdiction of those cities,  
23 in violation of ORS 203.040;  
24 c. It unlawfully conflicts with state statutes relating to the office of the  
25 district attorney, in violation of ORS 8.610-.852, and relating to the  
26

1 appointment of county counsel in violation of ORS 203.145;

2 d. It purports to alter the definition of and penalties for official misconduct  
3 under state law;

4 e. It purports regulate building permits and land use decisions in a manner  
5 inconsistent with state law;

6 f. It purports to enlarge the statutory powers of the justice court in violation  
7 of ORS 51.080 and ORS 34.020

8 g. It creates an excessive criminal fine beyond that permitted by ORS  
9 203.065;

10 h. It allocates money collected in fines to specific purposes, rather than to the  
11 county general fund, as required by ORS 203.065(4).  
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14 31.

15 Ordinance 2008-6 violates the due process clause of the United States Constitution.

16 32.

17 Ordinance 2008-6 is preempted by the Immigration Reform and Control Act of 1986.

18 33.

19 Ordinance 2008-6 is preempted under ORS 455.040(1).  
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21 34.

22 Ordinance 2008-6 is preempted under ORS 701.325(5).  
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24 35.

25 Ordinance 2008-6 is preempted by Oregon's land use planning laws.  
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**PRAYER FOR RELIEF**

Interested parties respectfully request that the Court grants them judgment as follows:

1. Declaring Ordinance 2008-6 invalid;
2. Enjoining Defendants from enforcing Ordinance 2008-6;
3. Awarding Interested Parties reasonable attorneys' fees and costs;
4. Providing such further relief as the Court deems just and equitable.

Northwest Workers' Justice Project

S/ D. Michael Dale

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On behalf of the ACLU Foundation of Oregon Inc.

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