

# Seaside: Public hearing Sept. 13

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projects, with a maximum indebtedness of \$68.5 million. The plan has a duration of 25 years.

City data indicated the prior urban renewal area's assessed value grew at 5 percent annually from 2008 to 2014, even during the recession, consultant Elaine Howard wrote in a report Monday.

The city's past urban renewal programs helped provide financing for The Turnaround and Prom, the city's sewage plant, 12th Avenue improvements and construction of a new library.

The urban renewal district could provide up to \$45 million in funds for improvements to four bridges vulnerable to tsunamis, on Avenue A, G, S and U. Other projects could bring street and infrastructure improvements to the city's south end, business assistance, property acquisition and workforce housing.

Priorities are determined by the Seaside Improvement Commission and may change over time, Howard wrote. If new projects are proposed, they must be added to the plan through an amendment in a public meeting at the improvement commission.

## Forestland a concern

The elimination of the Weyerhaeuser property from the plan came after a City Council hearing earlier this month in which residents urged councilors to reconsider.

Members of the Oregon Coast Alliance disputed findings that the county-zoned parcel owned by Weyerhaeuser is blighted.

"This urban renewal plan seems to be poorly designed, very conclusory and many questions have not been answered, including, but not limited to, why is 32 acres included since a forest parcel cannot be blighted?" Oregon Coast Alliance Land Use Director Cameron La Follette said after the meeting. "A great deal more needs to be done to make sure it is consistent with the Seaside

comprehensive plan, and right now it is not."

This theme was repeated during Monday's public comment period before city councilors addressed the concern by eliminating the property from the proposal.

They also sought to calm fears of rising property taxes, use of eminent domain and to distinguish the plan from expansion of the urban growth boundary, a separate process based on population projections and other demographic factors.

"Hopefully a lot of those concerns were allayed, and people understand this is not an increased tax on homes," Councilor Randy Frank said.

Councilors also considered an amendment clarifying the plan's water and sewer system policies.

"It is not new language," Winstanley said. "It is language that is intended to clarify. You're not adding anything new to the plan."

## Unanimous approval

The City Council unanimously voted to remove the Weyerhaeuser property from the urban renewal district, along with the new verbiage.

The vote was followed by unanimous adoption of the ordinance approving the plan.

The elimination of the Weyerhaeuser property won't impact the building of the new Seaside School District campus, Winstanley said after the meeting. "The question is: 'Do we have to have this parcel in?' And I said I couldn't identify any particular project that would be affected."

The Clatsop County Board of Commissioners, which held a public hearing on the urban renewal plan in July, meets Sept. 13 to consider the city's request. If approval is granted, urban renewal district boundaries would be frozen and the land would be designated as a taxing district, possibly as early as October.

"As the assessed value grows, the increment starts to build up," Winstanley said.

# Legislative lawyer claims Richardson lacks authority to change petition rules

## Rules meant to combat fraud

By PARIS ACHEN  
Capital Bureau

SALEM — Secretary of State Dennis Richardson may lack the authority to change rules he has proposed for collecting initiative petition signatures in Oregon, according to a preliminary review by the Legislature's lawyers.

Richardson, a Republican, wants to allow petitioners to gather signatures while an official ballot title is still being drafted or remains in dispute. The ballot title is intended to be a neutral summary of what the initiative does.

Richardson says his intention is to stop opponents of an initiative from delaying signature gathering by filing a legal challenge of a ballot title's wording.

"The reason the secretary has proposed this rule is to empower grassroots activists and improve the democratic process," said Steve Elz-

inga, governmental and legal affairs director in the Secretary of State's Office. "It's unfortunate that the coalition of groups currently in power are opposing changes that will empower the people of Oregon."

Critics say such changes would reverse restrictions that the Legislature and Richardson's predecessors put in place in the past several years to combat signature fraud by paid petitioners.

"The idea ... was you don't want people to gather signatures without a neutral title because that could potentially mislead the voters," said state Rep. Dan Rayfield, D-Corvallis.

Rayfield, who is a lawyer, requested the opinion from Legislative Counsel on the proposed rule change.

Richardson said his intention is that petitioners would have to show voters the full text of their initiative in place of the official ballot title.

Deputy Legislative Counsel Dan Gilbert issued a pre-

liminary opinion that the proposed change may be outside the secretary of state's jurisdiction, because it would go against "legislative policy choice" on the signature gathering process.

The secretary of state's rule-making authority is limited to administering legislatively enacted laws and policies and does not grant the secretary "authority to adopt administrative rules that alter legislative policy determinations," Gilbert wrote.

Elzinga said he is still reviewing Gilbert's analysis. However, Elzinga, Richardson and Elections Director Steve Trout, who are all lawyers, and two outside lawyers reviewed state law and concluded the secretary of state has authority to change the rule.

The two outside lawyers were Dan Meek of the Oregon Independent Party and Eric Winters, who champions conservative causes. Both men

have been advocates of less restrictive policies that support grassroots democracy efforts.

The secretary of state did not seek an opinion from the Attorney General's Office, Elzinga said.

"Whenever we sent a request to the attorney general, they bill us for their time so when there is something clear we have legal authority, we don't send (a request)," he said.

More than 20 people commented on the proposed rule change Friday. Another 80 comments have come in via email, Elzinga said.

Oregonians may submit comments on the proposed rule change until Sept. 14, after which Richardson can formally adopt it.

Rayfield said there is interest in challenging the rule in court if it moves forward, but opponents of the change are hopeful their formal comments will help Richardson "see the light."

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Dennis Richardson

# Hagnas: Case a quarter century in the making

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"It's just an accusation. It may be true. It may not be true," Clatsop County District Attorney Josh Marquis said. "There's a process that's often maddening for victims to go through, but they have to go through it."

Meanwhile, Hagnas continued to foster his reputation through volunteer work and by handing out candy to children. He was particularly known for helping to clean up the much-maligned Ocean View Cemetery, and many referred to him as the "candy man."

Ten years after the 2005 report, Hagnas allegedly committed five more sex crimes against two other girls under 13 years old. Those acts were allegedly committed on cemetery grounds.

The new crimes were

reported in fall 2015. The reports from different sources, though separated by a decade, strengthened the case.

"Having the two cases support each other like that really bolsters each case," Clatsop County Sheriff's Detective Ryan Humphrey said.

But police still had work to do.

For the next year and a half, police continued to talk to witnesses and alleged victims. Because of the lengthy process that had led to nothing at that point, those involved in reporting the crimes in 2005 were skeptical. Much of that time was spent repairing relationships.

"It can be difficult sometimes when they don't trust law enforcement's ability to do anything," Humphrey said.

Families of the victims, who were friends with Hagnas, were aware of the allegations and able to keep the children away from him. Because he was no longer viewed as a danger to the alleged victims and due to the need to mend relationships, other cases with higher risks for danger to victims took priority.

"It's kind of a slow process," Humphrey said. "Unfortunately that's just a judgment call that I have to make."

Humphrey was finally able to submit the case to the District Attorney's Office for review about a month ago, leading to last week's indictment and arrest.

When Marquis spoke at Hagnas' arraignment Monday, it marked the beginning of a case a quarter century in the making. Hagnas' volunteer work and generosity will be largely irrelevant in court proceedings. Instead, the District Attorney's Office will build a case based on the alleged continuation of Hagnas' dark past life.

"Your honor," Marquis said, "Mr. Hagnas has a long, concerning history."

# ACLU: Marquis says reforms go too far

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"Too many elected district attorneys are unwilling to change," said the voice-over. "It's time we hold them accountable."

Clatsop County District Attorney Josh Marquis calls the campaign a misleading effort aided by "out of state special interests" in both the left and the right. He noted that the ACLU announcement name-drops President Donald Trump, who has no connection to Oregon district attorneys, calling it a "sleazy tactic."

The multiyear ACLU campaign, conducted in partnership with the liberal advocacy group The Bus Project, is part of a larger national effort spearheaded by the Open Philanthropy Project, a group funded in part by Dustin Moskovitz, a Facebook co-founder. The project aims to encourage liberal candidates to run for district attorney while "reducing the degree of deference that legislators and media outlets give to prosecutors' positions on criminal justice reform issues."

A similar campaign was recently unveiled in California, called Meet Your DA.

The ACLU of Oregon received \$145,000 in seed money from the Open Philanthropy Project in March to support its local efforts. The campaign has hired director Daniel Lewkow, formerly a political director for Common Cause Oregon, to staff it.

Rogers said the ACLU is not directly engaging in elections, but he understands that other groups are recruiting candidates. He said a major focus of the campaign will be to highlight how the Oregon District Attorneys Association has obstructed criminal justice reforms in Salem that



Joshua Bessex/The Daily Astorian  
District Attorney Josh Marquis calls the ACLU's advocacy campaign misleading.

seek to reduce the use of prison time, increase racial profiling reporting and publicize the inner workings of grand juries that prosecutors use to charge crimes.

The association is "the primary roadblock to moving criminal justice reform at the Legislature and also at the local level," Rogers said. "We've got this powerful set of elected leaders who have been flying under the radar of the general public. So, they have high levels of job security and low levels of accountability. That's a bad combination for justice."

Clackamas District Attorney John Foote spearheaded the district attorneys' research into the justice system. He said criminal justice data shows Oregon has embraced a "middle-of-the-road approach."

"This is not the ACLU we grew up with," Foote added. "This is a political action committee masquerading as a nonprofit."

Marquis, for his part, says recent reforms go too far in moving away from accountability for criminals, while prosecutors remain accountable. "I report to voters. I have seven times since 1994. Who does the ACLU 'report to?'" Marquis said.

Of course, even certified nonprofits can engage in voter education without crossing a line of legal propriety by getting active in partisan or candidate elections. District attorney elections are nonpartisan by definition.

Former Multnomah County deputy prosecutor Chuck French says of the new ACLU campaign, "I think it's fine. I don't agree with their policies that they might recommend. But a lot of prosecutors are somehow suggesting that there's something unseemly about an organization running a political campaign in a democracy. They're entitled to do that."

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