

EDITORIALS & OPINIONS

The Bulletin
AN INDEPENDENT NEWSPAPERHeidi Wright Publisher
Gerry O'Brien Editor
Richard Coe Editorial Page Editor

Should Oregon stick with mandatory minimum sentences?

What is fair punishment for a murder, a rape or compelling someone into prostitution? How long should someone be in jail? Should there be a minimum sentence or should that depend on the circumstances?

After voters passed Measure 11 in 1994, Oregon has mandatory minimum sentences for serious crimes. It's 25 years for murder. It's eight years and 4 months for Rape 1. It's five years and 10 months for compelling prostitution. A judge in Oregon generally has no choice but to at least impose the minimum.

The idea behind mandatory minimums is that certain crimes deserve a base level of punishment. A judge could be more severe, but not less. Mandatory minimums also ensure certainty for the public that criminals get similar sentences for similar crimes. Some argue, though, mandatory minimums don't achieve justice. Judges aren't allowed enough discretion for the facts of a case or the absence of a criminal history of a convicted individual.

This legislative session, Senate Bill 401 would convert Oregon's mandatory minimums for certain felonies to presumptive sentences, excluding murder. Judges could give greater or lesser sentencing. Judges could judge. It will almost inevitably mean shorter sentences for many people convicted of violent crimes.

The Oregon District Attorneys Association does not want the change. Three district attorneys have come out in favor of the bill, including Deschutes County District Attorney John Hummel.

Two justifications for keeping Measure 11 are voters voted for it and state crime rates dropped after it passed. "When voters passed Measure 11 in 1994, violent crime rates in Oregon were at historically high levels. Since the passage of Measure 11, violent crime dropped by over 50%, to its lowest level since the 1960s. While violent crime declined nationwide during this period, Oregon violent crime declined more than anywhere else in the na-

tion," Oregon's District Attorneys Association said in its testimony.

Hummel argued it's hard to know exactly if Measure 11 was responsible or contributed significantly to the drop in crime. Correlation is there. Causation is difficult to prove.

The Oregon District Attorneys Association points out that mandatory minimum sentences are not absolutely mandatory. If judges make particular findings in court, they can impose less prison time or even no prison time in some cases. Some argue Measure 11 sentencing has an advantage because it makes decisions based on conduct, not skin color.

Hummel, along with Mike Schmidt, the Multnomah County DA, and Matt Ellis, the Wasco County DA, highlighted in their testimony what has been a concern about what mandatory minimum sentencing does to the legal system. It concentrates more power in the hands of district attorneys instead of judges. DAs can use the threat of a Measure 11 charge as clout in negotiations behind closed doors. "In a system of criminal justice where over 90% of cases are resolved via plea offer rather than trial, the incredible leverage provided by (Ballot Measure) 11 provides prosecutors — and prosecutors alone — the ability to decide the sentence by voluntarily declining to pursue a BM 11 charge, often by electing to reduce a charge to a lesser offense or an 'attempt,'" they wrote.

We aren't going to tell you what you should think about Measure 11 or the proposed changes to it in SB 401. We do believe judges are in the best position to determine what is just punishment. The changes in SB 401 would not wash away problems. But it does tilt more power into the hands of judges where we believe more power belongs.

Plan to control health costs may not share your priorities

The cost of health care is growing faster than the wages of Oregonians. Deductibles and premiums keep climbing and household income is not keeping up.

What should Oregon do? A state committee is working right now on putting a lid on the growth in health care costs. It meets again Monday.

Under the plan, Oregon would set a health care cost growth target. Insurance and provider cost growth would be compared to the target and reported to the public. If costs exceed the target, insurers and providers would have to improve or would get punished. The proposed target is 3.4% through 2025 and then 3% until 2030.

How Oregon executes this plan raises many fascinating questions

that we don't have room to discuss in this short editorial. One issue that got our attention is punishment for those who exceed the cap or refuse to participate. The plan is for a "meaningful financial penalty" to be made with concern for the financial solvency of the business. But "others felt that there should be no guarantee that 'flagrant offenders' who continue to exceed the cost growth target should remain in business."

What will that mean for the idea of profit? What will it mean for the quality of care, availability of care, options for care? We don't mean to suggest the committee isn't thinking about those things, too. But does it assign them the same priority as you do? Read more at tinyurl.com/theoregoncap.

STAFF
©2021
THE BULLETIN
CONTENT
AGENCY

The evolution of Bend's parking

BY MIKE WALKER

Parking in Bend has evolved over the last fifteen years and for many residents, not in a good way. This article describes how Bend's parking requirements have evolved in preparation for the upcoming April 21 City Council work session on parking.

The starting point is the 2006 rewrite of the development code, which relied on encouraging on-street parking to reduce off-street parking. For example, restaurant parking requirements were reduced by 70% and medical offices by 57%.

Another "reduction" came with a smorgasbord of parking credits options that an applicant can use to further reduce their parking requirements by another 20%. For example, credits were allowed for providing lockers and showers or having a transit line within 660 feet.

In 2016-17, city staff advocated the "right-size" parking movement, which is based on gathering data on local parking demand to strike a balance between local parking supply and local parking demand. This movement was started by Donald Shoup, a professor at UCLA who documented a significant over-supply of parking in many metropolitan areas where transportation planners used "suburban" parking requirements in urban environments. The Downtown Bend, Galveston Avenue and citywide parking studies completed in 2017 all used the principles of "right-size" parking.

Meanwhile, the 2016 urban growth boundary expansion adopted lower parking requirements for "mixed-use" projects and in the Bend Central

GUEST COLUMN

District. In 2019, the parking requirements in the Bend Central District were reduced even further.

In August 2019, the Oregon Legislature passed HB 2001 requiring "middle housing" in all areas where single-family housing is allowed. Plus, no city regulation could cause unreasonable cost or delay to middle housing. DLCD, the state agency tasked with providing "technical assistance" to communities, began a yearlong process to draft new state regulations. Parking requirements were a constant point of contention in the DLCD's committees drafting these proposed regulations. In the last DLCD committee meeting on Nov. 24, Bend's Planning Division representative lobbied unsuccessfully to remove an option that would allow the community to continue to choose their parking requirements. On Dec. 9, the Land Conservation and Development Commission wisely adopted regulations that allowed three paths to compliance, which included the path allowing communities to choose their parking requirements.

Bend immediately began the process to bring Bend's development code into compliance. An ad hoc committee has been meeting every two weeks, and parking requirements are a point of contention. In the initial meeting, staff claimed there was only two paths to compliance. When some members pointed out the existence of the third path (community's choice), staff stonewalled any efforts to use this third path by claiming the proof

required for the third path was too hard for staff to handle.

In committee meetings, "urbanists" argue that reducing or eliminating off-site parking requirements would remove barriers to affordable housing. "Right-size" advocates argue that reducing or eliminating off-street parking requirements will not achieve the benefits claimed by the urbanists and lead to burdening adjacent existing businesses and residents.

In February, Councilor Melanie Kebler requested and was granted a work session to consider the elimination of minimum off-street parking requirements for all new development. Urbanists argue that this new trend ("social engineering by force") is necessary to shift the community to tall, mixed-used urban cores and more walkable neighborhoods.

In response, a group of neighborhood association land use chairs compiled months of research on this new trend and created doesparkingmatter.com to display both sides of the issue. A survey was sent to members of neighborhood associations to gauge members' opinion. The survey is available to anyone at the website. The sponsors of the website support right-size parking requirements based on local data and a community dialogue. Urbanist believe off-street parking will still occur, but they want the community to trust developers to decide how much. The council needs to hear the community's voice (one of council's new goals).

■ Mike Walker is a retired civil engineer who worked over 40 years in land development including the redevelopment and management of two multi-tenant properties in Bend.

Letters policy

We welcome your letters. Letters should be limited to one issue, contain no more than 250 words and include the writer's signature, phone number and address for verification. We edit letters for brevity, grammar, taste and legal reasons. We reject poetry, personal attacks, form letters, letters submitted elsewhere and those appropriate for other sections of The Bulletin. Writers are limited to one letter or guest column every 30 days.

Guest columns

Your submissions should be between 550 and 650 words; they must be signed; and they must include the writer's phone number and address for verification. We edit submissions for brevity, grammar, taste and legal reasons. We reject those submitted elsewhere. Locally submitted columns alternate with national columnists and commentaries. Writers are limited to one letter or guest column every 30 days.

How to submit

Please address your submission to either My Nickel's Worth or Guest Column and mail, fax or email it to The Bulletin. Email submissions are preferred.

Email: letters@bendbulletin.com

Write: My Nickel's Worth/Guest Column
P.O. Box 6020
Bend, OR 97708

Fax: 541-385-5804

Editorials reflect the views of The Bulletin's editorial board, Publisher Heidi Wright, Editor Gerry O'Brien and Editorial Page Editor Richard Coe. They are written by Richard Coe.

Beverly Cleary taught girls to asked to be loved for who they are

BY MONICA HESSE

The Washington Post

Among the many indignities endured by Ramona Quimby is a midyear progress report sent home by her first grade teacher, which informs her parents that she is a busybody and needs "to learn to keep her hands to herself." Ramona, devastated and misunderstood, tries to explain: she wasn't bugging her seatmate, she was trying to help him. She was doing her very best.

There, in the penultimate chapter of "Ramona the Brave," our 6-year-old heroine collapses in tears. Her mother pats her back and murmurs, "What are we going to do with you?"

And then: "With red eyes, a swollen face, and a streaming nose, Ramona sat up and glared at her mother. 'Love me!'"

Ramona, sigh. Headstrong and exasperating and grubby and irrepresible. She tries to crack a hard-boiled egg on her head; it turns out the egg is raw. Her sheep costume isn't finished in time for the Nativity play; she is forced onstage in her pajamas. The family's cat passes away, and though he never liked Ramona anyway she still frets over the correct liturgy for a feline funeral.

Beverly Cleary, whose death at 104 was announced Friday, first introduced Ramona as a minor character in a different children's novel. But over the next 50 years and eight books she became her own protagonist, a real girl suffering the real problems of childhood, in all of their smallness and their enormity.

"She does not suffer fools. She is full of vim and vigor," wrote Amy Poehler

in the forward of a recently rereleased Romana novel. "Ramona was a pest! She was irascible and uncompromising! She was allowed to be angry and not afraid to stand up to boys!"

Today these traits would be unremarkable for a female literary heroine — standard, even, obsessed as we are now with the hazy notion of "strong female characters." In 1950, when Ramona made her first appearance, they were not unremarkable; they were trailblazing. Cleary took every attribute that girls were then warned away from — bossiness, brashness, hot temper — and she tucked them all into one character. And then she made that character into an inspiration.

"Upon a cursory read, it might be tempting to describe Ramona as mischievous, but Cleary herself has protested against this accusation, and

with good reason," read a LitHub analysis of the character from a few years ago. "Ramona loves the world with ferocity; she does not so much want to disturb it as she yearns to discover, to turn it over, examine every piece and crook and marvel at why each creature, commodity, and substance exists the way it does."

First lady Jill Biden put it more simply. "Millions of girls saw themselves in Ramona Quimby," she tweeted on Friday. "Thank you from all the 'pests' out there."

To identify with Ramona Quimby was to understand that the world didn't fit you yet, but it might one day. To hold your loved ones to high standards, and yourself to even higher ones. To belt out "99 Bottles of Beer on the Wall" at top volume in the middle of a rainstorm and to — just once, just

for the bragging rights — get all the way down to one bottle of beer.

To identify with Ramona Quimby was to never question whether you were too improper, too loud, too much. To demand that space be made for you, and for all the girls like you, who have more than once heard someone murmur, "What are we going to do with you?"

Love me.

Love me.

What a brave and beautiful request. Some days we are all snout-filled and red-eyed, wishing the world would better understand us.

Some days we are not princesses or princes; we are grubby, unyielding, irrepresible children, asking for the one thing every one of us deserves.

■ Monica Hesse is a Washington Post columnist writing about gender and its impact on society.