Mayor and Members of the City Council

STAFF REPORT

For the Meeting of October 26, 2026

Title/Subject

Ordinance No. 2385 – Amend Article V of Chapter 33 titled Initiative and Referendum

Summary and Background

The City Council met on September 28, 2026 and on October 12, 2026, and was asked to consider a proposed ordinance that amends Article V of Chapter 33 of the Hermiston Municipal Code to establish a residency requirement for persons filing initiative or referendum petitions for City measures. The amendment clarifies that a person filing such a petition must be a resident of the City of Hermiston.

Oregon Constitution, Article IV, section 1(5), reserves the initiative and referendum powers to the qualified voters of each municipality as to all local, special, and municipal legislation.

Section 33.60 of the Hermiston Municipal Code provides that, except as otherwise provided in Chapter 33, the general laws of the State of Oregon concerning initiative and referendum apply to any initiative or referendum of a City measure.

ORS 250.265 through 250.346 establish the procedures for initiative and referendum petitions relating to city measures. Under ORS 250.265, before circulating a petition to initiate or refer a city measure, the petitioner must file a prospective petition with the city elections officer. The statute designates chief petitioners but does not specify residency or other qualifications for the person filing the prospective petition.

Currently the only additional requirement related to initiatives and referendums is HMC 33.62 which establishes certain filing deadlines and procedures for initiative petitions.

Chapter 33 does not expressly identify who is qualified to file an initiative or referendum for a City measure. ORS 250.005(2) defines "elector" as "an individual qualified to vote under section 2, Article II, Oregon Constitution.

Requiring a person filing an initiative petition or referendum petition for a City measure to be a resident of the City of Hermiston promotes local accountability and ensures that those seeking to place measures on the City ballot have a direct stake in the outcome of such measures. It will ensure that local legislation is initiated and referred by members of the community who will be governed by the resulting enactments and who are directly affected by City policies. The

proposed resident requirement will apply only to the person filing the prospective petition with the City elections officer, not to petition circulators or signers.

At the September 28 meeting, the city council heard from staff, asked questions, and provided comments regarding the amendment. The council was not unanimous in a roll call vote to approve the proposed ordinance at a single meeting. The council did vote unanimously to move the proposed ordinance to a second meeting for possible approval at the next meeting.

The City Council met on October 12, 2026, with five council members and the Mayor present for a second meeting to approve Ordinance No 2385. The motion was made to approve the ordinance and the council voted 4-1 in favor, but for an ordinance to pass under the city charter rules, 5 councilors must vote in favor to approve so the ordinance failed. A motion was called to reconsider approval of the ordinance and the councilors present voted unanimously to reconsider at the next meeting.

Tie-In to Council Goals

N/A

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

1. Adopt Ordinance No. 2385
2. Amend Ordinance No. 2385
3. Reject Ordinance No. 2385

Recommended Action/Motion

Motion to approve Ordinance No. 2385 as presented

Submitted By:

Richard Tovey

Byron Smith