

# LOC Bulletin



August 11, 2017

## Oregon Supreme Court Announces Decision in Veterans' Preference Case

The Oregon Supreme Court released its opinion Thursday in *Multnomah County Sheriff's Office v. Edwards*. The League participated in this case as an *amicus*.

In its ruling, the court clarified how public employers—including cities and counties—must give a preference to job applicants who are veterans or disabled veterans when using an unscored examination as part of its hiring process. The court held that when a public employer uses an unscored application examination, it must create a stable, discernable plan for granting a preference prior to the application examination, rather than using an *ad hoc* process.

In *Edwards*, the Multnomah County Sheriff's Office posted an internal recruitment for a promotion from sergeant to lieutenant. Three candidates applied, including a disabled veteran. After an initial screening, the county used an unscored examination process to determine which candidate would get the promotion. The veteran candidate didn't get the job, and subsequently filed a complaint with the Oregon Bureau of Labor and Industries (BOLI). After an investigation, BOLI determined that the county violated veterans' preference law by failing to "devise and apply [a] metho[d]" for granting a preference to veterans, as required by ORS 408.230(2)(c). BOLI also held that the county violated one of BOLI's own administrative rules that requires a preference at each stage of the application process. Finally, BOLI ordered the county to adopt a veterans' preference method and pay damages for Edwards' emotional distress. The Oregon Court of Appeals affirmed.

On review, the county argued that BOLI and the Court of Appeals erroneously interpreted the requirements of the veterans' preference law. The Oregon Supreme Court disagreed, concluding that the law required employers to devise a stable, coherent method for granting a preference to veteran and disabled veteran applicants when using an unscored examination process.

City officials are encouraged to consult with their city attorney regarding veterans' preference and the *Edwards* decision, to ensure that their city's hiring practices conform with the law.

Contact: Philip Thoennes, Assistant General Counsel – [pthoennes@orcities.org](mailto:pthoennes@orcities.org)

### IN THIS ISSUE

- [Oregon Supreme Court Announces Decision in Veterans' Preference Case](#)
- [Region Three Population Forecasts Completed](#)
- [OLCC Needing Email Addresses for Marijuana Tax Certification](#)
- [League Publishes New FAQ on Assessing Fees for the Production of Public Records](#)
- [August Local Focus Now Online](#)
- [Cities Encouraged to Share Their News in Local Focus](#)
- [59 Cities Complete the LOC Water Rates Survey](#)
- [ODOT Drive Less Challenge Coming Up](#)



## Region Three Population Forecasts Completed

Portland State University's Population Research Center (PRC) has released its final population forecasts for all cities in Benton, Clatsop, Columbia, Lincoln, Linn, Marion, Polk, Tillamook and Yamhill counties. They also released finalized forecasts for cities in Clackamas and Washington counties that are outside of the Metro jurisdiction.

Cities in these counties must use the final numbers from the PRC when updating their comprehensive plans or making land use decisions that are dependent on population forecasts, unless the city issued a public notice of a decision prior to June 30 or is working under a periodic review plan approved by the director of the Oregon Department of Land Conservation and Development. Final forecast reports are available [here](#).

**Contact:** Erin Doyle, Intergovernmental Relations Associate – [edoyle@orcities.org](mailto:edoyle@orcities.org)

---

## OLCC Needing Email Addresses for Marijuana Tax Certification

Today the League learned more details regarding the process for a city to certify its eligibility for state marijuana tax distributions, and the timelines are short. The Oregon Liquor Control Commission (OLCC) will require quarterly electronic certifications—to be accomplished by responding to a “Survey Monkey” request that will be distributed by email. The League will compile an initial city email list (one email per city) and provide it to the OLCC, which will then be responsible for updating and administering the list thereafter. **Cities are asked to provide the email address for receiving the quarterly OLCC certification link to the League by Monday, August 21.** This information can be sent to [jjones@orcities.org](mailto:jjones@orcities.org). It can be a specific person's email, or a generic city email that is checked regularly. The League will provide an appropriate default email address to the OLCC from its database records if a city has not responded by August 21. The OLCC plans to email the first certification links the week of August 21, and certification is due September 5 (second business day of the third month of the quarter).

**Contact:** Wendy Johnson, Intergovernmental Relations Associate – [wjohnson@orcities.org](mailto:wjohnson@orcities.org)

## IN THIS ISSUE

- [Oregon Supreme Court Announces Decision in Veterans' Preference Case](#)
- [Region Three Population Forecasts Completed](#)
- [OLCC Needing Email Addresses for Marijuana Tax Certification](#)
- [League Publishes New FAQ on Assessing Fees for the Production of Public Records](#)
- [August Local Focus Now Online](#)
- [Cities Encouraged to Share Their News in Local Focus](#)
- [59 Cities Complete the LOC Water Rates Survey](#)
- [ODOT Drive Less Challenge Coming Up](#)

## League Publishes New FAQ on Assessing Fees for the Production of Public Records

Oregon's public records law permits cities to charge fees to the requestor of a public record to cover the costs the city incurs in responding to the request. The League has developed a Frequently Asked Questions (FAQ) document which provides basic information on the guidelines and rules applicable to the assessment of fees for the production of public records.

The FAQ is not meant as a substitute for legal advice, and city officials are encouraged to speak with their city attorney if they have further questions or concerns.

The document can be viewed [here](#), as well as on the League website in the Library, under the Publications tab.

**Contact:** Patty Mulvihill, General Counsel – [pmulvihill@orcities.org](mailto:pmulvihill@orcities.org)

---

## August Local Focus Now Online

The latest edition of *Local Focus*, the League's monthly magazine, is available [here](#). On the cover this month: 2017 Legislative Session: How Cities Fared.

**Contact:** Kevin Toon, Communications Director – [ktoon@orcities.org](mailto:ktoon@orcities.org)

---

## Cities Encouraged to Share Their News in Local Focus

Tigard and Millersburg are the cities most recently highlighted in the pages of *Local Focus* for their new projects, noteworthy accomplishments, awards and good works. Does your city have a similar story to tell? To view the most recent news reported by cities in LOC's City News pages, click [here](#).

**Contact:** Send your city's news to Kevin Toon, Communications Director – [ktoon@orcities.org](mailto:ktoon@orcities.org)

## IN THIS ISSUE

- [Oregon Supreme Court Announces Decision in Veterans' Preference Case](#)
- [Region Three Population Forecasts Completed](#)
- [OLCC Needing Email Addresses for Marijuana Tax Certification](#)
- [League Publishes New FAQ on Assessing Fees for the Production of Public Records](#)
- [August Local Focus Now Online](#)
- [Cities Encouraged to Share Their News in Local Focus](#)
- [59 Cities Complete the LOC Water Rates Survey](#)
- [ODOT Drive Less Challenge Coming Up](#)

## 59 Cities Complete the LOC Water Rates Survey

The League would like to thank its members for taking the time to review and complete the 2017 Water Rate Survey. The League regularly updates this data, which provides valuable insight on city drinking water, wastewater and stormwater rates. The data is compiled in a manner that can allow cities to compare rates based on geography/region, population and services provided. This data can also assist the League in advocating for more funding for water-related infrastructure and help ensure that new water policies and regulations do not result in excessive burdens for ratepayers or decreased service levels.

The deadline for cities to respond to the survey is 5:00 p.m. on **August 25**.

The League also would like to thank the following 59 cities for responding as of August 10:

Adams	Falls City	Mt. Angel	Shaniko
Antelope	Florence	Mt. Vernon	Siletz
Banks	Gates	Myrtle Point	Sodaville
Beaverton	Grants Pass	Nehalem	Spray
Canyon City	Haines	North Powder	St Paul
Cascade Locks	Halfway	Nyssa	Stanfield
Coquille	Imbler	Pendleton	Sweet Home
Cottage Grove	Irrigon	Philomath	Tangent
Creswell	Jordan Valley	Redmond	Tigard
Dayton	Lebanon	Richland	Ukiah
Dufur	Lostine	Rogue River	Vale
Dundee	Malin	Salem	Waldport
Dunes City	McMinnville	Sandy	Willamina
Echo	Mitchell	Scio	Wood Village
Estacada	Mosier	Seneca	

**Contact:** Paul Aljets, Research Coordinator – [paljets@orcities.org](mailto:paljets@orcities.org)

## IN THIS ISSUE

- [Oregon Supreme Court Announces Decision in Veterans' Preference Case](#)
- [Region Three Population Forecasts Completed](#)
- [OLCC Needing Email Addresses for Marijuana Tax Certification](#)
- [League Publishes New FAQ on Assessing Fees for the Production of Public Records](#)
- [August Local Focus Now Online](#)
- [Cities Encouraged to Share Their News in Local Focus](#)
- [59 Cities Complete the LOC Water Rates Survey](#)
- [ODOT Drive Less Challenge Coming Up](#)

## ODOT Drive Less Challenge Coming Up

The Oregon Department of Transportation (ODOT) is holding the fifth annual Oregon Drive Less Challenge from September 16-30. The purpose of the challenge is to promote the use of alternatives to driving alone, thus maximizing the capacity of the state's transportation system, reducing congestion and improving air quality. Cities are encouraged to join with ODOT in promoting the program.

To find out more about the Oregon Drive Less Challenge, go to [www.DriveLessConnect.com](http://www.DriveLessConnect.com).

**Contact:** Craig Honeyman, Legislative Director – [choneyman@orcities.org](mailto:choneyman@orcities.org)



For more information on LOC programs and services, visit:

[www.orcities.org](http://www.orcities.org).

Follow the League on Twitter: [@OregonCities](https://twitter.com/OregonCities),  
and on Facebook: [facebook.com/LeagueOfOregonCities](https://facebook.com/LeagueOfOregonCities).

---

## IN THIS ISSUE

- [Oregon Supreme Court Announces Decision in Veterans' Preference Case](#)
- [Region Three Population Forecasts Completed](#)
- [OLCC Needing Email Addresses for Marijuana Tax Certification](#)
- [League Publishes New FAQ on Assessing Fees for the Production of Public Records](#)
- [August Local Focus Now Online](#)
- [Cities Encouraged to Share Their News in Local Focus](#)
- [59 Cities Complete the LOC Water Rates Survey](#)
- [ODOT Drive Less Challenge Coming Up](#)