



Declaration of Sarah Hanson ¶ 1). “Any person interested” could have appeared in this action within ten (10) days after the last date of publication of the notice and summons. ORS 33.720(3). The final notice was published April 21, 2021. (See Declaration of Sarah Hanson ¶1). Two parties filed appearances within the 10 day deadline required by statute. The Movants did not move to appear in this action until May 24<sup>th</sup>, 2021 weeks after the due date to file under ORS 33.710 to 33.720.

In addition to the publication of Notice and Summons referred to above, the County took several other steps to provide notice to the public. The Ordinance was published on the March 10, 2021 and March 31, 2021 agendas for the Board of County Commissioners (Declaration of Sarah Hanson ¶2). At the time of the first reading of the Ordinance, a statement was read describing the validation proceeding. (See Declaration of Sarah Hanson, ¶2). Anyone could have listened to that statement live during the Board meeting or by later accessing the recording on the County’s website. After the first reading of the Ordinance, the date and time for the second reading was publicly announced. (See Declaration of Sarah Hanson, ¶2). In addition, on April 2, 2021, Columbia County issued a press release which set out the validation proceeding timeline. The press release was posted to the County’s Facebook page. (See Declaration of Sarah Hanson, ¶5). The press release clearly stated the timing for participation in the validation proceedings. (See Declaration of Sarah Hanson, ¶5). According to the County’s Facebook page, the post was widely shared, including to a Facebook group moderated by Traci Brumbles and Larry Erickson. (See Declaration of Sarah Hanson, ¶ 7).

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230 Strand, Room 20  
St. Helens, Oregon 97051  
503-397-3839

Furthermore, the validation proceeding was well publicized in the media. The St. Helens Chronicle and Sentinel Mist published an article in its March 31, 2021 edition which described the timing of the publication of notice and the validation process. (See Declaration of Sarah Hanson, ¶7). The Scappoose Spotlight published an article describing the validation process on April 16, 2021. (See Declaration of Sarah Hanson, ¶8). The Longview Daily News also ran an article on April 5, 2021 with the Headline “Columbia County Second Amendment Sanctuary Ordinance to Get Legal Review by Local Court, noting that this validation was filed. (See Declaration of Sarah Hanson, ¶8).

Petitioner made extensive efforts to notify the public of these proceedings. The opportunity to intervene was well publicized and transparent. Movant’s unfounded statements about some grand “conspiracy” and “scheme” to hide the proceedings from his clients are inaccurate and inflammatory.

As indicated above, jurisdiction under ORS 33.710 to ORS 33.720 is obtained by the Court by publication of the Notice and Summon. The statute does not require personal service to electors, or the initiatives’ chief petitioner, Mr. Brumbles. Nevertheless, the County was prepared to send Mr. Brumbles notice directly until it became clear that was unnecessary because he already had actual notice of the proceedings. (See Declaration of Sarah Hanson, ¶6). Specifically Mr. Brumbles had actual knowledge of the proceedings as early as April 7, 2021 as evidenced by the email he sent to the Board of County Commissioners stating, in part:

“A recent email from my Attorney confirmed some of my suspicions when he had this to say: ‘Should not be able to validate a ballot measure. They are pulling some monkey business’”.

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(See Declaration of Sarah Hanson, ¶6). Knowing that Mr. Brumbles and his attorney had actual knowledge of the validation proceedings, it was unnecessary to send a courtesy copy of the Summons and Petition to Mr. Brumbles. Petitioner fully anticipated that Mr. Brumbles would respond through his attorney within the deadline.

In further response to Movant's motion to intervene, Petitioners must correct inaccurate and misleading statements in Movant's motion. According to Movant's motion, as evidence of Petitioners purported "scheme" and "plot" to hide the proceedings from the public, they allege the County deleted penalties contained in Section 4 of the initiatives. Penalties contained in the SAPO and SASO are built into the Ordinance, as Sections 5 and 6 of Exhibit 1 to the Ordinance. The title "penalty" was deleted from Section 4 of Exhibit 1 because that word does not accurately describe the contents of that Section, but the substance of the two initiatives is intact. In addition, Movants cite as evidence of its fabrication that the County deleted the severability clause. However, the severability clause is clearly set out in Section 5 of the Ordinance, as clearly demonstrated in its prayer.

Finally, in another fabricated allegation Movants state repeatedly that Petitioner seeks to invalidate the Ordinance. This is patently untrue and unsupported. Petitioner seeks review of the validity of the Ordinance due to legal questions it has identified as arising from it. In order to do this Petitioner has set out for the Court the specific provisions of the Ordinance for which it seeks review due to the identified legal questions.

Notwithstanding Movants' actual knowledge of the Ordinance and validation proceeding, Petitioner does not object to their motion to intervene because it is Petitioner's desire to have

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Chief Petitioner's voice heard in this matter. If the Court denies Movants' Motion to Intervene, however, Petitioner respectfully requests that the Court grant Movants amici style participation in the proceedings.

Dated this 4th day of June, 2021.

*s/ Sarah Hanson*

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Sarah Hanson, OSB 983618  
County Counsel  
Of Attorneys for Columbia County

Office of County Counsel  
230 Strand, Room 20  
St. Helens, Oregon 97051  
503-397-3839

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2021, I served the foregoing PETITIONERS RESPONSE TO MOTION TO INTERVENE OF RAVEN CHRIS BRUMBLES, GUN OWNERS OF AMERICA, INC., GUN OWNERS FOUNDATION, OREGON FIREARMS FEDERATION, LARRY ERICKSON, KEITH FORSYTHE, AND RUTH NELSON on:

Tyler Smith  
Tyler Smith and Associates, P.C.  
181 N. Grant Street, Suite 212  
Canby, Oregon 97013  
[tyler@ruralbusinessattorneys.com](mailto:tyler@ruralbusinessattorneys.com)

Steven Berman  
Stoll Berne  
209 SE Oak St. Ste 500  
Portland, Oregon 97204  
[sberman@stollberne.com](mailto:sberman@stollberne.com)

Brian Marshall  
Oregon Department of Justice  
100 SW Market St.  
Portland, Oregon 97201  
[Brian.s.marshall@doj.state.or.us](mailto:Brian.s.marshall@doj.state.or.us)

By email and efilng.

Dated this 4<sup>th</sup> day of June, 2021.

*s/ Sarah Hanson*

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Sarah Hanson, OSB 983618  
County Counsel  
Of Attorneys for Columbia County

Office of County Counsel  
230 Strand, Room 20  
St. Helens, Oregon 97051  
503-397-3839



attached hereto as Exhibit 2. After the Ordinance was read for the first time, the date of the second reading of the Ordinance and adoption was announced to be March 31, 2021.

3.

On March 31, 2021, I attended the Board of Commissioners regular meeting by video and reviewed the Agenda. The second reading of the Ordinance was listed as a matter on the Agenda, and an electronic link to the Ordinance was again provided on the Agenda. At that time, the Ordinance was read for the second time and subsequently unanimously adopted by the Board of County Commissioners.

4.

Board hearings are open to the public. While the Board of Commissioners was not meeting in person on either March 10, 2021 or March 31, 2021, the public was able attend either by Go-To-Meeting video or by phone. Members of the public who did not have access to the internet or a phone could have also come to the Columbia County Courthouse to view and participate in the meeting on County equipment. Both the March 10, 2021 and the March 31, 2021 meetings had time set aside for visitor comments. Copies of the agendas for March 10, 2021 and March 31, 2021 are attached hereto as Exhibits 3 and 4, respectively.

5.

On April 1, 2021, the County issued a press release announcing passage of the Ordinance and commencement of the validation proceeding. The press release provided detail about the publication of notice and summons and when that would occur, stating in part, "Notice and Summons to the county and all electors or interested persons will be posted once a week for the next three weeks. Any interested person will have ten days from the date of the final publication to appear and contest the regularity, legality, validity and effect of the Ordinance." I was informed that the Columbia County Public Information Officer send the press release directly to local media outlets, including to the local papers. The press release was also published on the County's website as well as the County's Facebook page. A copy of the press release is attached hereto as Exhibit 5.

6.

On April 7, 2021, I received an email written by Chris Brumbles and directed to the Columbia County Commissioners with the Subject line "FW:SAPO/SASO". The email stated in part, "A recent email



from my Attorney confirmed some of my suspicions when he had this to say: "Should not be able to validate a ballot measure. They are pulling some monkey business." A copy of this email is attached hereto as Exhibit 6. Based on this email my opinion was that Mr. Brumbles and his attorney were aware of the validation proceeding. Therefore, I did not feel the need to send him or his attorney a courtesy copy of the Petition and the Notice and Summons, both being available on the OECl. I was aware at that time that Mr. Smith has represented a client in a validation proceeding in the past, specifically in a case before this Court brought by the Columbia 9-1-1 Communication District, and that he is therefore familiar with the statutory process in ORS 33.710 to 33.720.

7.

On June 3, 2021, I examined the Columbia County Facebook post from April 2, 2021. The site showed that the post was shared by 57 people and there were 82 comments to the post. I was able to see some of the shares that were made. One such share was from Jenni Gilbert to the Columbia County Republicans Forum. I was able to then see the Columbia County Republicans Forum page which showed the administrators/moderators of the group. Among the administrators/moderators, Traci Brumbles was listed. I understand Traci Brumbles to be the wife of movant, Chris Brumbles. Also among the list of administrators/moderators of the group was movant, Larry Erickson. A copy of the Facebook page is attached hereto as Exhibit 7.

8.

I have reviewed several news articles related to the validation proceedings. The first article dated March 31, 2021 and updated April 15, 2021, was published in the St. Helens Chronicle. The headline of that article was "The Columbia County Second Amendment Sanctuary Ordinance is Now Under Review For Validation by the Columbia County Circuit Court." The second to last paragraph in that article explains, "Notice and summons to the county and all electors or interested persons will be posted once a week for the next three weeks. Any interested person will have ten days from the date of the final publication to appear and contest the regularity, legality, validity, and effect of the Ordinance." A copy of the article is attached hereto as Exhibit 8. The second article I reviewed was dated April 16, 2021, and published in the Scappoose Spotlight. A copy of the Spotlight article is attached hereto as Exhibit 9. The third article I reviewed was published in the Longview Daily News on April 5, 2021 with the headline,

"Columbia County Second Amendment Sanctuary Ordinance to Get Legal Review By Court". That article, like the others, refers t the validation proceeding as having been filed. A copy of the Daily News article is attached hereto as Exhibit 10.

I hereby declare that the above statements are true to the best of my knowledge and belief.

/s Sarah Hanson

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Sarah Hanson, OSB #983618

**AFFIDAVIT  
OF  
PUBLICATION**


COUNTY OF COLUMBIA  
STATE OF OREGON SS.

I, Jeremy Ruark, being first duly sworn, depose and say that I am The Publisher of The Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020, printed and published at St. Helens, in the aforesaid county and state; that the

Columbia County Counsel  
21CV12796  
CH21-1660

Was published 3 (three) successive and consecutive week(s) in the following issues:

April 7  
April 14  
April 21

  
\_\_\_\_\_  
Jeremy Ruark

Subscribed and sworn before me this

4<sup>th</sup> day of May, 2021

Kelli Nicholson

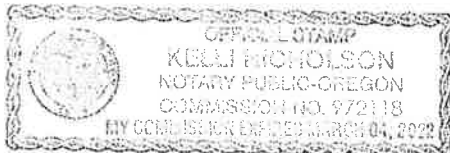
CH21-1660

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR  
COLUMBIA COUNTY IN THE MATTER OF THE PETITION**

of the Board of County Commissioners of COLUMBIA COUNTY, a political subdivision of the State of Oregon, Petitioner For a Judicial Examination and Judgment Of the Court as to the Regularity, Legality, Validity and Effect of the Proposed Columbia County Second Amendment Sanctuary Ordinance Case No: 21CV12796 NOTICE AND SUMMONS (Special Statutory Proceeding; ORS 33.710 to 33.720; No Jury Trial Available) IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF COLUMBIA TO: Columbia County, a political subdivision of the State of Oregon, and to all qualified electors, freeholders, taxpayers, and other interested persons: NOTICE AND SUMMONS is given that a petition has been filed in the Circuit Court for Columbia County by the Board of County Commissioners of Columbia County, Oregon. The Case Number is 21CV12796. The petition was filed under authority of

ORS 33.710 to 33.720. The purpose of the petition is to request the court to conduct a judicial examination and issue its judgment as to the regularity, legality, validity and effect of Ordinance 2021-1, Declaring a Second Amendment Sanctuary in Columbia County, which was adopted on March 31, 2021. The Ordinance implements Initiative Measure 5-270, entitled "Second Amendment Preservation Ordinance", which as passed by the electors of Columbia County at the general election on November 6, 2018, and Initiative Measure 5-278, entitled "Second Amendment Sanctuary Ordinance", which was passed by the electors of Columbia County at the general election on November 3, 2020, while correcting scrivener's errors and while preserving the intent of the voters. Notice is further given that this Notice and Summons will be published once a week for three (3) successive weeks on April 7, 2021, April 14, 2021,

and April 21, 2021, in The Chronicle, a newspaper of general circulation in Columbia County, and that jurisdiction of the Circuit Court shall be established over the County, the electors, freeholds, taxpayers and other interested persons without naming them individually within ten (10) days after the final date of publication of this Notice and Summons. Notice is further given that any interested person may, at any time before the expiration of the ten (10) day period after final publication of the Notice and Summons, appear and contest the regularity, legality, validity and effect of Ordinance No. 2021-1 by filing an answer to the Petition with the Circuit Court for the State of Oregon, Columbia County, at the Columbia County Courthouse, 230 Strand, St. Helens, Oregon 97051, or by e-file, in the form required by law. DATED this 2nd day of April, 2021. /s/ Sarah E. Hanson, OSB #983618 Of Attorneys for Petitioner.



## EXHIBIT 2

Statement for Ordinance No. 2021-1 In the Matter of Declaring a Second Amendment Sanctuary In Columbia County Oregon.

This is the time set for the first reading of Ordinance no. 2021-1 In the Matter of Declaring a Second Amendment Sanctuary in Columbia County, Oregon

By way of history for viewers, an ordinance called the Second Amendment Preservation Ordinance was passed by Columbia County voters by initiative in 2018. Then in 2020, an ordinance called the Second Amendment Sanctuary ordinance was passed by Columbia County voters by initiative. Both of these ordinances restrict enforcement of firearms laws in three ways. First, the County is restricted from participating in any way in enforcement of firearms laws; Second, the County is restricted from using any county funds to enforce or investigate firearms laws; and third, the County is restricted from appropriating funds or any resources, such as buildings and employees for the propose of enforcing firearms laws. The measures together raise several important legal issues, including but not limited to whether they are pre-empted by ORS 166.170 known as the Firearms Preemption Statute. Because the County wants to implement the will of the voters, given the important legal issues raised by the measures, the County has determined that it will be important to have the Court make a determination of the legality of the measures up front.

In order to do that, the County needs to first adopt an Ordinance which implements both measures as a County ordinance. The County can then submit the Ordinance into circuit court in what is called a validation proceeding. The County will ask the Court to determine the legality of the Ordinance. Anyone who wants to participate in those proceedings can do so.

There is no emergency clause in the Ordinance so it will go into effect 90 days after adoption. After today's first reading, the Ordinance will need to be read for the second time at least 14 days from today. At that time the Board can adopt the Ordinance.

Unless there is any objection I will read the Ordinance by title only. Does anyone have any questions before I conduct the first reading?

# COLUMBIA COUNTY

Board of Commissioners Office

**Commissioners**

Margaret Magruder  
Henry Heimuller  
Casey Garrett

**Administration**

Jacyn Normine  
Kathy Coddington



ST. HELENS, OR 97051

230 Strand St., Room 338  
Direct (503) 397 4322  
Fax (503) 366 7243  
columbiacountyor.gov

## BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

Wednesday, March 10, 2021

10:00 AM –

Virtually from the Columbia County Court House

### BOARD OF COUNTY COMMISSIONERS REGULAR AGENDA

<https://global.gotomeeting.com/join/357054141> United States (Toll Free): 1 866 899 4679 Access Code: 357-054-141

#### CALL TO ORDER/FLAG SALUTE

#### MINUTES

- Approve minutes from the March 3, 2021 Board meeting
- Approve minutes from the March 3, 2021 Board work session

#### VISITOR COMMENTS - 5 MINUTE LIMIT

#### PUBLIC HEALTH UPDATE

The Public Health update will be held at 1:00 this afternoon during the afternoon meeting.

#### HEARING(S)

##### DETERMINE ACCELERATION OF REDEMPTION PERIOD

- BOC Staff Report - 31384 Wildwood Drive DLC Response Clean.pdf
- Exhibits.pdf
- attachments 1-10.pdf
- Notarized Notice of Posting - 31384 Wildwood Drive Ex. 4.pdf
- Staff Report Tax Collector Final.pdf
- Signed General Judgment Ex. 1.pdf
- Notices of Hearing- Ex. 2.pdf
- exhibit 3 affidavit of mailing..pdf

#### CONSENT AGENDA

- Approve 2021 Liquor License renewal, off-premises sales for Alston Country Sore and Video in Rainier, OR.  
2021 Liquor License renewal- Alston Store Rainier.pdf
- Approve 2021 Liquor License renewal, off-premises sales for Scipio's Goble Landing, Rainier, OR.  
20210304150818.pdf
- Appoint Josh Brown to the Solid Waste Advisory Committee to complete the term of position #6, Alternative Industry Representative with a term to expire December 31, 2021 Josh Brown exp. 2023.docx

- D. Appoint Kanale Tumlinson to the Solid Waste Advisory Committee to complete the term of position #2, Industry Representative with a term to expire December 31, 2021 Kanale Tumlinson exp. 2023..docx
- E. Approve letter to Oregon Health Authority regarding COVID-19 communications and authorize Mike Paul and Margaret Magruder to sign. OHA letter.pdf

### **AGREEMENTS/CONTRACTS/AMENDMENTS**

- F. C106-2019-15, Amendment No. 17 to Agreement No. 159805 with the Oregon Health Authority for the Financing of Public Health Services and Authorize Chair to Sign Document Return Statement.pdf 159805-17 FY21 tlh corrected (004).pdf
- G. C26-2021, Emergency Management Performance Grant No. 20-505 with Oregon Office of Emergency Management and authorize Chair to sign 20-505 Columbia County FINAL.pdf Copy of 20-505 Columbia EOC.xlsx
- H. Ratify C36 -2021 Personal Services Contract with Rick's Hi-School Pharmacy in Clatskanie COVID-19 Vaccine Administration C36-2021 Scappoose Hi School Pharmacy.pdf
- I. Ratify C37-2021 Personal Services Contract with GLSJO, LLC, dba Hi-School Pharmacy #1165 in Scappoose for COVID-19 Vaccine Administration C37-2021 Clatskanie Hi School Pharmacy.pdf
- J. Ratify C38-2021, Intergovernmental Agreement with Mist-Birkenfeld Rural Fire Protection District for COVID-19 Vaccine Administration C38-2021 Mist-Birkenfeld.pdf
- K. C40-2021, Permit and Hold Harmless Agreement with Scappoose High School for a Cross Country Meet on March 11, 20201, and authorize Chair to sign C40-2021 PERMIT & HHA Scappoose HS March11.pdf

### **MATTERS**

First Reading of Ordinance No. 2021-1 "In the Matter of Declaring a Second Amendment Sanctuary in Columbia County" 2021-1 Final.docx.pdf

### **DISCUSSION ITEMS**

### **EXECUTIVE SESSION**

### **COMMISSIONER HEIMULLER COMMENTS**

### **COMMISSIONER MAGRUDER COMMENTS**

### **COMMISSIONER GARRETT COMMENTS**

### **ADJOURNMENT**

Pursuant to ORS 192.640(1), the Board of County Commissioners reserves the right to consider and discuss, in either open session or Executive Session, additional subjects which may arise after the agenda is published

# COLUMBIA COUNTY

## Board of Commissioners Office

### Commissioners

Margaret Magruder  
Henry Heimuller  
Casey Garrett

### Administration

Jacyn Normine  
Kathy Coddington



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columbiacountyor.gov

**BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA  
COUNTY, OREGON Wednesday,  
March 31, 2021 10:00 AM –  
Virtually from Columbia County Court House**

**BOARD OF COUNTY COMMISSIONERS REGULAR AGENDA**

<https://global.gotomeeting.com/join/357054141> United States (Toll Free): 1 866 899 4679 Access Code: 357-054-141

### **CALL TO ORDER**

### **MINUTES**

Approve minutes from the March 17, 2021 Board meeting  
Approve minutes from the March 17, 2021 work session

### **VISITOR COMMENTS - 5 MINUTE LIMIT**

### **PUBLIC HEALTH**

- 1) Mike Paul, Public Health Director- Public Health update.
- 2) Sarah Brewer, Vice President, Medicaid Services and Senior Director, Population Health | Legacy Health-Legacy's plan to help vaccinate the community

### **HEARING(S)**

- 1) In the Matter of a Livestock Attack by Dogs Owned by Donald Denham
- 2) In the Matter of a Livestock Attack by Dogs Owned by Rockie Brecheisen

### **CONSENT AGENDA**

- A. Ratify letter to Chair Witt and Members of the House Agriculture and Natural Resources Committee dated March 17, 2021  
20210318112535.pdf
- B. Ratify letter to House and Senate Redistricting Committees, dated March 17, 2021  
20210318112517.pdf
- C. Resolution No. 6-2021, In the Matter of the Declaration of a Local State of Emergency Due to COVID-19  
6-2021- 3rd extension.pdf
- D. Transmittal Letter to Oregon Office of Emergency Management for Resolution No. 6-2021 and authorize Chair to sign  
letter to EOM REs. No. 6-2021.docx
- E. Order No. 7-2021 In the Matter of Acceleration of Redemption Period, authorize the Chair to sign and record with the County Clerk  
Final Order with Exhibits attached 03.25.21.pdf

**AGREEMENTS/CONTRACTS/AMENDMENTS**

- F. C109-2019-16, Amendment No. 18 to Agreement No. 159805 with the Oregon Health Authority for the Financing of Public Health Services and Authorize Chair to Sign  
Document Return Statement.pdf  
159805-18 FY21 tlh.pdf
- G. C21-2021 Personal Services Contract by and between Columbia County and Julie E. Lafoon dba JEL Property Research & Consultation.  
C21-2021.pdf
- H. C49-2021 Collective Bargaining Agreement between Columbia County, The Public Works Employees, Local 697, and the American Federation of State, County and Municipal Employees, Council 75  
AFSCME 697 Final-TAed CBA 2020-2025 (1).docx

**MATTERS**

- 1) Second reading Order 2021-1 "In the Matter of Declaring a Second Amendment Sanctuary in Columbia County"  
2021-1 Final.docx.pdf

**DISCUSSION ITEMS**

Todd Jacobson, CCMH quarterly update

**EXECUTIVE SESSION**

**COMMISSIONER HEIMULLER COMMENTS**

**COMMISSIONER MAGRUDER COMMENTS**

**COMMISSIONER GARRETT COMMENTS**

**ADJOURNMENT**

Pursuant to ORS 192.640(1), the Board of County Commissioners reserves the right to consider and discuss, in either open session or Executive Session, additional subjects which may arise after the agenda is published



## EXHIBIT 5

**Sarah Hanson**

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**From:** Board of Commissioners Office  
**Sent:** Thursday, April 1, 2021 9:24 AM  
**To:** Columbia County  
**Subject:** FOR IMMEDIATE RELEASE: MARCH 31, 2021 COLUMBIA COUNTY SECOND AMENDMENT SANCTUARY ORDINANCE MOVES TO VALIDATION

### **COLUMBIA COUNTY SECOND AMENDMENT SANCTUARY ORDINANCE MOVES TO VALIDATION**

*(Columbia County, Oregon) – The Columbia County Second Amendment Sanctuary Ordinance, recently adopted by the Columbia County Board of Commissioners to implement the intent of the voters as demonstrated by the passage of the “Second Amendment Preservation Ordinance” in 2018 and the “Second Amendment Sanctuary Ordinance” in 2020, will now move on to Validation proceedings in Columbia County Circuit Court.*

*In passing the Ordinance, many provisions of both Measures 5-270 and 5-278 remain the same. The Ordinance amended the Second Amendment Sanctuary Ordinance to incorporate provisions of the Second Amendment Preservation Ordinance where it differed from the Second Amendment Sanctuary Ordinance. The new Ordinance’s adoption kept it consistent with County practice and corrected scrivener errors in the Acts while preserving the intent of the voters. The Second Amendment Preservation Ordinance was then repealed.*

*The passage of the two initiatives and subsequent adopted Ordinance raises several important legal questions about what firearm regulations can be enforced in Columbia County, according to County Counsel Sarah Hanson. To gain clarity from the Court about the matter, the County filed a “Petition for Validation of Local Government Action,” which authorizes the circuit court to conduct a judicial examination of the Ordinance and provide a judgment of the court as to its regularity and legality.*

*“This will allow the Court to tell us whether the County can actually decline to enforce certain state laws, and it will tell us how to abide by the will of the voters to the extent that we can,” Hanson said. “It will also safeguard the County in the event we’re ever sued by an organization, for example - a gun safety group, due to the measures.”*

*Notice and summons to the County and all electors or interested persons will be posted once a week for the next three weeks. Any interested person will have ten days from the date of the final publication to appear and contest the regularity, legality, validity, and effect of the Ordinance.*

*“As Columbia County Sheriff, it is my responsibility to ensure the rights of all of our citizens are protected, including the 2nd Amendment right to bear arms,” Sheriff Brian Pixley said. “I look forward to the validation process so we can move forward with the will of the voters”.*

<https://www.columbiacountyor.gov/news/post/11839/>

EXHIBIT 6

FW: SAPO/SASO

Margaret Magruder <Margaret.Magruder@columbiacountyor.gov>

Wed 4/7/2021 4:00 PM

To: Sarah Hanson <Sarah.Hanson@columbiacountyor.gov>

**From:** Chris Brumbles <grizverine@gmail.com>

**Sent:** Wednesday, April 07, 2021 3:46 PM

**To:** Henry Heimuller <Henry.Heimuller@columbiacountyor.gov>; Margaret Magruder <Margaret.Magruder@columbiacountyor.gov>; Casey Garrett <Casey.Garrett@columbiacountyor.gov>

**Subject:** SAPO/SASO

Dear Commissioners,

Let it be known that I am very unhappy with the recent tampering with the SAPO/SASO laws. I am also understandably irritated that I was not included in discussions about this since I was the Chief Petitioner for both ballot measures, spent five years of my life getting them passed, and even collected signatures in the rain with my leg broken in 3 places. If for no other reason, I should have been notified as a matter of common courtesy.

I am not happy with the two laws being blended, as there was no need, as they were totally different laws with the exception of the penalties.

A recent email from my Attorney confirmed some of my suspicions when he had this to say: "Should not be able to validate a ballot measure. They are pulling some monkey business."

I hope I am wrong about this scenario, but I get the feeling that this is a set up to get the SASO in front of a judge, so that he can throw it out. I know that there are people at the county level that did not like these laws, but the people have spoken, not once, but twice, and we do not elect kings. Meanwhile, I hope the county will defend this law to the utmost of its ability as it is required to do whether the person defending it likes the law or not.

I have already noticed that when coming to the penalties portion of this new SASO 2021-1, the penalties have all but been removed by using the word MAY...that is not what we wanted.

Please be advised that if this new law does not pass muster, and is kicked to the curb, there will be accountability in one form or another. Could be a lawsuit, could be recall/s, do not know until the final result, but "We the People " will not take this lying down, so I hope this is all on the up and up. I do not trust it.

Remember that a lot of time, effort, and money have been spent to get these laws on the books, and that we have already gone to court once.

If anyone can let me know how this originally came about and why, I would love to talk to them. Have a great day, and now we're on the record.

In Liberty,

Chris Brumbles

Columbia County Coordinator

Oregon Firearms Federation

Founder, Columbia County Irregulars

N. Coordinator, SAPO/SASO

Host, Trigger Warning, am1600kohi



EXHIBIT 7



1



20+



Group by Columbia County Republicans Oregon

# Columbia County Republicans Forum - Oregon

Public group · 1.5K members

Join Group

- About
- Discussion
- Members
- Events
- Media

Members · 1,524

New people and Pages who join this group will appear here. [Learn More](#)

Find a member

Admins & Moderators · 6



Jenni Gilbert

Add Friend



Brian G Stout

Owner / Operator at Self employed small business owner

Add Friend



Traci Brumbles

Business Owner at Rainier Liquor Store

Add Friend



20+



Larry Ericksen

Add Friend



Columbia County Republicans Oregon

Like

Political Organization · 686 people like this

EXHIBIT 8

[https://www.thechronicleonline.com/news/will-of-voters-county-gun-ordinance-under-court-review/article\\_0ce1ff44-9285-11eb-9d4c-43f261b64a1f.html](https://www.thechronicleonline.com/news/will-of-voters-county-gun-ordinance-under-court-review/article_0ce1ff44-9285-11eb-9d4c-43f261b64a1f.html)

,un-ordinance-under-court-

# Will of Voters: County gun ordinance under court review

The Chronicle  
Mar 31, 2021

The Columbia County Second Amendment Sanctuary Ordinance is now on under review for validation by the Columbia County Circuit Court.



Image by James Yang / The Chronicle

The Columbia County Board of Commissioners recently moved to implement the intent of the voters as demonstrated by the passage of the Second Amendment Preservation Ordinance in 2018 and the Second Amendment Sanctuary Ordinance in 2020.

In passing the ordinance, many provisions of both Measures 5-270 and 5-278 remain the same. The ordinance amended the Second Amendment Sanctuary Ordinance to incorporate provisions of the Second Amendment Preservation Ordinance where it differed from the Second Amendment Sanctuary Ordinance.

The new ordinance's adoption kept it consistent with county practice and corrected scrivener errors in the acts while preserving the intent of the voters. The Second Amendment Preservation Ordinance was then repealed.

The passage of the two initiatives and subsequent adopted ordinance raises several important legal questions about what firearm regulations can be enforced in Columbia County, according to County Counsel Sarah Hanson.

To gain clarity from the court, the county filed a Petition for Validation of Local Government Action, which authorizes the circuit court to conduct a judicial examination of the ordinance and provide a judgment of the court as to its regularity and legality.

"This will allow the Court to tell us whether the county can actually decline to enforce certain state laws, and it will tell us how to abide by the will of the voters to the extent that we can," Hanson said. "It will also safeguard the county in the event we're ever sued by an organization, for example - a gun safety group, due to the measures."

Notice and summons to the county and all electors or interested persons will be posted once a week for the next three weeks. Any interested person will have ten days from the date of the final publication to appear and contest the regularity, legality, validity, and effect of the Ordinance.

"As Columbia County Sheriff, it is my responsibility to ensure the rights of all of our citizens are protected, including the 2nd Amendment right to bear arms," Sheriff Brian Pixley said. "I look forward to the validation process so we can move forward with the will of the voters."



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# Firearm ordinance heads to court

Anna Del Savio April 16 2021

## County asks judge to review legality of ordinance blocking enforcement of most firearms laws

The Second Amendment Sanctuary Ordinance approved by Columbia County voters last November is headed to court.

Columbia County filed a petition for judicial validation for an ordinance adopted by the county commission earlier this year, which combined the SASO and the Second Amendment Preservation Ordinance, or SAPO, which was approved by voters in 2018.

The SAPO passed with 54.9% of the vote, while only 50.9% of voters were in favor of the SASO.

The SASO and the county ordinance prohibit the county from using any resources, including money or employee time, to enforce laws or regulations on an individual's right to keep and bear arms. The ordinance lays out examples of "extraterritorial acts" that could not be enforced, and calls on the elected sheriff to determine if any federal, state or local regulations violate the United States or



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Oregon statute allows the county's governing board to ask the circuit court to review any action taken by the county board to ensure it is legal. The county board of commissioners adopted the ordinance last month and then filed the petition for judicial validation (<https://pamplinmedia.com/documents/artdocs/00003701422296-0957.pdf>) in circuit court.

The state statute only provides that avenue for judicial review for decisions made by the governing body, not measures approved by voters, so the county adopted an effectively identical ordinance in order to use the judicial review process.

A circuit court judge will evaluate the ordinances and determine if the measure is unconstitutional or otherwise enforceable.

The judicial validation petition lays out 21 potential issues that could make the ordinance invalid.

If enforced, the ordinance could prohibit the sheriff and sheriff's deputies from enforcing most firearms regulations. The district attorney and deputy DAs could be unable to pursue charges for breaking firearms laws (though committing a crime with a firearm would still be prosecuted). The Columbia County Justice Court, which handles some misdemeanor cases, could be prevented from handling cases involving firearm offenses. Parole and probation officers could be unable to enforce criminal firearms laws. In all these cases, the inability to enforce laws could put deputies, prosecutors, judges, parole officers and others in conflict with their statutory job descriptions or oaths of office.

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The ordinance only applies to county employees and funds. Scappoose police could make an arrest on firearms charges, but the suspect couldn't be lodged in the county jail or prosecuted by the district attorney.

The county also asked the court to judge if the elected sheriff has the authority "to make binding determinations as to whether any federal, state or local regulation affecting firearms violate either the federal or state constitution."

State law says that the ability to regulate firearms "is vested solely in the Legislative Assembly," aside from a few exceptions defined in state statute.

"ORS 166.170, the Firearms Preemption Statute, thus appears to preempt all regulation of firearms, whether more restrictive or less restrictive than Oregon law, except as specifically set forth by other statute," county attorneys wrote in the court filing.

The county attorney listed 30 Oregon criminal firearms laws that are likely in conflict with the SAPO, SASO, and county ordinance.

The Supremacy Clause of the U.S. Constitution says that the constitution and federal law take precedence over state laws and constitutions. The county listed a handful of federal firearms laws that would likely be in conflict with the county ordinance.

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Similar firearms measures were on the ballot in three other counties last November. Clatsop County overwhelmingly rejected the measure, with both the district attorney and sheriff saying they opposed the measure, The Astorian reported. The measures failed in Coos County and passed in Umatilla County. The Yamhill County Board of Commissioners approved a similar measure last month.

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An earlier version of the SASO in Columbia County had been rejected by the county clerk. Under the Oregon constitution, the county clerk is charged with determining if initiative petitions meet general criteria to appear on a ballot.

Chris Brumbles, who filed the SASO, filed a lawsuit challenging the clerk's determination, but the court determined that clerk was right to reject the measure. A later version of the SASO was approved by the clerk.

The county last went through a judicial validation proceeding more than a decade ago. In 2008, voters had narrowly approved a measure to fine and revoke permits and licenses of businesses that employed undocumented immigrants.

Columbia County Circuit Court Judge Ted Grove determined that ordinance was unenforceable for multiple reasons. One of those reasons was that a federal law explicitly preempted state or local laws imposing most civil or criminal sanctions for employing undocumented immigrants.

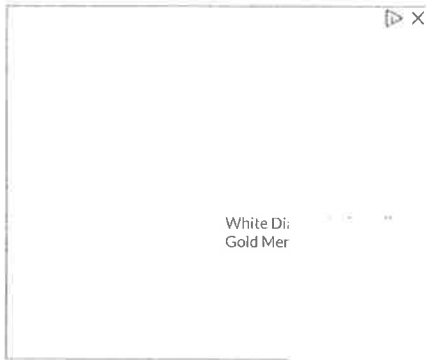
The judicial validation process was also used by Columbia 9-1-1 Communications District in 2019, after voters approved a tax measure with a typographic error in it.

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ALERT | TOP STORY

## Columbia County Second Amendment Sanctuary ordinance to get legal review by local court

Marissa Heffernan

Apr 5, 2021



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Marissa Heffernan

**C**olumbia County's updated Second Amendment Sanctuary Ordinance will get a legal review to see if it will hold up under legal pressure.

Voters passed Measure 5-278, a Second Amendment Sanctuary initiative, in 2020. It prevents Columbia County from “devoting resources or participating in any way in the enforcement of any law or regulation that affected an individual’s right to keep and bear arms, firearm accessories, or ammunition,” according to election office documents.

## Updated Columbia County vote reverses Election Day returns, approves gun sanctuary

In Columbia County’s ordinance, the laws and regulations that no longer will be enforced under the ordinance include registering or tracking firearms or ammunition, registering or tracking of gun owners, background checks, forbidding ownership, restricting capacity or hand grips, confiscating guns, prohibiting open or concealed carry, and any restrictions on “non-fully automatic firearms,” the ordinance states.

There are exceptions. Law enforcement still can follow laws that relate to convicted felons, enforce firearm crimes laws and can still “take any actions necessary to comply with court orders.”

The ordinance does not permit possession of firearms in state or federal buildings. It also does not stop people in the county from “voluntarily participating” in permitting, registering or licensing that might be required outside of the county.

County commissioners recently passed the Second Amendment Sanctuary Ordinance, which includes language from the earlier Second Amendment Preservation Ordinance that was passed in 2018 after voters approved Measure 5-270. The preservation ordinance was repealed, as the ordinance made it redundant.

The incorporated parts of the Second Amendment Preservation Ordinance include sections prohibiting any county employee from authorizing governmental funds or resources to enforce any laws or orders that “infringe on the right by people to keep and bear arms” and clarifies that the ordinance “preserves the right of any person to keep and bear arms as originally understood,” meaning in self-defense and in defense of community and country.

## Columbia County voters will see gun sanctuary ordinance on ballots

That includes being able to “freely manufacture, transfer, sell and buy firearms, firearm accessories and ammunition.” A section from the older ordinance laying out that it is the sheriff’s duty to determine which firearms laws are enforceable also was added.

Before the ordinance is effective, the commissioners decided to have it undergo validation in the Columbia County Circuit Court, because it “raises several important legal questions about what firearm regulations can be enforced in Columbia County” according to a county press release.

The petition for validation of local government action allows the court to conduct a judicial examination of the ordinance and decide if it is within the county’s legal bounds. According to the legal filing, there are 30 state laws and seven federal laws that the ordinance may conflict with, and state law overrides local law when there is a conflict.

“This will allow the court to tell us whether the county can actually decline to enforce certain state laws, and it will tell us how to abide by the will of the voters to the extent that we can,” County Counsel Sarah Hanson said in the press release. “It will also safeguard the county in the event we’re ever sued by an organization, for example a gun safety group, due to the measures.”



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According to the text of the ordinance, if any provision of ordinance is found to be invalid or unconstitutional that portion will be considered as a separate part and its repeal will not affect the rest of the ordinance.

Columbia County Sheriff Brian Pixley said it was his “responsibility to ensure the rights of all of our citizens are protected, including the Second Amendment right to bear arms.”

“I look forward to the validation process so we can move forward with the will of the voters,” Pixley said.



Pixley

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"I look forward to the validation process so we can move forward with the will of the voters." - Columbia County Sheriff Brian Pixley

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**Marissa Heffernan**  
Reporter