

**CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
SITTING AS THE BOARD OF THE NORTH CLACKAMAS PARK AND RECREATION
DISTRICT**

Study Session Worksheet

Presentation Date: 2/05/2013 **Approx Start Time:** 2:00 pm **Approx Length:** 30 Min.

Presentation Title: Review of Draft Ballot Title and Explanatory Statement for potential measure regarding the Use of Certain District Resources for Portland Milwaukie Light Rail.

Department: Administration/ NCPRD

Presenters: Dan Chandler, Strategic Policy Administrator

Other Invitees: Gary Barth, Michelle Healey

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction regarding potential ballot title and explanatory statute for an advisory measure the May 2013 election. The measure would provide for a district-wide vote on the exchange of "Trolley Trail" property for Portland Milwaukie Light Rail.

EXECUTIVE SUMMARY:

Measure 3-401 was approved by the voters of Clackamas County in September, 2012. The Measure restricts the Board of Commissioners from authorizing the use of County Resources for public rail transit without first obtaining approval of county voters in the form of an authorizing ordinance.

In September, 2012, County voters approved Measure 3-401, calling for a public vote before any County resources are used for Public Rail Transit. The North Clackamas Parks and Recreation District (NCPRD) is a legally distinct entity from the County, and cannot be bound by a countywide measure. Any measure binding the NCPRD needs to be voted on only by voters within the NCPRD boundary.

While Measure 3-401 does not apply to the North Clackamas Parks and Recreation district directly, the NCPRD Board has expressed interest in posing the question to voters within the District.

This Measure would approve the transfer of a portion of the "Trolley Trail" property between River Road and Park Avenue to TriMet. In exchange, TriMet would grant the NCPRD an interest in adjacent property, construct the trail alongside the light rail line, and provide the NCPRD with additional compensation.

The NCPRD is considering this transaction because, under the terms of a 2010 Intergovernmental Grant Agreement with TriMet, the NCPRD is obligated to negotiate in good faith to take additional actions necessary to complete the Portland Milwaukie Light Rail project.

The May 21, 2013 election is the first opportunity to place the question before the voters. In order to place a measure on for the May election, the Board of Commissioners would need to adopt a resolution no later than February 28th.

FINANCIAL IMPLICATIONS (current year and ongoing):

Since there are mandatory special district elections anyway for May Of 2013, the additional cost of placing a district measure on for the election would be approximately \$4,000.

LEGAL/POLICY REQUIREMENTS:

Legal requirements have been discussed in executive session.

PUBLIC/GOVERNMENTAL PARTICIPATION:

Preparation of a measure or measures will require at least one public hearing. The Department of Public and Government Affairs (PGA) could assist with additional outreach.

OPTIONS:

1. Approve the direction of the proposed explanatory statement and ballot title.
2. Request consideration of changes to the ballot title and explanatory statement.

RECOMMENDATION:

The materials presented are in draft form. Staff recommends that the Commission review the materials and provide feedback as to tone and subject matter.

ATTACHMENTS:

1. Draft Ballot Title
2. Draft explanatory statement.

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval  _____
County Administrator Approval _____

Caption

Transfers between North Clackamas Parks and Recreation District and TriMet.

Question

Should the North Clackamas Parks and Recreation District exchange a portion of the Trolley Trail with TriMet for Light Rail?

Summary (175 words)

In September, 2012, County voters approved Measure 3-401, calling for a public vote before any County resources are used for Public Rail Transit. The North Clackamas Parks and Recreation District (NCPRD) is a legally distinct entity from the County, and cannot be bound by a countywide measure. Any measure binding the NCPRD needs to be voted on only by voters within the NCPRD boundary.

However, given the countywide approval of Measure 3-401, the NCPRD board is seeking an advisory vote from voters within the NCPRD boundary.

This Measure would approve the transfer of a portion of the "Trolley Trail" property between River Road and Park Avenue to TriMet. In exchange, TriMet would grant the NCPRD an interest in adjacent property, construct the trail alongside the light rail line, and provide the NCPRD with additional compensation.

The NCPRD is considering this transaction because, under the terms of a 2010 Intergovernmental Grant Agreement with TriMet, the NCPRD is obligated to negotiate in good faith to take additional actions necessary to complete the Portland Milwaukie Light Rail project.

Explanatory Statement

NCPRD acquired the Trolley Trail property, including the segment discussed in this Measure, from Metro in 2005. Under the terms of the agreement with Metro, if the property is no longer used for green space purposes, the NCPRD needs to either repay the cost of the property or purchase new green space land to be used as its replacement.

In 2008, Clackamas County, City of Milwaukie, City of Portland, City of Oregon City, Multnomah County, ODOT, Trimet, and Metro adopted Locally Preferred Option for the Portland to Milwaukie Light Rail (LRT) project, which identified the use of part of Trolley Trail as necessary for the project.

In 2012, the previous NCPRD Board entered an agreement authorizing TriMet to begin pre-construction and other construction activities on the subject property.

The portion of the Trolley Trail at issue runs from River Road to Park Avenue, adjacent to McLoughlin Boulevard. NCPRD and TriMet staff have negotiated the following general terms:

- TriMet would use the Trolley Trail property for the light rail project.

- TriMet would construct that section of the Trolley Trail on adjacent property that TriMet has acquired running alongside the track.
- TriMet would compensate the NCPRD for the difference in value of the two properties.

This Measure asks the NCPRD voters whether the NCPRD Board should go forward with the property transaction.