

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 3/19/2013 **Approx Start Time:** 2:15 **Approx Length:** 30 Min.

Presentation Title: Potential Clarifying Ordinance on Public Rail Transit Issues.

Department: Administration

Presenters: Dan Chandler, Strategic Policy Administrator

Other Invitees: Cam Gilmour

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction regarding a potential ordinance clarifying issues under Measure 3-401.

EXECUTIVE SUMMARY:

Measure 3-401 was passed by County voters in September, 2012. The operative provision of Measure 3-401 reads as follows:

The Board of County Commissioners may not authorize the use of county resources for the financing, design, construction or operation of any public rail transit system without first obtaining the approval of county voters at an election on an authorization ordinance.

Clackamas County Code § 1.03.010

Most Ballot Measures or initiatives require additional legislation or administrative rules to clarify or implement them. Partly as a result of arguments made during the campaign over Measure 3-401, we are proposing an ordinance to clarify what is meant by the terms "financing, design, construction or operation."

The proposed ordinance is intended to be consistent with Measure 3-401, but will provide some clarity to staff and the community regarding issues of public safety, the ability to look out for the County's interests in state and regional discussions, and compliance with mandatory planning requirements.

One option that has been suggested is to have a public vote on an authorizing ordinance that would clarify the measure, and place a dollar cap on the amount of resources that could be expended. This approach would involve some extra cost to place a measure on a ballot, and might create some record-keeping challenges in tracking to see that expenditures are under the cap. However, if the County were to elect to dedicate some amount of resources annually to financing, design, construction or operation a public vote would be necessary.

A copy of a draft clarifying ordinance is attached at Exhibit A.

FINANCIAL IMPLICATIONS (current year and ongoing):

Passage of the proposed ordinance would have no financial impact on current County activities.

LEGAL/POLICY REQUIREMENTS:

There a number of activities undertaken by Clackamas County that might be construed to involve the design or operation of Public Rail Transit. However, in most cases the activities are mandated by state law, and do not involve the use of County resources for the design or operation of rail transit. Public safety issues are an example, as are normal staff activities such as processing permits or engineering review to assure crossing safety.

Other County activities may involve attendance at meetings where public rail transit is discussed at a planning level. An example would be attending to keep the County informed as to high speed passenger rail plans. The proposed ordinance assures that no County resources would be committed to financing, design, construction or operation at such meetings.

PUBLIC/GOVERNMENTAL PARTICIPATION:

These concepts were discussed last Fall at a public Listening Post on Measure 3-401. Staff believes the proposed ordinance is consistent with the public input received.

OPTIONS:

1. Move the proposed ordinance toward a public hearing for adoption.
2. Move forward with a revised ordinance
3. Decide not to do a clarifying ordinance.

RECOMMENDATION:

Staff recommends Option 1.

SUBMITTED BY:

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

PROPOSED CLARIFYING ORDINANCE

Nothing in this chapter shall preclude the use of County resources for the following:

- a. Any activity directly related to emergency response, law enforcement or public safety.
- b. Attendance at or participation in state or regional bodies or groups where public rail transit issues are discussed or deliberated, provided no commitments of County resources are made for financing, design, operation or construction of public rail transit.
- c. The discussion or incorporation of public rail transit elements where required as an element of a local land use plan or transportation system plan, provided no commitments of County resources are made for financing, design, operation or construction of public rail transit.
- d. Staff time and resources used for processing permits, engineering review, survey work or other staff activities related to public rail transit, where such activities are required by law, or fall within the normal course of staff responsibilities.