

## CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

### Study Session Worksheet

**Presentation Date:** 1/15/2013      **Approx Start Time:** 1:45      **Approx Length:** 45 Min.

**Presentation Title:** Timing and concepts for potential authorizing ordinance(s) under Measure 3-401.

**Department:** Administration

**Presenters:** Dan Chandler, Strategic Policy Administrator

**Other Invitees:** Stephen Madkour, Gary Schmidt

#### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction regarding preparation of a ballot measure or measures for the May 2013 election to constitute an "authorizing ordinance" under Measure 3-401. The measure(s) would provide for a countywide vote on the use of County resources for public rail transit, including existing contractual obligations 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.

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 28<sup>th</sup>. (A memorandum setting forth the applicable timelines is attached.)

An authorizing ordinance would need to specify the following:

- Types of county resources to be authorized,
- Permissible uses of such resources,
- Estimated cash value of any authorized resources, and
- Duration of the authority extended.

#### FINANCIAL IMPLICATIONS (current year and ongoing):

Since there would be special district elections anyway, the additional cost of placing a measure on for the election would be approximately \$36,000.

**LEGAL/POLICY REQUIREMENTS:**

To be 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. Direct staff to begin working on options for a measure or measures to be referred to the voters for the May 21 election specifying which county resources (if any) might be used for public rail transit, including those obligations set out in previous agreements with TriMet.
2. Defer seeking an authorizing ordinance until a later date.
3. Press forward to approve IGAs without an authorizing ordinance.

**RECOMMENDATION:**

Staff recommends Option 1.

**ATTACHMENTS:**

Memorandum regarding pending IGAs.

Memorandum regarding timelines and process to refer measure to May 21, 2013 election.

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval         *6122*        

For information on this issue or copies of attachments, please contact Dan Chandler @ 503-742-5394



To: Board of County Commissioners

From: Dan Chandler   
Strategic Policy Administrator

Date: January 9, 2013

Re: Pending Agreements on Portland Milwaukie Light Rail under Initiative 3-401

---

**I. Introduction.**

You asked for a list of all remaining conditions Clackamas County must fulfill with respect to Portland Milwaukie Light Rail. While they are separate entities, this memo does not distinguish between obligations of the County and obligations of the North Clackamas Parks and Recreation District. The County's obligations chiefly arise from the following Intergovernmental Agreements:

- February 2010 Intergovernmental Grant Agreement on Portland Milwaukie Light Rail ("*Funding IGA*")
- April, 2012 Intergovernmental Agreement for Design and Construction Services for Trolley Trail Segment 2.
- August, 2012 Supplemental Agreement ("*Supplemental IGA*").

Measure 3-401, which passed in September 2012, calls for a Countywide vote on an authorizing ordinance before the Board of County Commissioners authorizes the use of county resources for the design construction or operation of public rail transit.

Placing an authorizing ordinance on for a Countywide election will involve passage of a resolution following at least one public hearing. In order to place a measure on the May 21<sup>st</sup>, 2013 election, the matter needs to be referred to the County Clerk no later than March 21<sup>st</sup>. In order to complete a potential ballot title challenge before that time, the Measure should be initially referred to the Clerk

by March 2<sup>nd</sup>.<sup>1</sup> In order to place a measure on the March election, the resolution would need to be referred to the Clerk by January 10<sup>th</sup>, 2013.

**II. Conditions and Transactions for Portland Milwaukie Light Rail that will Require Commission Approval, and thus Implicate Measure 3-401.<sup>2</sup>**

The following items will clearly require approval by the Board of Commissioners, and therefore implicate the provisions of Measure 3-401.

**A. Trolley Trail Transaction – NCPRD**

Under the Funding IGA, the NCPRD is obligated to negotiate in good faith to transfer the “Trolley Trail” property to TriMet by the original funding IGA. The NCPRD Board previously authorized TriMet to undertake construction activities on the trail. At this point, pursuit of the issue will involve negotiating the form of compensation that NCPRD will receive. This will require an Intergovernmental Agreement and therefore approval by the Board of Commissioners (sitting as the Board of the NCPRD).

**B. Transfer of Small Parcel.**

Under the Supplemental IGA, the County has agreed to transfer a small parcel of property to TriMet. The agreement values the parcel at \$20,915.

**C. Road and Signalization Contribution for Orange Line.**

Under the Supplemental IGA, the County is to fund \$1.28 million in Road Improvements within the scope of the Portland Milwaukie Light Rail Project. The Supplemental IGA calls for an Intergovernmental Agreement (IGA) setting out the management, scope and schedule.

**D. Design and Construction IGA for Orange Line**

The County and TriMet will enter into an Intergovernmental Agreement in order to reimburse the County for staff time supporting the project, as well as compensation for relocation of county fiber-optic cable. Much of this time staff has already been incurred, and the IGA will reimburse the County close \$200,000.

**E. Continuing Control and Maintenance Agreement**

Pursuant to Paragraph 6.2 of the Funding Agreement, the County will need to ultimately need to enter in a Continuing Control Agreement with TriMet for the operation of the PMLR line. The CCA is required by the Federal Transit Administration.

---

<sup>1</sup> [http://oregonvotes.org/doc/2013\\_Elections\\_Calendar.pdf](http://oregonvotes.org/doc/2013_Elections_Calendar.pdf)

<sup>2</sup> County Counsel has previously opined that 3-401 does not apply to preexisting obligations in effect when 3-401 passed. This memorandum is written assuming that 3-401 does apply to all existing and future BCC authorizations for public rail transit.

**F. Small Parcels**

County staff has recently learned that there is an additional small parcel occupied by PMLR construction that TriMet has not yet purchased. TriMet initially believed it was owned by ODOT.

**III. Conditions and Transactions For Portland Milwaukie Light Rail that May Implicate Measure 3-401.**

**A. Design and Construction Staffing and Reimbursement IGA for Orange Line**

The County and TriMet will enter into an Intergovernmental Agreement in order to reimburse the County for staff time supporting the project, as well as compensation for relocation of county fiber-optic cable. Much of this time staff has already been incurred, and the IGA will reimburse the County close \$200,000. This may implicate Measure 3-401, as it authorizes continued staff work, but is chiefly concerned with reimbursement of the County.

**B. Participation in Multi-Jurisdictional Task Force Regarding Orange Line Security**

The Supplemental IGA obligates TriMet to coordinate safety and security efforts with the County Sheriff and a multi-jurisdictional planning team. This would involve the use of County Resources for the design and operation of public rail transit, but would not likely result in an IGA.



**OFFICE OF THE COUNTY ADMINISTRATOR**

**PUBLIC SERVICES BUILDING**

2051 KAEN ROAD | OREGON CITY, OR 97045

To: Board of Commissioners

From: Dan Chandler   
Strategic Policy Administrator

Date: December 31, 2013

Re: Process and timeline to refer a measure for the May 21, 2013  
Election.

---

**Introduction:**

In light of the requirement of Measure 3-401 that the Board of Commissioners may not authorize the use of county resources for public rail transit without a county-wide vote; the Board of Commissioners may wish to refer a Measure (or Measures) to the voters for the May 21<sup>st</sup> special election.

As you can see, in order to place a measure on the Ballot in May, we should begin to discuss the matter in study sessions in the immediate future.

In order to bring the matter on for a hearing on February 28<sup>th</sup>, we will need to have the documents substantially completed the Wednesday prior, February 20<sup>th</sup>. It would be reasonable to anticipate that the matter will involve more than one study session. Potential study session dates are:

**January: 15, 23, 29**

**February: 5, 12, 19**

**Outline of process:**

<b>Action</b>	<b>Last day to complete</b>
The Board of Commissioners adopts a resolution directing the Clerk to place the Measure on the May 21 <sup>st</sup> Ballot.	<b>February 28, 2013</b> (Last business meeting before March 1 <sup>st</sup> , 2013)
The Measure and Ballot Title (caption, question and summary) are filed with the County Clerk.	<b>March 1, 2013</b> (81 days before election)

The Clerk publishes the Notice of Receipt of Ballot Title in the newspaper.	<b>Not later than 7 days after submission to Clerk.</b>
Interested parties have 7 days to file a challenge to the Ballot Title in Circuit Court.	<b>Seven days from date of submission to Clerk.</b>
Once the Ballot Title challenge process (if any) is complete, the Board files form SEL 801 with the County Clerk.	<b>March 21, 2013</b> (61 <sup>st</sup> day before election)
Deadline to submit arguments	<b>March 25, 2013</b>
Special Election	<b>May 21, 2013</b>