

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 2/13/2013 **Approx Start Time:** 11:00 a.m. **Approx Length:** 30 Min.

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

Department: Administration

Presenters: Dan Chandler, Strategic Policy Administrator

Other Invitees: Scot Sideras

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction regarding potential ballot title and explanatory statute for an advisory measure the May 2013 election.

EXECUTIVE SUMMARY:

At a previous study session, the Board made two requests of staff:

- Revise the proposed ballot title and explanatory statement.
- Separate the issue into two separate measures.

The Board wished to review the two approaches for clarity and readability.

FINANCIAL IMPLICATIONS (current year and ongoing):

The Board wished to know the additional cost of splitting the Measure into two questions for the ballot. The additional cost would be approximately \$4,000.

LEGAL/POLICY REQUIREMENTS:

Legal requirements have been discussed in executive session.

PUBLIC/GOVERNMENTAL PARTICIPATION:

This issue has been discussed at a previous study session. 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 direct staff to proceed with a single measure, or with two separate County measures.

ATTACHMENTS:

1. Draft Ballot Title.
2. Draft explanatory statement.

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Dan Chandler @ 503-742-5394
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SINGLE MEASURE DRAFT BALLOT TITLE

Caption

Use of Certain County Resources for Portland Milwaukie Light Rail.

Question

Should Clackamas County use certain county resources to meet previous contractual commitments toward the Portland Milwaukie Light Rail Project?

Summary (175 words)

In September 2012, County voters approved Measure 3-401, which calls for a public vote before any County resources are used for Public Rail Transit.

In accordance with Measure 3-401, this Measure seeks voter approval of an ordinance authorizing the use of County resources for the Portland Milwaukie Light Rail line. The County is asking for voter approval of these items to comply with the terms of Intergovernmental Agreements executed by prior Board of County Commissioners in 2010 and 2012.

If voters approve the Measure:

- The County will fund \$1,279,740 in improvements to roads and signals near the proposed Park Avenue Light Rail Station. The funding sources will be the County Road Fund, along with \$279,740 in Systems Development Charges to be paid by TriMet.
- The County will enter into an agreement allowing TriMet to control portions of county roads and sidewalks occupied by PMLR rail facilities.
- The County will transfer two parcels to TriMet: A 2,614 square foot parcel valued at \$20,915, and a 3,485 square foot parcel valued at \$1,360.

Explanatory Statement

In September, 2012 County voters approved Measure 3-401, which requires approval of an authorizing ordinance at a countywide election before the Board of Commissioners authorizes the use of any County resources for public rail transit.

TriMet is constructing the Portland Milwaukie Light Rail line (PMLR), which will run from Downtown Portland to a proposed station near the intersection of Park Avenue and McLoughlin Boulevard. The PMLR line will follow an alignment selected by area governments as the Locally Preferred Alternative in 2008.

In February, 2010, the Board of County Commissioners (Board) approved an Intergovernmental Grant Agreement with TriMet for the PMLR project. Under the Agreement, the County agreed to provide \$25 million toward the project, and also

agreed to negotiate in good faith for any further agreements that might be necessary to complete the project.

In August of 2012, the Board agreed to a Supplemental Intergovernmental Agreement which reduced the County's cash contribution by \$2.4 million dollars. As part of the agreement, the County agreed to fund road and signalization improvements to roads in and around the intersection of Park Avenue and Oatfield Road. The County also agreed to transfer to TriMet a small (2,614 square foot) parcel of property for which the County will receive a credit of \$20,915.

In addition, this measure addresses a small, landlocked parcel (3485 square feet) that would be conveyed to TriMet for construction of the Trolley Trail and retaining walls. TriMet values the property at approximately \$1,360.

Approval of this measure would constitute approval by the voters of an authorizing ordinance authorizing the following transactions related to the Portland/Milwaukie Light Rail line:

- Execution of an agreement funding \$1,279,740 in road and signalization improvements in the vicinity of Park Avenue, Oatfield Road and McLoughlin Boulevard. TriMet will pay \$279,740 of that amount in Systems Development Charges, while the remainder will come from the County Road fund.
- Transfer of a property described as Tax Lots 11 E36CD03300 and 11 E36CD03400, approximately 2,614 square feet in size, for which the County will be credited \$20,915.
- Transfer of a parcel of approximately 3,485 square feet in size, for the sum of \$1,360.
- Execution of a Continuing Control Agreement providing that TriMet will control any portions of county-owned streets and sidewalks that will be occupied by light rail tracks or stations. The 2010 Agreement requires the County "to negotiate in good faith such Continuing Control Agreements as may be required by the FTA [Federal Transit Administration]"

Rejection of this Measure would mean that the Board of Commissioners will not have obtained voter authorization of the above transactions.

MAPS OF THE SUBJECT PROPERTIES, AND COPIES OF THE AGREEMENTS DISCUSSED ABOVE ARE AVAILABLE AT WWW.CLACKAMAS.US.

The actions authorized by this measure would be one-time authorizations that end with the completion of the project. The, cost of staff time for completion of these items would not be likely to exceed \$10,000.

SPLIT MEASURES MEASURE NO. 1

Caption

Use of Certain County Resources for Portland Milwaukie Light Rail.

Question

Should Clackamas County use county resources to construct road and signal improvements near the proposed Park Avenue light rail station?

Summary (139 words)

In September 2012, County voters approved Measure 3-401, which calls for a public vote before any County resources are used for Public Rail Transit. The County is asking for voter approval of these items to comply with the terms of an Intergovernmental Agreement executed by the previous Board of County Commissioners in August of 2012, as well as the terms of Measure 3-401.

In accordance with Measure 3-401, this Measure seeks voter approval of an ordinance authorizing the use of County resources for the Portland Milwaukie Light Rail line. If voters approve the Measure, the County will fund \$1,279,740 in improvements to roads and signals near the proposed Park Avenue Light Rail Station.

The improvements would be paid for from the County Road Fund over several years, along with \$279,740 in Systems Development Charges to be paid by TriMet.

Explanatory Statement

In September, 2012 County voters approved Measure 3-401, which requires approval of an authorizing ordinance at a countywide election before the Board of Commissioners authorizes the use of any County resources for public rail transit.

TriMet is constructing the PMLR line, which will run from Downtown Portland to a proposed station near the intersection of Park Avenue and McLoughlin Boulevard. The PMLR line will run along an alignment selected by area governments as the Locally Preferred Alternative in 2008.

The PMLR line will terminate at Park Avenue, where TriMet plans to construct a Light Rail Station and 355-space parking garage. As part of the project design, TriMet plans to construct a number of road and signalization improvements in the vicinity of the station.

In February, 2010, the Board of County Commissioners (Board) approved an Intergovernmental Grant Agreement with TriMet for the PMLR project. Under the Agreement, the County agreed to provide \$25 million toward the project, and also agreed to negotiate in good faith for any further agreements that might be necessary to complete the project. The Clackamas County Development Agency and the North Clackamas Parks and Recreation District were also parties to the agreement.

In August of 2012, the Board agreed to a Supplemental Intergovernmental Agreement which reduced the County's initial cash contribution to \$19.94 million dollars. As part of the Supplemental Agreement, the County agreed to fund \$1,279,740 in road and signalization improvements in and around the intersection of the Park Avenue Station.

The funds will not go directly to light rail facilities. However, since the road improvements are related the PMLR project, the County is seeking voter approval.

MAPS OF THE AREA, SHOWING THE GENERAL TYPE AND LOCATION OF IMPROVMENTS, ALONG WITH COPIES OF THE AGREEMENTS DISCUSSED ABOVE ARE AVAILABLE AT WWW.CLACKAMAS.US.

Rejection of this Measure would mean that the Board will not have obtained voter authorization for the above transaction.

The actions authorized by this measure would be one-time authorizations that end with the completion of the project. The, cost of staff time for completion of these items would not be likely to exceed \$10,000.

SPLIT MEASURES

Measure No. 2

Caption

Use of Certain County Resources for Portland Milwaukie Light Rail.

Question

Should Clackamas County transfer control of certain county property to TriMet for the Portland Milwaukie Light Rail Project?

Summary (175 words)

In September 2012, County voters approved Measure 3-401, which calls for a public vote before any County resources are used for Public Rail Transit.

In accordance with Measure 3-401, this Measure seeks voter approval of an ordinance authorizing the use of County resources for the Portland Milwaukie Light Rail line (PMLR). If voters approve the Measure, the County will transfer two small parcels to TriMet: A 2,614 square foot parcel valued at \$20,915, and a 3,485 square foot parcel valued at \$1,360.

If this Measure is approved, the County will also enter into a Continuing Control Agreement allowing TriMet to control portions of county roads and sidewalks occupied by PMLR rail facilities.

The County is asking for voter approval of these items to comply with the terms of Intergovernmental Agreements executed by prior Board of County Commissioners in 2010 and 2012.

Explanatory Statement (456 words)

In September, 2012 County voters approved Measure 3-401, which requires approval of an authorizing ordinance at a countywide election before the Board of Commissioners authorizes the use of any County resources for public rail transit.

TriMet is constructing the PMLR line, which will run from Downtown Portland to a proposed station near the intersection of Park Avenue and McLoughlin Boulevard. The PMLR line will run along an alignment selected by area governments as the Locally Preferred Alternative in 2008.

In February, 2010, the Board of County Commissioners (Board) approved an Intergovernmental Grant Agreement with TriMet for the PMLR project. Under the Agreement, the County agreed to provide \$25 million toward the project, and also agreed to negotiate in good faith for any further agreements that might be necessary to complete the project.

In August of 2012, the Board agreed to a Supplemental Intergovernmental Agreement which reduced the County's initial cash contribution from \$25 million to \$19,934,038. As part of the Supplemental Agreement, County agreed to transfer to TriMet a small (2,614 square foot) parcel of property for which the County will receive a credit of \$20,915.

This measure also seeks voter approval to sell a small, landlocked parcel (3485 square feet) that would be conveyed to TriMet for construction of the Trolley Trail and retaining walls. TriMet values the property at approximately \$1,360.

Finally, this Measure would allow the County to execute a Continuing Control Agreement providing that TriMet will control any portions of county-owned streets and sidewalks that will be occupied by light rail tracks or stations. The 2010 Agreement requires the County "to negotiate in good faith such Continuing Control Agreements as may be required by the FTA [Federal Transit Administration]"

MAPS OF THE SUBJECT PROPERTIES, AND COPIES OF THE AGREEMENTS DISCUSSED ABOVE ARE AVAILABLE AT WWW.CLACKAMAS.US.

Rejection of this Measure would mean that the Board will not have obtained voter authorization for the above transactions.

The actions authorized by this measure would be one-time authorizations that end with the completion of the project. The, cost of staff time for completion of these items would not be likely to exceed \$10,000.

Ordinance

The People of Clackamas County ordain as follows:

A. The Board of Clackamas County Commissioners is authorized to use the following County Resources for the Portland Milwaukie Light Rail Line:

- Transfer to TriMet of a property described as Tax Lots 11 E36CD03300 and 11 E36CD03400, approximately 2,614 square feet in size, for which the County will be credited \$20,915.
- Transfer to TriMet of a parcel of approximately 3,485 square feet in size, for the sum of \$1,360.
- Execution of a Continuing Control Agreement providing that TriMet will control any portions of county-owned streets and sidewalks that will be occupied by light rail tracks or stations.

B. This measure shall become immediately effective upon passage. If any provision of this measure is barred from operation by superior law, the other provisions shall remain unaffected.