

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: Feb. 23, 2016 **Approx Start Time:** 1:30 p.m. **Approx Length:** 30 minutes

Presentation Title: Road Maintenance Funding Advisory Question for May 17, 2016 Election

Department: Public & Government Affairs; Transportation & Development

Presenters: Chris Storey, County Counsel; Amy Kyle, PGA; Barbara Cartmill, Director, DTD

Other Invitees: Tim Heider, Ellen Rogalin – PGA; Mike Bezner, Randy Harmon, Warren Gadberry, Grant Williams, Joe Marek, DTD

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

We are asking for direction from the Board of Commissioners on the wording of the advisory question to place on the May 17, 2016 ballot related to funding road maintenance and safety.

EXECUTIVE SUMMARY:

At a policy session on Feb. 16, the Board approved placing an advisory question on the May 17, 2016, ballot, worded as follows:

Shall the county pursue voter-approved funding for deferred road maintenance and safety improvements on the November 2016 ballot?

The Board also approved making clear on the ballot that the question is an advisory question.

The question was the focus of a public discussion item at the Feb. 18 Board business meeting.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES X NO

What is the cost? \$150,000 (outreach)

What is the funding source? General and Roads funds

STRATEGIC PLAN ALIGNMENT:

- **How does this item align with your Department's Strategic Business Plan goals?**

I. PGA: By 2019, the \$17 million road maintenance funding gap will be addressed.

II. DTD: Travelers on Clackamas County roads will experience safe roads in good condition, as evidenced by:

- ▶ By 2019, no more than 20 miles of County roads will deteriorate from 'good' to 'fair' or 'poor' per year
- ▶ By 2019, no more than 70% of local County roads (658 total miles) will be rated 'fair to poor'
- ▶ By 2019, 120 additional miles of County roads will be improved to 'good to excellent' status, a 9% increase over 2014
- ▶ By 2019, the three-year average number of serious injuries and fatalities on roads in Clackamas County will be reduced from 133 to 113

- **How does this item align with the County’s Performance Clackamas goals?**
 - Build a Strong Infrastructure: By 2019, 120 additional miles of county roads will be improved to ‘good to excellent’ status, a 9% increase from 2014.
 - Build Public Trust Through Good Government: By 2020, Clackamas County will achieve the Strategic Results in the Strategic Plan.

LEGAL/POLICY REQUIREMENTS:

A number of legal/policy issues are relevant to this issue.

Ballot Measure Requirements:

- The question must include three components:
 - A ballot title – the caption that describes the subject of the referral (up to 10 words)
 - The question of the referral (up to 20 words), and
 - A summary describing the major effects of the referral (up to 175 words)
 The question may also include a 500-word explanatory statement.
- An advisory vote must be a simple, straightforward question
 - Must elicits a “yes” or “no” response, and
 - May not include any compound questions or contingencies.
 There can be more than one advisory question.

Timeline for May 17 election:

1. No later than **Friday, Feb. 26**, the ballot title, question and summary must be sent to the County Clerk for publication.
2. There is a seven-day ballot title challenge period. If the title is challenged, the county would be in court for first and final review.
3. On **March 17**, all challenges must be completed and submitted to the clerk.
4. The measure would be included in the voter’s pamphlet in which interested parties could include arguments in favor or against. Such arguments are due by **March 21**.

Role of County Staff and Elected Officials Related to Elections and Ballot Measures:

Public employees may not use County time or resources to support or oppose elections petitions, candidates, political committees, or ballot measures; nor can any public employee be required to do so by another employee or elected official. A public employee may not distribute advocacy materials, assist with candidate filing forms, produce or distribute documents advocating a vote for or against a measure; prepare a speech; post website information that advocates a political position; make outgoing calls to schedule or organize campaign events.

An elected official (including a person appointed to fill a vacancy in an elected position) is authorized to personally advocate for or against candidates, political committees, initiative, referendum or recall petitions, or measures on the official’s work time. Likewise, an elected official may lend his or her name to a campaign or fund-raising campaign. However, elected officials must take care not to involve public employees’ work time in any activities that might be construed to be supporting or aiding an advocacy campaign effort, such as preparing advocacy material.

PUBLIC/GOVERNMENTAL PARTICIPATION: Extensive outreach and education has taken place over the past two years including presentations to community groups, a website, billboards, social media, sharing information at events, public surveys, articles in *Citizen News* and presentations at BCC study sessions and business meetings. To spread the word about the

discussion at the Feb. 18 business meeting, PGA is using a variety of media including news releases, Facebook ads, Facebook and Twitter posts, the website, and emails to cities, business and community groups.

OPTIONS:

Option 1: Use approximately the following language for the ballot title and ballot question.

- Ballot title: *Advisory Vote on Pursuing Public Funding of County Road Maintenance* (10 words)
- Ballot question: *Shall the county pursue voter-approved funding for deferred road maintenance and safety improvements on the November 2016 ballot?* (19 words)

Option 2: Use approximately the following language for the ballot summary: (175 words)

Clackamas County is considering remedies to a significant deficiency in road maintenance funds. Over 50% of Clackamas County’s 1,400 road miles are in fair or poor condition.

Road funds primarily come from gas taxes and vehicle registration fees; law forbids using ad valorem (property) taxes for roads. The county uses road funds efficiently, but is unable to keep pace with maintenance needs. There is a \$17 million annual gap between funds needed to maintain roads and revenue.

Every year, a larger percentage of county roads slip into disrepair, and the county doesn't have the necessary revenue to keep up. Waiting also comes at a price, as the cost to reconstruct a road in the future is more than 10 times greater than the cost of providing preventive maintenance today.

Ongoing preventive maintenance is critical to safe roads. Smooth roadways, clear lane markings, unobstructed sightlines, drainage and well-marked intersections help reduce crashes and keep travelers safe.

This advisory vote is intended to gauge voter interest in the issue, not preclude any future action by the County.

Option 3: Approve different language for the ballot title and/or ballot question and/or ballot summary.

Option 4: Add ballot measure questions.

Option 5: Choose not to put a road funding advisory measure on the May 17, 2016 ballot.

RECOMMENDATION:

Staff respectfully recommends that, in line with the Board’s intent to place an advisory vote on the May 2016 ballot, the Board of County Commissioners approve Option 1 and Option 2.

ATTACHMENTS: None

SUBMITTED BY:

Division Director/Head Approval: _____

Department Director/Head Approval: _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Amy Kyle @ 503-742-5973