



CLACKAMAS C O U N T Y

VOTERS' PAMPHLET

NOVEMBER 7, 2017

**CITY OF
WEST LINN**

**SPECIAL
ELECTION**

**Clackamas County
Elections Division
1710 Red Soils Ct., Ste. 100
Oregon City, OR 97045**

www.clackamas.us/elections

503.655.8510

**SHERRY HALL,
County Clerk**

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BALLOT DROP SITES

Your voted ballot may be dropped off at any of the following locations. Outdoor drop boxes are locked at 8:00 p.m. on Election Day.

Clackamas County Elections

1710 Red Soils Ct., Ste. 100

Oregon City, OR 97045

24 Hours (outdoor)

Office Hours (indoor)

Mon - Thurs 8:30 a.m. - 5:00 p.m.

Fri 8:30 a.m. - 3:00 p.m.

Lake Oswego City Hall

380 A Ave. Suite 3, Lake Oswego

24 Hours (outdoor)

Lake Oswego Library

706 4th St., Lake Oswego

Office Hours (indoor)

Mon - Thu 10:00 a.m. - 9:00 p.m.

Fri - Sat 10:00 a.m. - 6:00 p.m.

Sun 1:00 p.m. - 6:00 p.m.

Happy Valley City Hall

16000 S.E. Misty Dr., Happy Valley

24 Hours (outdoor)

Happy Valley Library

13793 SE Sieben Park Way, Clackamas

Office Hours (indoor)

Mon - 10:00 a.m. - 6:00 p.m.

Tue - Thu 12:00 p.m. - 8:00 p.m.

Fri, Sat 10:00 a.m. - 6:00 p.m.

Sun - 10:00 a.m. - 6:00 p.m.

West Linn City Hall

22500 Salamo Rd., West Linn

24 Hours (outdoor)

West Linn Library

1595 Burns St., West Linn

Office Hours (indoor)

Mon - Wed 10:00 a.m. - 8:00 p.m.

Thu, Fri 10:00 a.m. - 6:00 p.m.

Sat, Sun 12:00 p.m. - 5:00 p.m.



CLACKAMAS COUNTY

Office of the County Clerk

SHERRY HALL

CLERK

1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045
503.655.8510
FAX 503.655-8461

Dear Clackamas County Voter:

This Voters' Pamphlet contains information designed to assist you in voting: ballot titles, explanatory statements and arguments pertaining to local measures which appear on the November 7, 2017 Special Election ballot in Clackamas County. Please remember, in order to vote on a measure, you must be an active registered voter of the jurisdiction placing the measure on the ballot.

Your voted ballot must be received at an official ballot drop site or at the Elections Office, 1710 Red Soils Ct., Ste. 100, in Oregon City by 8:00 p.m. on election night in order to be tallied. Remember, the postmark on a mailed ballot does NOT count.

Results are available on the County Clerk's election webpage after 8:00 p.m. on election night. The web address is www.clackamas.us/elections/results.html.

Official ballot drop sites are listed on the front of this pamphlet. Indoor drop boxes will be available during regular business hours (and outdoor drop boxes are available 24 hours a day) beginning Wednesday, October 18 until 8:00 p.m. on Tuesday, November 7, 2017.

Ballots will be delivered to households between Wednesday, October 18 and Tuesday, October 24. Please contact us if you have not received a ballot by October 24.

If a ballot was delivered to your residence for someone who should no longer be receiving ballots at your address, please write "RETURN" on the envelope and place it back in your mailbox. If a ballot was sent to someone who has passed away, please write "DECEASED" on the envelope and place it back in your mailbox.

If you need assistance voting or have any questions about this particular election or the election process, please call the Elections Division at 503.655.8510.

Sincerely,

A handwritten signature in cursive script that reads "Sherry Hall".

Sherry Hall
Clackamas County Clerk

VOTER INFORMATION

YOU MAY REGISTER TO VOTE IF:

1. You are a resident of Oregon;
2. You are at least 17 years of age (though you will not receive a ballot until an election occurs on or after your 18th birthday), and
3. You are a United States citizen.

YOU MUST UPDATE YOUR REGISTRATION IF:

1. Your residence or mailing address changes;
2. Your name changes, or
3. You wish to change political affiliation.

To be eligible to vote, you must be registered by the close of business on the 21st day before an election (October 17, 2017).

If you make a mistake or damage your ballot in any way and need a replacement, or if you have questions on registration or updating your registration, contact the Elections Division by calling **503.655.8510**.

If a ballot was delivered to your residence for someone who should no longer be receiving ballots at that address, please write "RETURN" on the unopened envelope and put it back in your mailbox.

If a ballot was sent to someone at your address who has passed away, please write "DECEASED" on the unopened envelope and place it in your mailbox to be returned to Elections.

Your voted ballot must be received in any county Elections office or ballot drop site by 8:00 p.m. on Election Day, Tuesday, November 7, 2017. **If you return your ballot by mail, remember: the postmark does not count.**

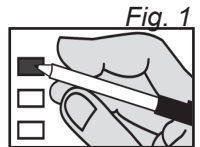
If, instead of mailing your ballot, you'd prefer to take it to an **Official Ballot Drop Site**, the addresses can be found on the front of this pamphlet.

Measure Text and Arguments (if any) are printed as filed; no spelling or grammatical corrections are made.

Voting is as Easy as 1-2-3

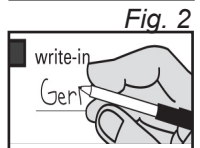
1 Vote your Official Ballot

Locate the candidate or measure response (YES or NO) of your choice for each contest. To vote, you must completely darken the rectangle to the left of the response of your choice with black or blue ink. [Figure 1]



2 Review your Official Ballot

Ensure you have correctly marked your choice for each contest. Your official ballot may contain contests printed on both front and back. If so, remember to vote both sides!



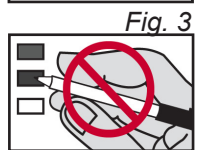
3 Return your Official Ballot

Place your voted Official Ballot in the Ballot Secrecy Envelope Sleeve. Place the secrecy sleeve inside the Return Ballot Envelope (white with a colored edge) and seal it.

Remember: Read and sign the Voter's Statement on the Return Ballot Envelope. **Your ballot will not be counted until the Return Identification Envelope is signed.**

By Mail: Attach sufficient first-class postage to the signed and sealed Return Ballot Envelope. **Mail it as soon as possible**; it must arrive at Clackamas County Elections Division no later than 8:00 p.m. on Tuesday, November 7, 2017. **Remember, the postmark does not count!**

In Person: Deliver the signed and sealed Return Ballot Envelope to any official ballot drop site (list on front page) no later than 8:00 p.m. on Tuesday, November 7, 2017. **Postage is not required if ballot is delivered to a drop site.**



Do you have questions or need assistance voting due to permanent or temporary disability? Please call the Elections Division at 503.655.8510.

Measure 3-519

CAPTION: HIGHWAY 43 ROAD IMPROVEMENTS IN HAMMERLE PARK

QUESTION: Shall the City use a portion of Hammerle Park to construct road improvements to Highway 43?

SUMMARY: If approved, this measure would allow the western portion of Hammerle Park along Highway 43 to be used for road improvements, including required grading to install sidewalks and separated bike lanes along Highway 43. Highway 43 road improvements are proposed in this area to provide improved facilities that are safer for pedestrians, cyclists, and motorists.

The 2016 West Linn Transportation System Plan ("TSP") identified a need for bike and pedestrian routes that connect parks, schools, and retail. The TSP includes bicycle and pedestrian facilities along Highway 43 as high priorities. The City is putting this measure on the ballot because Section 46 of the City Charter requires West Linn voters to approve any use of a City owned park for a "nonauthorized use," including "siting or construction of facilities that are not directly required for the park's use." If this measure passes, the City can impact a portion of Hammerle Park along Highway 43 to provide sidewalks, separated bike lanes, and road improvements.

EXPLANATORY STATEMENT

About this Measure

If approved, this measure would allow a portion of Hammerle Park ("Park") along Highway 43 ("HWY43") to be used to complete improvements to HWY43, such as sidewalks and separated bike lanes (cycle tracks). Pedestrian and bike access is proposed in this area to provide safer facilities for pedestrians, cyclists, and motorists along HWY43. The City is placing this measure on the ballot because the Highway 43 Conceptual Design Plan ("HWY43 Plan") included in the TSP will result in the construction of road improvements that impact this location.

This is not a Funding Measure

This is not a funding measure for road, sidewalk and bike improvements along HWY43. Chapter XI, Section 46 of the West Linn Charter states that "[o]nly facilities directly necessary for the park's use shall be considered authorized." Therefore, to comply with the Charter there must be a public vote to determine if the Park should be used to construct road improvements along HWY43. The HWY43 Plan has been approved, but the final design is not complete; so, the exact location of the road improvements has not been determined.

Why this Measure is Proposed

HWY43 is a road running through West Linn, connecting Oregon City at the south and Lake Oswego at the north. Currently, some areas have one vehicle travel lane in each direction without a center turn lane. There are sidewalks and bike lanes along parts of HWY43, but many areas lack these facilities. Crossing opportunities are also limited. The goal of the HWY43 project is to add improvements along HWY43 in accordance with the HWY43 Plan to better connect commercial areas to the rest of the community and provide safer transportation facilities for all users, while improving access to City parks and open space.

To construct road, sidewalk and bike improvements along HWY43 would take additional limited City-owned park and open space. If this measure passes, the City will use a portion of the Open Space to grade and construct these improvements.

Research & Background

The HWY43 Plan and the 2016 West Linn Transportation System Plan ("TSP") update resulted in a conceptual design that provides pedestrian and bike access along HWY43 so residents can safely travel by foot, bike, or vehicle. The TSP found that there is limited pedestrian and bike connectivity with significant gaps in the sidewalk network that results in residential areas that are not consistently connected to commercial centers, bus routes, schools, or other pedestrian destinations. The TSP identifies sidewalks and bike lanes along HWY43 as a high priority.

If This Measure is Approved

This measure is not a bond measure to fund road improvements. However, if this measure passes, road, sidewalk and bike facilities would be allowed in the western portion of Hammerle Park. More information on the HWY43 Plan and the proposed locations of road, sidewalk and bike facilities are available online at: www.WestLinnOregon.gov/elections.

Submitted by
Eileen Stein
City of West Linn

NO ARGUMENTS IN FAVOR/OPPOSITION TO THIS MEASURE WERE FILED

Measure 3-520

CAPTION: HIGHWAY 43 ROAD IMPROVEMENTS IN 19095 WILLAMETTE DRIVE OPEN SPACE

QUESTION: Shall the City use a portion of the 19095 Willamette Drive open space to construct road improvements to Highway 43?

SUMMARY: If approved, this measure would allow the eastern portion of the 19095 Willamette Drive open space to be used for road improvements, including required grading to install sidewalks and separated bike lanes along Highway 43. Highway 43 road improvements are proposed in this area to provide improved facilities that are safer for pedestrians, cyclists, and motorists.

The 2016 West Linn Transportation System Plan ("TSP") identified a need for bike and pedestrian routes that connect parks, schools, and retail. The TSP includes bicycle and pedestrian facilities along Highway 43 as high priorities. The City is putting this measure on the ballot because Section 46 of the City Charter requires West Linn voters to approve any use of City owned open space for a "nonauthorized use," including "construction of facilities that are not directly required for the use of the open space." If this measure passes, the City can impact a portion of the open space at 19095 Willamette Drive along Highway 43 to provide sidewalks, separated bike lanes, and road improvements.

EXPLANATORY STATEMENT

About this Measure

If approved, this measure would allow a portion of the open space at 19095 Willamette Drive ("Open Space") along Highway 43 ("HWY43") to be used to complete improvements to HWY43, such as sidewalks and separated bike lanes (cycle tracks). Pedestrian and bike access is proposed in this area to provide safer facilities for pedestrians, cyclists, and motorists along HWY43. The City is placing this measure on the ballot because the Highway 43 Conceptual Design Plan ("HWY43 Plan") included in the TSP will result in the construction of road improvements that impact this location.

This is not a Funding Measure

This is not a funding measure for road, sidewalk and bike improvements along HWY43. Chapter XI, Section 46 of the West Linn Charter states that "[o]nly facilities directly necessary for the use of open space shall be considered authorized." Therefore, to comply with the Charter there must be a public vote to determine if the Open Space should be used to construct road improvements along HWY43. The HWY43 Plan has been approved, but the final design is not complete; so, the exact location of the road improvements has not been determined.

Why this Measure is Proposed

HWY43 is a road running through West Linn, connecting Oregon City at the south and Lake Oswego at the north. Currently, some areas have one vehicle travel lane in each direction without a center turn lane. There are sidewalks and bike lanes along parts of HWY43, but many areas lack these facilities. Crossing opportunities are also limited. The goal of the HWY43 project is to add improvements along HWY43 in accordance with the HWY43 Plan to better connect commercial areas to the rest of the community and provide safer transportation facilities for all users, while improving access to City parks and open space.

To construct road, sidewalk and bike improvements along HWY43 would take additional limited City-owned park and open space. If this measure passes, the City will use a portion of the Open Space to grade and construct these improvements.

Research & Background

The HWY43 Plan and the 2016 West Linn Transportation System Plan ("TSP") update resulted in a conceptual design that provides pedestrian and bike access along HWY43 so residents can safely travel by foot, bike, or vehicle. The TSP found that there is limited pedestrian and bike connectivity with significant gaps in the sidewalk network that results in residential areas that are not consistently connected to commercial centers, bus routes, schools, or other pedestrian destinations. The TSP identifies sidewalks and bike lanes along HWY43 as a high priority.

If This Measure is Approved

This measure is not a bond measure to fund road improvements. However, if this measure passes, road, sidewalk and bike facilities would be allowed in the eastern portion of the 19095 Willamette Drive open space. More information on the HWY43 Plan and the proposed locations of road, sidewalk and bike facilities are available online at: www.WestLinnOregon.gov/elections.

Submitted by
Eileen Stein
City of West Linn

NO ARGUMENTS IN FAVOR/OPPOSITION TO THIS MEASURE WERE FILED

Measure 3-521

CAPTION: HIGHWAY 43 ROAD IMPROVEMENTS IN HIDDEN SPRINGS OPEN SPACE

QUESTION: Shall the City use a portion of the Hidden Springs Open Space to construct road improvements to Highway 43?

SUMMARY: If approved, this measure would allow the eastern portion of Hidden Springs Open Space to be used for road improvements, including required grading to install sidewalks and separated bike lanes along Highway 43. Highway 43 road improvements are proposed in this area to provide improved facilities that are safer for pedestrians, cyclists, and motorists.

The 2016 West Linn Transportation System Plan ("TSP") identified a need for bike and pedestrian routes that connect parks, schools, and retail. The TSP includes bicycle and pedestrian facilities along Highway 43 as high priorities. The City is putting this measure on the ballot because Section 46 of the City Charter requires West Linn voters to approve any use of City owned open space for a "nonauthorized use," including "construction of facilities that are not directly required for the use of the open space." If this measure passes, the City can impact a portion of the Hidden Springs Open Space along Highway 43 to provide sidewalks, separated bike lanes, and road improvements.

EXPLANATORY STATEMENT

About this Measure

If approved, this measure would allow a portion of the Hidden Springs Open Space ("Open Space") along Highway 43 ("HWY43") to be used to complete improvements to HWY43, such as sidewalks and separated bike lanes (cycle tracks). Pedestrian and bike access is proposed in this area to provide safer facilities for pedestrians, cyclists, and motorists along HWY43. The City is placing this measure on the ballot because the Highway 43 Conceptual Design Plan ("HWY43 Plan") included in the TSP will result in the construction of road improvements that impact this location.

This is not a Funding Measure

This is not a funding measure for road, sidewalk and bike improvements along HWY43. Chapter XI, Section 46 of the West Linn Charter states that "[o]nly facilities directly necessary for the use of open space shall be considered authorized." Therefore, to comply with the Charter there must be a public vote to determine if the Open Space should be used to construct road improvements along HWY43. The HWY43 Plan has been approved, but the final design is not complete; so, the exact location of the road improvements has not been determined.

Why this Measure is Proposed

HWY43 is a road running through West Linn, connecting Oregon City at the south and Lake Oswego at the north. Currently, some areas have one vehicle travel lane in each direction without a center turn lane. There are sidewalks and bike lanes along parts of HWY43, but many areas lack these facilities. Crossing opportunities are also limited. The goal of the HWY43 project is to add improvements along HWY43 in accordance with the HWY43 Plan to better connect commercial areas to the rest of the community and provide safer transportation facilities for all users, while improving access to City parks and open space.

To construct road, sidewalk and bike improvements along HWY43 would take additional limited City-owned park and open space. If this measure passes, the City will use a portion of the Open Space to grade and construct these improvements.

Research & Background

The HWY43 Plan and the 2016 West Linn Transportation System Plan ("TSP") update resulted in a conceptual design that provides pedestrian and bike access along HWY43 so residents can safely travel by foot, bike, or vehicle. The TSP found that there is limited pedestrian and bike connectivity with significant gaps in the sidewalk network that results in residential areas that are not consistently connected to commercial centers, bus routes, schools, or other pedestrian destinations. The TSP identifies sidewalks and bike lanes along HWY43 as a high priority.

If This Measure is Approved

This measure is not a bond measure to fund road improvements. However, if this measure passes, road, sidewalk and bike facilities would be allowed in the eastern portion of the Hidden Springs Open Space. More information on the HWY43 Plan and the proposed locations of road, sidewalk and bike facilities are available online at: www.WestLinnOregon.gov/elections.

Submitted by
Eileen Stein
City of West Linn

NO ARGUMENTS IN FAVOR/OPPOSITION TO THIS MEASURE WERE FILED

Measure 3-522

CAPTION: HIGHWAY 43 ROAD IMPROVEMENTS IN 21395 WILLAMETTE DRIVE OPEN SPACE

QUESTION: Shall the City use a portion of the 21395 Willamette Drive open space to construct road improvements to Highway 43?

SUMMARY: If approved, this measure would allow the eastern portion of the 21395 Willamette Drive open space to be used for road improvements, including required grading to install sidewalks and separated bike lanes along Highway 43. Highway 43 road improvements are proposed in this area to provide improved facilities that are safer for pedestrians, cyclists, and motorists.

The 2016 West Linn Transportation System Plan (“TSP”) identified a need for bike and pedestrian routes that connect parks, schools, and retail. The TSP includes bicycle and pedestrian facilities along Highway 43 as high priorities. The City is putting this measure on the ballot because Section 46 of the City Charter requires West Linn voters to approve any use of City owned open space for a “nonauthorized use,” including “construction of facilities that are not directly required for the use of the open space.” If this measure passes, the City can impact a portion of the open space at 21395 Willamette Drive along Highway 43 to provide sidewalks, separated bike lanes, and road improvements.

EXPLANATORY STATEMENT

About this Measure

If approved, this measure would allow a portion of the open space at 21395 Willamette Drive (“Open Space”) along Highway 43 (“HWY43”) to be used to complete improvements to HWY43, such as sidewalks and separated bike lanes (cycle tracks). Pedestrian and bike access is proposed in this area to provide safer facilities for pedestrians, cyclists, and motorists along HWY43. The City is placing this measure on the ballot because the Highway 43 Conceptual Design Plan (“HWY43 Plan”) included in the TSP will result in the construction of road improvements that impact this location.

This is not a Funding Measure

This is not a funding measure for road, sidewalk and bike improvements along HWY43. Chapter XI, Section 46 of the West Linn Charter states that “[o]nly facilities directly necessary for the use of open space shall be considered authorized.” Therefore, to comply with the Charter there must be a public vote to determine if the Open Space should be used to construct road improvements along HWY43. The HWY43 Plan has been approved, but the final design is not complete; so, the exact location of the road improvements has not been determined.

Why this Measure is Proposed

HWY43 is a road running through West Linn, connecting Oregon City at the south and Lake Oswego at the north. Currently, some areas have one vehicle travel lane in each direction without a center turn lane. There are sidewalks and bike lanes along parts of HWY43, but many areas lack these facilities. Crossing opportunities are also limited. The goal of the HWY43 project is to add improvements along HWY43 in accordance with the HWY43 Plan to better connect commercial areas to the rest of the community and provide safer transportation facilities for all users, while improving access to City parks and open space.

To construct road, sidewalk and bike improvements along HWY43 would take additional limited City-owned park and open space. If this measure passes, the City will use a portion of the Open Space to grade and construct these improvements.

Research & Background

The HWY43 Plan and the 2016 West Linn Transportation System Plan (“TSP”) update resulted in a conceptual design that provides pedestrian and bike access along HWY43 so residents can safely travel by foot, bike, or vehicle. The TSP found that there is limited pedestrian and bike connectivity with significant gaps in the sidewalk network that results in residential areas that are not consistently connected to commercial centers, bus routes, schools, or other pedestrian destinations. The TSP identifies sidewalks and bike lanes along HWY43 as a high priority.

If This Measure is Approved

This measure is not a bond measure to fund road improvements. However, if this measure passes, road, sidewalk and bike facilities would be allowed in the eastern portion of the 21395 Willamette Drive open space. More information on the HWY43 Plan and the proposed locations of road, sidewalk and bike facilities are available online at: www.WestLinnOregon.gov/elections.

Submitted by
Eileen Stein
City of West Linn

NO ARGUMENTS IN FAVOR/OPPOSITION TO THIS MEASURE WERE FILED

Measure 3-523

CAPTION: AMENDS CITY CHARTER CLARIFYING COUNCIL MEMBER INPUT TO CITY MANAGER

QUESTION: Shall Charter authorize City Council members to provide input to City Manager relating to city business, employee or department performance?

SUMMARY: Amends West Linn Charter Section 21A. Under the existing charter section, it is not clear that members of the City Council may talk to the City Manager about concerns they may have relating to city business, or the performance of employees or departments without interfering with the manager's administrative authority. This amendment makes clear that City Council members may discuss their concerns, so long as their actions do not attempt to interfere, influence, or coerce the City Manager in the award of a public contract or the hiring, discipline, or termination of any personnel.

EXPLANATORY STATEMENT

About this Measure

If approved, this measure would amend Section 21A of the West Linn Charter. The change relates to the authority of a council member to provide input to the City Manager on certain topics without violating the Charter restriction on interference with administration. The proposed change to Section 21A of the Charter is underlined below:

Section 21A. No Interference with Personnel or Public Contracting

No City Council member may directly or indirectly, by suggestion, or otherwise, attempt to interfere, influence, or coerce the City Manager in the award of a public contract or the hiring, discipline, or termination of any personnel decision. This shall not prevent a City Council member from providing input to the City Manager relating to City business or the performance of an employee or department.

Why this Measure is Proposed

At a special meeting on July 24, 2017, the City Council devoted substantial time to considering and crafting proposed charter amendments to address the structure of legal services provided to City staff and the City Council. The City Council also addressed the issue of a council member's ability to give input to the City Manager about city business and the performance of city departments and staff. At the meeting, members of the City Council expressed that it is the role of the City Council to give input to the City Manager on city business issues, but council members were concerned that Section 21A of the Charter prohibited such input. The City Council prepared this proposed charter amendment to clarify the circumstances under which a council member could provide input to the City Manager.

Amendment of the Charter requires approval by the City's voters.

If This Measure is Approved

This amendment will clarify that members of the City Council may give input to the City Manager so long as their actions do not attempt to interfere, influence or coerce the City Manager in the award of a public contract or the hiring, discipline, or termination of any personnel.

Submitted by
Eileen Stein
City of West Linn

NO ARGUMENTS IN FAVOR/OPPOSITION TO THIS MEASURE WERE FILED

Measure 3-524**CAPTION: AMENDS CITY CHARTER REGARDING CITY ATTORNEY AUTHORITY AND RESPONSIBILITIES**

QUESTION: Shall Charter be amended to clarify City Council authority and City Attorney responsibilities and authority over legal matters?

SUMMARY: The measure adopts amendments to the City Charter related to the City Council's authority over legal services and the City Attorney's authority and responsibility for the provision of legal advice to the City. The amendments expressly provide:

- This amendment restores previously deleted Section 8(f) by adding the deleted language to a new, Section 8(g), and authorizes the Council to retain any legal services it deems prudent.
- This change amends Section 23A to add language requiring that all legal advice to the City Council and its advisory groups is provided or overseen by the City Attorney. The amendment does not preclude the City Manager from employing an attorney for general city administration and operations, but it requires that the City Attorney oversee the legal advice given to the City Council and its advisory groups.

EXPLANATORY STATEMENT**About this Measure**

If approved, this measure would make two changes to the West Linn Charter. The changes relate to the City Council's authority over legal services and the role and responsibilities of the City Attorney. The proposed changes to the Charter are underlined below:

Section 8, Councilors, will have the following language added to this Section:

(g) The Council may retain legal advisors as it deems prudent. These legal advisors shall report to and serve at the direction of the Council.

Section 23A, City Attorney, will have the following language added to this Section:

The office of City Attorney is established as the chief legal officer of the City. The City Attorney shall be appointed and removed by a majority of all incumbent members of the Council. Any legal advice provided to the City Council or its advisory groups shall be overseen by the City Attorney.

Why this Measure is Proposed

In 2013, the City Council was presented with two potential changes to the City Charter relating to the provision of legal services to the City. The changes were approved by the voters in the fall of 2013. The current City Council held discussions related to the ambiguity of these Charter amendments and the desired structure for the provision of legal services to the City. The Council considered and crafted two proposed charter amendments to address the structure of legal services provided to City staff and the City Council. The proposed change to Section 8 restores previously deleted language concerning the Council's authority to retain legal advisors. The second change to Section 23A adds that legal advice to the City Council and its advisory groups must be overseen by the City Attorney.

Amendment of the Charter requires approval by the City's voters.

If This Measure is Approved

The amendments will confirm the City Council's authority to hire any legal advisors it deems necessary. The amendments will also clarify the role of the City Attorney and require that all advice to the Council and its advisory groups is provided or overseen by the City Attorney. The amendments will not prohibit the City Manager from employing an attorney for general city administration and operations.

Submitted by
Eileen Stein
City of West Linn

Measure 3-524**ARGUMENT IN OPPOSITION**

Please vote NO.

Measure 3-524 will officially imbed into our Charter a modified version of the controversial two-tiered "hybrid" system of legal services that the former City Council put into practice in 2012 without having fully considered whether this model might be:

- More costly
- More complicated
- Detrimental to our representational form of self-governance.

In 2013, the traditional balance of power in West Linn's Council/Manager form of governance became heavily tilted towards the City Manager after an obscure Charter amendment passed. This did not disclose that 8 (f) and Council's clear line of authority over the City's legal advisors would disappear if those measures passed. Also lost was the distinct separation of power that had formerly existed between the City Manager and the City's legal advisors, a crucial aspect of independent unbiased, legal advice, in my opinion.

Don't be fooled!

Measure 3-524 ballot summary claims that it "restores previously deleted Section 8(f) by adding the deleted language." **That is NOT EXACTLY ACCURATE.**

The original wording of 8 (f) is: "The Council may retain legal advisors as it deems prudent. The legal advisors shall report to and serve at the direction of the Council."

The Council majority intentionally altered one word in Section 8(f) on August 7 2017, in order to prevent West Linn's longstanding practice of having "the" or in other words "all", legal advisors report to the City Council in the future. Changing "The" in the beginning of the second sentence to "These", caused the second sentence to become a reference sentence rather than a policy statement on the Council's reporting authority over the legal advisors.

The entire crux of the matter is in the explanatory statement:

"The amendments will not prohibit the City manager from employing an attorney for general city administration and operations."

This bifurcated "hybrid" system with two separate city attorneys does NOT belong in our City Charter!

VOTE NO on Measure 3-524

Teri Cummings, West Linn City Councilor

(This information furnished by Teri Cummings, West Linn City Councilor)

The printing of this argument does not constitute an endorsement by Clackamas County, nor does the county warrant the accuracy or truth of any statements made in the argument.

Measure 3-524

ARGUMENT IN OPPOSITION

Thumbs down!

Measure 3-524 will institutionalize costliness and division.

Our city is most likely the only city in Oregon that pays for two attorneys with "City Attorney" in their titles: one managed by the City Council and one managed by the City Manager.

In West Linn the City Manager, a paid administrator, can determine, daily, what legal advice gets passed on (or not), to staff, to City Council, and to our City Attorney. This gatekeeper situation appears to be contrary to Section 23A of our Charter. Despite calls for real data and for remedying this situation, the supporters of this Measure propose to lock in this split by separating council legal from city legal. They have yet to prove that this split system is cost effective, efficient, objective, or independent.

Measure 3-524 locks into our Charter, forever, the opportunity for the City Attorney to bill for more hours of work because that City Attorney "shall" oversee some portion of the work of the City Manager's attorney who is neither contracted nor employed by the City Attorney. What if they disagree?

The National Civic League warns against having both a City Manager attorney and a City Council attorney because:

"local government should be unitary."

(http://archive.cgr.org/onebataviacharter/docs/National_Civic_League_Model_City_Charter.pdf)

(Section 4.03(b) Model City Charter, 8th Ed., ACL., 8-30-2017)

In a unitary system the lines of authority are clear, but in West Linn's divided arrangement, the City Manager oversees the Assistant City Attorney, and the City Council oversees the City Attorney. The Measure does little to alleviate the split. Nor does the Measure appear to inspire action to either analyze or remedy the split.

Measure 3-524 institutionalizes legal redundancy and division over whose attorney is the true voice for the City; it may reduce objectivity and independence of advice; and it may shuttle more taxpayer dollars into a system that has never been proven to be cost effective. Let's not find out!

PLEASE VOTE NO ON MEASURE 3-524

(This information furnished by Alan Smith)

The printing of this argument does not constitute an endorsement by Clackamas County, nor does the county warrant the accuracy or truth of any statements made in the argument.

Measure 3-524

ARGUMENT IN OPPOSITION

**This Trojan Horse
cloaks itself as a measure to protect
the quality of City Council's legal advice.**

But rather than improve quality and efficiency, the measure further commits the City to a two-tiered legal structure contrary to the interests of West Linn citizens. This concentrates authority over much of legal services in the City Manager's hands, disempowering City Council and West Linn citizens.

Why you should definitely vote No!

- This ballot measure legitimizes/codifies the two-tiered legal system that was crafted by a previous City Manager. The Official City Attorney was then systematically bypassed by the creation of an assistant city attorney who reported directly to the City Manager.
- This measure restores nothing in practice, but gives citizens more of the legal oversight that delivered LOT, "Cut the Red Tape", The Metro Town Center Plan, and nearly swept in densification in much of West Linn. These things took place when the City Manager's assistant city attorney, in concert with planning staff, enacted that City Manager's vision.
- This ballot measure does not reveal the implicit costs of a two-tiered legal system, but commits the city to invariably higher and redundant costs. Similar neighboring cities such as Milwaukie and Wilsonville without the two tiered system are spending significantly less on legal services.
- Citizens are asked to codify this unusual hybrid legal structure with little analysis of the quantity, urgency or departmental legal demands. City administration has not fully analyzed costs, nor defined the process in which day to day business would be differentiated from other legal advice given to the City Council. No effort has been made by City Council to identify the risks and liabilities of this approach. These critical components of decision making are left to be identified later.
- The measure does not prohibit, but legitimizes, the "carved out" position of a legal entity accountable only to the City Manager.

Please join me in voting No!

Ken Pryor
Vice President, Savanna Oaks Neighborhood Association

(This information furnished by Ken Pryor)

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Measure 3-524

ARGUMENT IN OPPOSITION

Legal costs for this measure have not been fully tallied

The Council majority that approved this measure for ballot has not fully taken into account our increasing legal costs for the City of West Linn. Should this measure pass the City Attorney will be **REQUIRED** to oversee **ALL** legal advice from ALL attorneys working on behalf of the City Council and advisory groups. This measure will likely increase our legal costs, which are already very high in comparison to similar cities, and it places the City Attorney in a redundant role reviewing staff attorney's work. The City Attorney's costs which are billed hourly will most assuredly increase should this measure pass.

West Linn is believed to be the **ONLY** city in the State of Oregon that uses a "hybrid" form of legal representation. It was initially put in place in 2012 with the hiring of an Assistant City Attorney without a supplemental budget process, meaning without citizens ever having an opportunity to comment.

For reference are the last 6 fiscal years (FY) of Contracted Attorney versus an In-House Assistant City Attorney (currently in place) that reports to our City Manager. FY 2017 is estimated, as the official numbers have not been published by the City. FY2012 through FY2016 are exactly as published in the agenda report in the April 17,2017 City Council Work Session:

FY	In House Attorney	Contracted City Attorney	Total
2012	\$57.1k	\$127.5k	\$184.6k
2013	\$153.8k	\$42.1k	\$195.9k
2014	\$165.6k	\$38.5k	\$204.1k
2015	\$174.5k	\$82.9k	\$257.4k
2016	\$177k	\$95.5k	\$272.5k
2017	\$180k (est.)	\$123k (est.)	\$303k (est.)

These costs do not include additional attorneys contracted for labor negotiations, miscellaneous governmental agreements (i.e., Stafford IGA) and personnel investigative services. These are estimated at \$100k per year for the last 2 years, and their services would generally also be **REQUIRED** to be overseen by the City Attorney

Help stop our escalating legal costs by voting no!

Richard Sakelik
West Linn City Councilor

(This information furnished by Richard Sakelik)

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Measure 3-524

ARGUMENT IN OPPOSITION

BE CAREFUL! THIS "APPLE" ISN'T EDIBLE!

THIS BALLOT LANGUAGE HIDES THE REAL IMPACT OF THIS MEASURE WHICH WOULD GRANT THE CITY MANAGER FULL AUTHORITY TO HIRE A STAFF ATTORNEY OF HER CHOOSING WITHOUT COUNCIL INPUT OR OVERSIGHT! If passed, Ballot Measure 5-524 would embed in the City Charter of the City of West Linn, the questionable practices put in place by the previous city manager, Chris Jordan. It does not clearly define what is considered "city administration and operations," nor does it allow the official city attorney to have any input or power to censure or fire the attorney he/she is responsible for supervising. The current practices which this ballot measure **ce**ments in the Charter is extremely broad and includes interpretation of land use law and codes. How will the citizens know how the official city attorney under the council's jurisdiction advises and know if his/her advice was taken?

ADDITIONAL COST: Oregon cities of similar size only have one attorney. This measure would likely guarantee that the citizens would be paying for a full-time staff attorney which includes PERS, along with a contracted attorney for the city council, At a time when the city is struggling to find funds to do basic tasks, this measure, by increasing the number of hours for the staff attorney's supervision under the city council's attorney, could potentially double or even triple the amount paid in 2011 when the city had only one attorney.

Furthermore, **HAVING TWO ATTORNEYS CREATES CONFUSION FOR CITIZENS** who may question the decision made by the staff attorney. This measure does not authorize the city council to mediate the situation.

What is referred to as legal advice on "city administration and operations" often impacts livability. This measure weakens and distorts the authority of our elected officials by placing too much control in the hands of the city manager and staff attorney with little or no transparency to citizens.

JUST VOTE NO!

Peggy Kirkendall
West Linn Resident

NO ARGUMENTS IN FAVOR OF THIS MEASURE WERE FILED

(This information furnished by Peggy Kirkendall)

The printing of this argument does not constitute an endorsement by Clackamas County, nor does the county warrant the accuracy or truth of any statements made in the argument.

VOTING

[SOME FREQUENTLY-ASKED QUESTIONS]

WHAT IF I DID NOT RECEIVE A BALLOT?

If you did not receive a ballot within 7 days of the mailing date, call the Elections Division at 503.655.8510. Your registration will be checked and if it is found to be current, a replacement ballot will be mailed to you.

WHAT IF I NEED ASSISTANCE VOTING?

Call the Elections Division for further instructions at 503.655.8510.

WHAT IF I MAKE A MISTAKE ON MY BALLOT?

Call the Elections Division for further instructions at 503.655.8510.

WHAT IF I CHANGE MY MIND AFTER I HAVE RETURNED MY BALLOT?

As soon as you deposit your ballot in a mailbox or at a ballot drop site, your ballot is considered to have been cast. A new ballot cannot be issued.

DOES MY BALLOT HAVE TO BE RETURNED BY MAIL?

You may return your ballot by mail or drop it off at any designated drop site in the state. The hours of operation for Clackamas County drop sites are listed on the front of this pamphlet.

DO I NEED TO ATTACH FIRST-CLASS POSTAGE TO MY BALLOT ENVELOPE IF I RETURN IT TO A BALLOT DROP SITE?

No, first-class postage is only required if you mail your ballot back to the Elections Division.

WHEN MUST MY BALLOT BE RETURNED?

Your voted ballot must be received in any county election office or drop site by 8:00 p.m. on election night, Tuesday, November 7, 2017. Remember: The postmark does not count.

WHAT IF I SEAL MY RETURN ENVELOPE AND REALIZE I FORGOT THE SECRECY SLEEVE?

This will not invalidate your ballot. The secrecy sleeve is encouraged but not required.

WHAT ARE THE ELECTIONS DIVISION'S HOURS OF OPERATION ON ELECTION DAY?

Clackamas County Elections Division will open at 7:00 a.m. and close at 8:00 p.m.



ELECTION RESULTS ON THE INTERNET

www.clackamas.us/elections/results.html

By entering the above web address into your computer's internet browser, you can access current and archived results for elections conducted in Clackamas County.

After 8:00 p.m. on Election Day, navigate to returns for the current election with just a few clicks of the mouse.

Updates are posted as ballot processing continues throughout the evening of the election.

