

Tualatin Special Election September 16th Light Rail Measure 34-220

You may have heard there's an election in September.

To be clear and avoid any voter confusion, Measure 34-220 is not a vote for or against Light Rail. The September 16th measure is a vote to **Require a Public Vote** on Light Rail.

Measure 34-220 is the result of a citizen's initiative petition which aims to give Tualatin voters the opportunity to have a public vote before the City can spend money and participate in bringing a Light Rail expansion from Portland to downtown Tualatin.

This measure is much like the Tigard measure which passed in March.

The Measure reads as follows:

PROHIBITS USING CITY RESOURCES FOR RAIL TRANSIT WITHOUT SPECIFIED ELECTION

AMENDS CHARTER TO REQUIRE SPECIFIED ELECTION APPROVAL BEFORE CITY COULD AUTHORIZE USE OF CITY RESOURCES FOR PUBLIC RAIL TRANSIT SYSTEMS

The proposed charter amendment would prohibit the City Council from authorizing the use of "city resources" including

- Public funds,
- Staff time,
- Lobbying agreements,
- Property interests,
- Tangible or intangible city assets, and
- The right to direct or permit the use of those resources for any of the following activities:

- Financing;
- Design;
- Construction; or
- Operation

of any public rail system operating inside and outside the City unless city voters first approved such use.

The authorization voters would consider must specify the types of city resources to be authorized; the permissible use of those resources; the estimated cash value of the resources with the associated personnel costs; and the duration of the authorization.

"City resources" could not be used to develop the information necessary to estimate the cash value of the resources, associated personnel costs, or duration of the authority needed to prepare an authorization ordinance for the election. City resources could be used for a public safety concern caused by the operation of public rail transit systems.

Many people have become aware that the Tualatin City Council may be preparing to bypass voters and become partners in a new \$2- \$3 billion Portland Light Rail line to Tualatin -- similar to how WES came about. If approved, Measure 34-220 will allow Tualatin voters to intervene and insist on a public vote first.

Over 2,000 Tualatin voters signed the petition to provide the only opportunity for Tualatin residents to vote and decide if light rail should come to Tualatin.

Consistent with heated efforts by Tigard and other jurisdictions to prevent, oppose or resist public votes, the City of Tualatin has tried to weaken the measure.

Since the measure was approved for the election, the City of Tualatin, on the final day to do so, submitted an "explanatory statement" which appears to be an intention to weaken the measure and allow the city to proceed with spending money and planning light rail without any vote.

The chief petitioner for the measure submitted a complaint with elections officials asserting that the city was disallowed from submitting any statement.

As chief petitioner of the Tualatin Light Rail Initiative, I am making the following request:

OAR 165-022-0040(2) prohibits a local governing body from submitting an explanatory statement for a locally initiated ballot measure unless the local government has enacted an ordinance which requires them to submit the statement. In 2012, the City of Tualatin enacted an ordinance that allowed, but did not require, the City Manager or City Attorney to submit an explanatory statement for a local initiative or referendum measure.

The text of the ordinance reads as follows:

"The City Manager or City Attorney may prepare explanatory statements for the Washington and Clackamas County Voter's Pamphlet for matters relating to municipal legislation referred or initiated by petition consistent."

Section 1-24-010, Tualatin Municipal Code.

The Tualatin City Manager has submitted an SEL 802 for Ballot Measure 34-220, which will appear on the September ballot. On the SEL 802 form, the City Manager correctly notes that the Tualatin Municipal Code does not require the city to submit an explanatory statement. As a result, the statement cannot be submitted, pursuant to OAR 165-022-0040(2), and should not be placed in the Voter's Pamphlet.

Moreover, as the Tualatin Municipal Code provides, the explanatory statement was prepared by the City Manager, and was not adopted by the Tualatin City Council. OAR 165-022-0040(2) is clear in providing that only the local government's "governing body" may submit an explanatory statement. Staff may not do so.



Photo courtesy of Steve Morgan

(continued)

For that additional reason, the County should not allow the explanatory statement to be printed in the County's Voter's Pamphlet.

Thank you for your attention to this matter,

Aaron Crowley

Elections officials at the Secretary of State's office ultimately chose not to act on the matter:

"Thank you for your inquiry. Because the deadline for submissions to the county voter's pamphlet has passed, this Division is taking no action on requests to change the voters pamphlet. Feel free to contact me if you have any questions."

Alana Alana J. Cox Oregon Secretary of State, Elections Division 503-986-1518

Unfortunately, the Secretary of State's office essentially used the City's own near deadline submittal as the reason to not enforce election rules and allow their statement to accompany the ballot.

Supporters of the measure do NOT believe Tualatin voters want any Light Rail Transit, any downtown Light Rail station or the kind of high density Transit Oriented Station Development that adds apartments, residents, their vehicles, increased congestion & crime.



Photo courtesy of Musashi1600

Light Rail proponents on the council appear to not want any public votes on Light Rail. Mayor Ogden has said publicly that he believes voters are not informed enough to vote on such a complicated matter.

Measure supporters believe Tualatin voters will ultimately support better transportation decisions for Tualatin. Various road, sidewalk and 99W or Sherwood connector improvements have long been delayed by politicians choosing WES and

Publisher's Note:

While TL does not endorse political measures, I felt it important to offer this space for petitioners to say their piece. The measure states that voters must approve Light Rail funding before our City Council can approve it. It is not a pro or con of Light Rail in general. -JC

previous MAX lines instead. Alternatives to the current TriMet system may also cost less and provide better service.

What began as a simple measure safeguarding the public's right to vote on expensive light rail in Tualatin has been complicated by the City's opposition and explanatory statement.

The City's explanatory statement appears to have been carefully crafted to allow a post-election interpretation of the measure that allows the city manager to proceed with spending money and planning light rail without the public vote required by the measure.

The City has set up an opportunity for the City Manager to make enormous financial decisions for the voters and taxpayers of Tualatin - and the City Manager is not even elected and answerable to voters.

As with other jurisdictions, the dispute over light rail and the enormous cost will continue after the September election. Measure supporters are hopeful 34-220 passes by a large margin to mandate that the City Council let voters decide if Light Rail is a good fit for Tualatin.

It's unknown what size of commitment Tualatin would be making for Light Rail. Perhaps between \$5-\$15 million or more.

Without Measure 34-220, the City Council can, and likely will, (as was done in Milwaukie, Oregon and Clackamas County) obligate Tualatin taxpayers to pay millions of dollars to pay light rail costs. As the City of Milwaukie and Clackamas County found out, once a recognized governing body agrees to the obligation, there is no way to back out or break the agreement.

Both had to sacrifice essential services to fund their share of light rail.

Measure 34-220 supporters want a public vote. City Hall does not.

A Yes vote on 34-220 will require voter approval of any Tualatin light rail.

A No vote will allow the City Council to decide.



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