

# TheTimes

## What will Tualatin's parks charter amendment do?

Mayor, citizen group disagree on potential effects of Measure 34-186, which will be on the March 4 ballot

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**As a March 4 special election approaches, a veritable who's who of Tualatin citizens and elected officials is trying to spread the story behind a proposed amendment to the city's charter. There is a debate about the amendment's premise, but an even bigger one about what its passage would actually do.**

The parks charter amendment, which will appear on the ballot as Ballot Measure 34-186 will modify the city's charter to require a vote of the people if the city wants to sell parkland or make a major non-park change to one of the city's parks. Examples of these changes, according to proponents, are putting utility lines under ground, building sewage substations, or expanding or routing roads onto parkland.

Backers of 34-186 say that the amendment is a necessary change that would protect the city's valuable park amenities from projects like the now infamous "bridge over Tualatin park," but opponents say that the amendment is a costly solution to a non-existent problem.

### Money

"For any issue to go on the ballot, the city has to spend a ton of money which they don't have," said Steve Stolze, one of the parks charter amendment's active opponents. Stolze is a member of political action committee "Citizens Opposed to Wasting Your Tax Dollars," a group organized to oppose 34-186.

Stolze pointed to the \$20,000 price tag of the upcoming March special election as an example of how money could be wasted with the amendment. This cost could be avoided, proponents say, if measures are put on the ballot during a regularly scheduled election — something one of the measure's chief petitioners, Kathy Newcomb, tried to encourage last year when the amendment couldn't get enough signatures for the Nov. ballot. The City Council could have referred the measure for the Nov. ballot anyway, but chose not to do so, said Cathy Holland, another supporter of the parks charter amendment.

"All of the projects have very long lead times," Holland said. With a little bit of planning, projects triggering a vote could go on ballots of regularly scheduled elections, she added.

"This wouldn't come up that often," Holland said.

"The language is so vague, this could happen every other week," said Stolze, who calls the measure "not well thought-through."

The city of West Linn passed a parks charter amendment in 2001. The West Linn process is similar, but it has different wording than the proposed Tualatin measure. Under their amendment, the city of West Linn must hold a vote on any "nonauthorized use" change to a park, from sale of land to street widening or construction of water reservoirs, said Kirsten Wyatt, West Linn's assistant city manager.

Wyatt estimated West Linn has had to ask for voter approval once every two years since their charter amendment was adopted.

"It definitely creates an administrative step that we need to factor in to our planning when it comes to park improvements," she said. "However, it has become the way we do business in West Linn. We know that this is a step in the process."

In 2010, West Linn voters weighed in on two park changes under this measure. Both measures, one involving road widening and another the sale of park land to the school district, passed with more than 65 percent of the vote.

### Vague language?

In November of last year, Tualatin commissioned a \$4,450 legal analysis of the proposed amendment from Portland firm Beery Elsner & Hammond. In it, special counsel Thomas Sponsler said that that it would be the city's responsibility to pass clarifying ordinances and set up a system to implement the amendment. Sponsler wrote that these ordinances would "resolve many potential problems" coming from vague language in the amendment. For example, where is a line drawn for what's considered a "major" change?

However, vague language in the amendment is a primary concern of Mayor Lou Ogden. On Sunday,



JAIME VALDEZ / THE TIMES  
CHARTER PROPONENT – Toni Anderson pounds the pavement on Alsea Drive in Tualatin Tuesday to spread support for the parks charter amendment. Anderson said that she moved to Tualatin because she "wanted to live in a quiet little town." She hopes the amendment will prevent roads being built through the city's parks.

Ogden sent out an e-mail to his contacts expressing his opposition to 34-186 and asking people to donate to the opposition PAC. **The e-mail** was forwarded on to the Chamber of Commerce e-mail list by CEO Linda Moholt on Wednesday. Ogden's major concern was a phrase in the amendment's purpose statement which states that it would preserve the city's parks from "incompatible and non-park development."

The list of what might qualify as "incompatible" is a long one, Ogden alleged.

"Anyone who thinks anything is incompatible could take us to court," Ogden said Tuesday. "Even though it's not what (the petitioners) want, someone else could use the incompatible thing to wreak havoc."

Sponsor's legal analysis acknowledged that the charter amendment's language could be used as the basis for such a lawsuit. However, Sponsler wrote, "If the council reasonably applies the terms of the measure and its ordinances following its adopted process, its decision under the measure are likely to withstand legal challenge."

### Protecting the parks

The parks charter amendment was born out of one project: a proposed bridge that would have directed traffic over Tualatin City Park. That project was one of many that had been on the books for years before being put into action, or even seen by many citizens.

"There wasn't any process in place that would guarantee that we know about these projects," said Dolores Hurtado. And that's what the parks amendment is meant to prevent: buildings and roads in parks being planned, and citizens not hearing about these projects before it's too late.

Stolze said that Tualatin already has a process for citizen involvement.

"Every decision made in the city goes through citizen committees," Stolze said, referencing transportation and parks advisory committees. Stolze added that the mayor and council, who ultimately approve projects, are accountable to citizen opinion.

"If you don't trust the people you elect, then elect new people or run yourself," Stolze said, adding that making damaging changes to a park would be "the last thing anyone on council wants to do."

"The city government should be allowed to do what they do, which is make decisions on behalf of citizens," Stolze said.

"We can keep voting people in and out, but that doesn't make the process problem go away," amendment supporter Annie Vigileos said.

Supporters are concerned that, without the protection of a required vote, parks could be a victim of poor planning for Tualatin's growing traffic congestion.

The city already owns this land, and "it's all about expediency," ballot measure supporter George Vigileos said.

### Vote

Ballots and the voter's pamphlet for the March 8 special election will be mailed by Washington County on Feb. 18. The last day to register to vote in this election is Feb. 15.

Visit **[the county's election website](#)** for more information and to read arguments by PACs on both sides, the Tualatin Chamber of Commerce and utility companies.