

BEFORE THE LAKE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 19

AN ORDINANCE PROVIDING FOR THE OPERATION OF THE LAKEVIEW BRANCHLINE RAILROAD BY THE LAKE COUNTY RAILROAD COMMISSION; PROVIDING FOR APPOINTMENT OF THE LAKE COUNTY RAILROAD COMMISSION; AUTHORIZING THE LAKE COUNTY RAILROAD COMMISSION TO OPERATE AND MAINTAIN THE LAKEVIEW BRANCHLINE RAILROAD; AND DELCARING AN EMERGENCY.

ORDINANCE PREAMBLE

Since 1928 the Southern Pacific Transportation Company has operated the Lakeview Branchline Railroad between Lakeview, Oregon and Alturas, California said railroad benefiting the residents of Lakeview and Lake County. In early 1985 Southern Pacific made application through the Interstate Commerce Commission (ICC) to abandon the Lakeview Branch Railroad. In August 1985 the ICC ordered that a Certificate of Abandonment be granted. In 1985 the primary users of the Lakeview Branchline Railroad are Fremont Sawmill, Lakeview Lumber Products, Louisiana Pacific Corporation, and Woodgrain Moulding, Inc. In that the discontinuance of the Lakeview Branchline is a matter of county concern, Lake County has entered into negotiations with Southern Pacific Corporation to purchase the Lakeview Branchline Railroad. The funding for the purchase of the railroad will be 85% from State of Oregon Economic Development Fund and 15% from the above mentioned mills. If Lake County is to purchase the Lakeview Branchline Railroad provision needs to be made for the operation and maintenance of the railroad including contracting with persons to operate and maintain the railroad.

WHEREAS, the Lake County Board of Commissioners deem that the Lakeview Branchline Railroad can best be administered by a Commission including the primary users of the railroad,

NOW, THEREFORE, THE PEOPLE OF LAKE COUNTY, OREGON DO ORDAIN AS
FOLLOWS:

Section 1. Management of the Lake County Railroad shall be exercised by Lake County through a commission consisting of seven (7) persons who shall be charged with the duty and authority to reconstruct, rehabilitate, operate, and maintain for the benefit and use of the inhabitants of Lake County said railroad including contracting with persons for the reconstruction, rehabilitation, operation, and maintenance of said railroad for Lake County.

Section 2. The commission shall be designated and referred to as the Lake County Railroad Commission and hereafter referred to as the Commission. Reference to the Board of Commissioners means the Lake County Board of Commissioners.

Section 3. The composition of the Lake County Railroad Commission shall be as follows:

- (1) One Commissioner as designated by Fremont Sawmill.
- (2) One Commissioner as designated by Lakeview Lumber Products.
- (3) One Commissioner as designated by Louisiana Pacific Corporation.
- (4) One Commissioner as designated by Woodgrain Moulding, Inc.
- (5) One Commissioner as designated by the Town of Lakeview, Oregon to serve indefinitely.
- (6) One Commissioner to represent Lake County, Oregon to serve indefinitely.
- (7) One at large Commissioner who shall be appointed by the Lake County Commissioners shall serve for a period of two (2) years from the date of this ordinance until January 1, 1987.

Section 4. Five (5) members of the Commission shall constitute a quorum for transaction of any and all business of the Commission.

Section 5. At the first Commission meeting of each calender year the Commission shall elect a Chairman and Vice Chairman to serve in those capacities for that year.

Section 6. The Commission shall meet as regularly as is required to conduct the business of the Lakeview Branchline Railroad. All meetings shall comply with Oregon Public Meetings law.

Section 7. Any funds designated and appropriated for the use of the Lakeview Branchline Railroad shall be deposited in a fund through the Lake County Treasurer, which shall be known as the Lake County Railroad Fund.

Section 8. All funds appropriated to the Lake County Railroad Fund shall be administered by the Commission in accordance with an annual budget prepared by the Commission and approved by the Board of Commissioners pursuant to the Oregon Budgeting law.

Section 9. The Commission shall have the primary responsibility and authority to manage and expend funds from the Lake County Railroad Fund. Each expenditure shall be processed through the Board of Commissioners on applicable claim forms for signature by the Board of County Commissioners.

Section 10. Any expenditure or commitment exceeding the sum of \$5,000.00 shall receive the prior approval of the Board of Commissioners.

Section 11. The Commission shall have the full authority and is charged with the responsibility for the reconstruction, rehabilitation, operation, and maintenance for the benefit and use of the citizens of Lake County including entering into contracts with any person for the reconstruction, rehabilitation, operation, and maintenance of the railroad.

Any decisions to sell or lease property purchased by Lake County in acquiring and owning the Lakeview Branchline Railroad shall be processed through the Lake County Board of Commissioners.

Section 12. The Commission shall comply with the laws and regulations of the State of Oregon and the Lake County Public Contracting Board as applicable to contracting and purchasing.

Section 13. All decisions of the Commission made with regard to the operation and control of the Lake County Railroad shall be final unless reviewed by the Board of Commissioners at their discretion. There shall be no right of appeal to the Board of Commissioners from Commission decisions.

WHEREAS, Lake County has made an offer to purchase from Southern Pacific the Lakeview Branchline Railroad and it is necessary for the protection of the peace, health, and safety of the inhabitants of Lake County that provision be made for the reconstruction, rehabilitation, operation, and maintenance of the Lakeview Branchline Railroad including contracting with persons to reconstruct, rehabilitate, operate, and maintain the railroad, an emergency is declared to exist and this ordinance shall become effective immediately by its passage by the Board of Commissioners.

Ordained by the Lake County Board of Commissioners this 16th day of October, 1985.

LAKE COUNTY BOARD OF COMMISSIONERS

BY:

Louis Lamb
Commissioner

George Carlson
Commissioner

A. H. Skarr
Commissioner