

MINUTES OF SPECIAL EXECUTIVE SESSION  
NOVEMBER 22, 1991

FAIR BOARD

John Thomas  
Marla Warren  
Rocky Williams

STAFF

Cal Wade  
Sue Oxendine

GUESTS

Dan Olsen, County Counsel  
Eric Apalategui, Argus

The meeting was called to order at 3:45 p.m. by Chairman Thomas. He called for the Executive Session pursuant to ORS 192660.1H to discuss filing of litigation.

Under the ORS statute anything stated cannot be reported by the press.

Dan Olsen reviewed the events leading up to today's special session. The City of Hillsboro has proposed the widening of NE 28th. On November 5 the city council approved the ordinance for the improvements to the street and scheduled a public hearing on assessments of the property owners.

The FairPlex has been assessed \$149,000+ for the property fronting 28th St. This property is currently under lease to the City of Hillsboro for the sports complex. The lease does not permit assessments to be passed on to the lessee.

Olsen stated that the assessment could be subject to a challenge because assessments are subject to benefit to the owner. Oregon law statutes to improve roads are vague and this could be a land use decision. If this is true, than the jurisdiction to actively appeal the city's decision is exclusively with the Land Use Board of Appeals (LUBA). The deadline to file an appeal is November 26, 1991.

The fair board needs to decide if they wish to file litigation for the purpose of preserving their right to continue to challenge while negotiating with the city.

The County Board of Commissioners are meeting at 2:00 Monday, November 25 in Executive Session to discuss filing as well. The County is the title holder of the fairgrounds and has an interest in the assessment as well as the fair board.

If the action is not filed by the 26th the fair board could still go to the Washington County Circuit Court within 60 days to file, but the city may fight this as the road improvement is a LUBA issue.

There is a possibility that the fair board and the county would not have the same interests in which case Olsen would advise the fair board to seek private counsel.

MOTION: MOVED BY MARLA WARREN, SECONDED BY ROCKY WILLIAMS, TO ADJOURN FROM EXECUTIVE SESSION AND MOVE INTO PUBLIC SESSION.

MOTION APPROVED UNANIMOUSLY.

Men for the public record stated he has discussed the potential litigation and recommended filing as a precautionary matter only with the Land Use Board of Appeals by Tuesday, November 26, 1991.

MOTION: MOVED BY MARLA WARREN, SECONDED BY ROCKY WILLIAMS, TO FILE WITH LUBA TO PRESERVE THE RIGHT TO CHALLENGE THE ASSESSMENTS ON 28TH STREET AND TO AUTHORIZE OLSEN AND WADE TO NEGOTIATE WITH THE CITY TO PUT THE LITIGATION ON HOLD AND REACH SOME TYPE OF SETTLEMENT. MOTION PASSED UNANIMOUSLY.

MOTION: MOVED BY MARLA WARREN, SECONDED BY ROCKY WILLIAMS, TO ADJOURN THE MEETING. MEETING ADJOURNED AT 4:15 P.M.

Respectfully submitted,  
Sue Oxendine, Secretary