

## RESOLUTION NO. 2810

### **A RESOLUTION TO ENCOURAGE AND SUPPORT ACTION BY THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS TO SITE AND CONSTRUCT THE EXPANDED SERVICE COURT FACILITY AND JUSTICE CENTER IN THE CITY OF GRESHAM**

The City of Gresham Finds:

A. In 2001, Multnomah County Resolution 01-114 commissioned a study to determine whether to proceed with renovating the Multnomah County Courthouse. The resulting report was issued in June 2002. The June 2002 report concluded, in part, that as part of the long-term court space strategy, establishing a court in Gresham would increase convenience to East County residents.

B. A Courthouse Blue Ribbon Steering Committee was convened in August 2002 with the mission of "developing a comprehensive, clear, sustainable, and cost-effective strategy for meeting Multnomah County's court facilities needs for the next 40 years." The Blue Ribbon Committee's Courthouse Recommendations, issued December 2003, included a recommendation for establishment of a four-courtroom facility, with expansion capability to six courtrooms, in East County/Gresham. Establishment of a courtroom and justice facility in East County/Gresham will provide substantial benefits, including increased convenience, to Gresham residents, and was endorsed by the Gresham City Council on April 20, 2004 through the adoption of Resolution No. 2693.

C. In 2004, Multnomah County Resolution 04-028 created a work group to be chaired by Commissioner Lonnie Roberts to make specific recommendations and a cost analysis regarding a new East County justice facility. Mayor Charles Becker acted as vice-chair of this work group. This work group has completed its work and made various recommendations on location, occupancy, financing, and related matters, and the City of Gresham supports the findings and recommendations of this work group.

D. In 2005, and at the request of the County, the City has indicated its willingness to contribute up to \$2 million towards the construction and/or acquisition costs of the justice facility. This contribution is in consideration for ownership interest and occupancy of approximately 12,000 square feet of space in the facility and the right to participate on the project management team to define a mutually agreeable design, space and parking plans, specifications, and other details relating to the project. Although the specific financing of this contribution has not been determined, i.e., County financing under an agreed upon plan, in-kind payments other than cash such as fee waivers or infrastructure costs, urban renewal funds (depending on the location of the facility), community block grant funds, etc., the City and County have expressed their willingness to explore all possible options.

E. From time to time, and for reasons wholly unrelated to the issues surrounding the Blue Ribbon Committee Multnomah County Courthouse study and the Commissioner Roberts/Mayor Becker East County Justice Center work group, the City of Gresham has considered reestablishment of a municipal court in the City of Gresham. More specifically, in 1998 the City Attorney's Office completed an evaluation and preliminary financial assessment of the feasibility of a municipal court. At that time, the City Council concluded that such a court was not financially feasible.

F. In 2002, the City Council appointed a citizen task force to again review the possible reestablishment of a municipal court. In its 2003 report, the task force found that a full-service courthouse facility in the City of Gresham would be of greater benefit to the citizens and businesses of Gresham and East County than a municipal court. The task force also recommended that the city work with Multnomah County and the state court system to enhance the current court services in Gresham

pending county action on the Blue Ribbon Committee's recommendation that a full-service courthouse and justice center be established in East County. The City Council agreed and took no action on the municipal court at that time.

G. In 2005, following the appointment of Gresham's first City Auditor, an audit report on the subject of a municipal court was requested by the City Council. The auditor's report was designed to review the 1998 and 2003 municipal court studies and to very summarily assess the financial aspects of a municipal court with limited jurisdiction. This audit report was completed in August 2005 and discussed at the August 23, 2005 roundtable meeting. The City Council took no action at this meeting, but agreed to revisit the topic in the next 60 days depending on the action taken by the County Board of Commissioners relative to the East County Justice Center Project. The County has declined to take formal action on the project due, in part, to uncertainty surrounding the City's position on a municipal court.

H. The Gresham City Council remains committed to working with the County to establish an expanded service courthouse and East County Justice Center within the City of Gresham. Since the time of the August 23 roundtable meeting, the City Council has also determined that while a municipal court remains a topic of interest, further study, a comprehensive financial evaluation, and a detailed business plan would be required. The City does not have the staff or financial resources to undertake a comprehensive study or otherwise pursue a municipal court. The City's position in this regard was set forth in a letter to the Multnomah County Board of Commissioner's dated September 20, 2005 and in a second letter on or about September 30.

I. On September 25, 2005 Mayor Becker and City Attorney Susan Bischoff met with Multnomah County Presiding Judge Dale Koch to discuss the court's plan for expanded court services in East County. Although Judge Koch did not envision significant civil trials or felony matters being handled in Gresham, court services, including civil filings, restraining orders, and some motion practice would be provided. The current statutory jurisdiction of a Gresham court would be continued. Judge Koch also indicated that the court stands ready and willing to increase local code enforcement and/or parking enforcement services should the city's demand for such service increase.

J. Although the City Council recognizes that it may lack the legal authority to bind future governing boards of the City, Council wishes to formally express the City's intention to defer or otherwise forgo the creation of a municipal court in Gresham, provided that the East County Justice Center as currently contemplated between the City and County is constructed within the next three years.

#### **THE CITY OF GRESHAM RESOLVES:**

1. The City of Gresham is committed to the current East County Justice Center project and the recommendations made by the Commissioner Roberts/Mayor Becker work group in its written report.
2. Subject to the necessary budgetary appropriations and financing plan, the City remains committed to making a financial contribution to the justice facility project.
3. The City of Gresham will forgo the creation of a municipal court in Gresham provided that the East County Justice Center project is completed or substantially completed within the next three years.

4. The Gresham City Council strongly encourages the County Board of Commissioners to take immediate steps to implement the recommendations of the Commissioner Roberts/Mayor Becker workgroup, and proceed with this important justice facility project for the benefit of all East Multnomah County.

5. The City of Gresham looks forward to working with the County Board of Commissioners in the days and months ahead to collaboratively resolve the many issues facing the citizens and businesses in East Multnomah County.

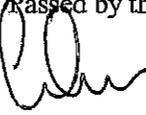
Yes: Becker, Echols, McIntire, Bemis, Craddick, Widmark, Warr-King

No: None

Absent: None

Abstain: None

Passed by the Gresham City Council and effective on November 1, 2005.

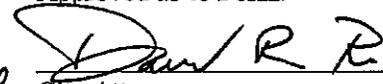


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City Manager



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Mayor

Approved as to Form:

  
for \_\_\_\_\_  
City Attorney