

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-129

Appointing a Commission to Report on Alternate Assessment Methodologies for the Multnomah County Drainage District No. 1

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Drainage District No. 1 ("District") is organized under the provisions of ORS Chapter 547, "Drainage Districts," serving an area of north Portland that is surrounded by flood protection levees and served by a stormwater conveyance and pumping system. The District operates and maintains the system of levees, stormwater conveyance, and pumps. The landowners of properties within the District elect a board of supervisors to govern the District.
- b. ORS 547.245, "Reassessment of Benefits," provides procedures for changing the District's method of assessing District properties when the existing assessment method has become out of date ("inequitable or unjust"). After conducting an independent review of its current assessment process, the District's Board of Supervisors has determined that the existing methodology - which was adopted in 1989 - is not workable, and that there have been errors in its implementation that need to be addressed to ensure that assessments for drainage services are fair and equitable for landowners within the District. In addition, the landowners of more than 10 percent of the lands within the District have signed a petition, filed with the County Board Clerk, requesting the County to invoke the formal assessment change process contained in ORS 547.245. A copy of the petition is attached as Exhibit 1.
- c. The District has agreed to pay for the required publication cost the County will incur under ORS 547.245.
- d. ORS 547.215 and 547.245 provide that the County ". . . shall, by order, appoint three commissioners (who shall not be landowners in the district nor of kin within the fourth degree of consanguinity to any person owning land in the district), one of whom shall be a civil engineer . . ." These commissioners will follow the ORS Chapter 547 process of preparing a formal report on reassessment methods and submitting the report to the "county court" (Board of County Commissioners).
- e. The District has prepared a "Work Plan" to accomplish public awareness and acceptance of this assessment change. The Work Plan is attached as Exhibit 2.

The Multnomah County Board of Commissioners Resolves:

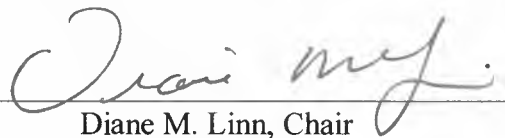
1. A commission is appointed to prepare a report on updating the assessment methodology for Multnomah County Drainage District No. 1.
2. The commission members will be :

Dan Vizzini, Chair
David Crawford, PE (a Registered Professional Civil Engineer in the State of Oregon), Member
Donald W. Oakley, Member
3. The commissioners and the District Board of Supervisors must comply with ORS Chapter 547 in completing and submitting a report on alternate assessment methodologies with a recommended methodology. The commissioners and the District Board of Supervisors must substantially comply with the attached Work Plan to promote public awareness and acceptance of the proposed reassessment method.
4. The Board of Supervisors of Multnomah County Drainage District No. 1 will provide support to the commission to enable it to complete and submit the report on assessment methodologies.

ADOPTED this 11th day of September, 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

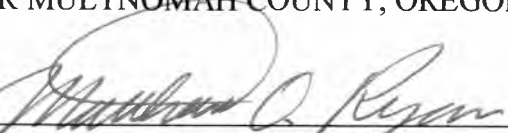
By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT 1

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

In the Matter of the Reassessment of Benefits
in MULTNOMAH COUNTY DRAINAGE
DISTRICT NO. 1

**PETITION TO APPOINT
COMMISSIONERS FOR
REASSESSMENT OF BENEFITS**

The undersigned petitioners hereby request that proceedings be taken for the reassessment of benefits for Multnomah County Drainage District No. 1 ("District"), and in furtherance thereof do hereby join in this petition.

1. This petition is for reassessment of benefits in the District, and is filed pursuant to ORS 547.245.

2. As required by ORS 547.245, the undersigned petitioners represent at least one-tenth of the owners of the lands within the District, or the owners of at least one-tenth of the lands within the District.

3. The undersigned petitioners set forth that, for the reasons described in the Resolution of the District's Board of Supervisors, which is attached hereto as Exhibit A and incorporated herein by reference, the current assessments of benefits are inequitable and unjust, and a reassessment of such benefits is necessary to ensure accurate and equitable distribution of costs for such benefits.

4. As provided by ORS 547.235, more than five years having expired from the confirmation of the original report of benefits, and since the first Reassessment of Benefits in 1989, and pursuant to ORS 547.245, this petition requests the County Commissioners to appoint a board of three commissioners who are not landowners within the District, nor kin within the

1 fourth degree of consanguinity of any person owning land within the District, to reassess the
2 benefits in the District and report the reassessment to the County Commissioners. The secretary
3 of the District's Board of Supervisors shall be an *ex officio* member of such board of
4 commissioners, pursuant to ORS 547.220.

5 WHEREFORE, pursuant to ORS 547.245, the petitioners pray for the following:

6 1. An order appointing qualified persons as this Board may designate as
7 commissioners, and convening the same and directing them to examine the previous report of the
8 commissioners in the light of this petition and of all relevant facts, and prepare an amended and
9 supplemental report as may be warranted by the law and the facts; and

10 2. Pursuant to relevant portions of ORS Chapter 547, upon filing of the
11 commissioners' report, that the County Commissioners cause notice of hearing upon such report
12 to be published; conduct such hearing and receive exceptions timely filed by any interested
13 person; and, upon hearing the same, approve the report or direct how it shall be modified and,
14 when so modified or approved, confirm such report by decree; and

15 3. That the County Commissioners grant any other relief which this court may deem
16 appropriate.

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1 Dated this 29th day of August, 2003.

2 PRINT LANDOWNER NAME AND ADDRESS

SIGNATURE OF OWNER OR
OWNER'S REPRESENTATIVE

3 WARREN LIMITED PARTNERSHIP II
4 INTERSTATE CROSSROADS
5 LOTS 8, 9, 10
6 No. of acres owned: 28.13

[Signature]
Its: Genl Partner

7 WARREN Family Properties LLC
8 INTERSTATE CROSSROADS LOTS 21, 22, 23
9 No. of acres owned: 6.3

[Signature]
Its: Manager

10 Cooper Tractor & Equipment
11 4545 NE 148th AVE
12 Portland, OR 97230
13 No. of acres owned: 2.6

[Signature]
Its: President

14 Owens-Brockway Glass Container Inc
15 9710 NE Glass Plant Rd Portland 97220
16 No. of acres owned: 43.05

[Signature]
Its: Plant Engineer

17 Port of Portland
18 121 NW Everett
19 No. of acres owned: 3,310.5

[Signature]
Its: Executive Director

20 The Halton Company
21 4421 NE Columbia Blvd
22 No. of acres owned: 3.2 Portland OR 97218

[Signature]
Its: Vice President

23
24
25
No. of acres owned: _____

Its: _____

1 Dated this 29th day of August, 2003.

2 PRINT LANDOWNER NAME AND ADDRESS

3 Port of Portland
4 121 NW Everett, Portland OR
5 No. of acres owned: 3,310.5 91209

6 _____

7 _____
8 No. of acres owned: _____

9 _____

10 _____
11 No. of acres owned: _____

12 _____

13 _____
14 No. of acres owned: _____

15 _____

16 _____
17 No. of acres owned: _____

18 _____

19 _____
20 No. of acres owned: _____

21 _____

22 _____
23 No. of acres owned: _____

24

25

SIGNATURE OF OWNER OR
OWNER'S REPRESENTATIVE

Port of Portland Commissioner
Its: James C. McLeser

Its: _____

Its: _____

Its: _____

Its: _____

Its: _____

Its: _____

Exhibit A

MULTNOMAH COUNTY DRAINAGE DISTRICT #1 RESOLUTION NO. #03-4

A RESOLUTION AUTHORIZING A REASSESSMENT OF BENEFITS

WHEREAS, after an independent review done at the request of the Multnomah County Drainage District No. 1 ("District"), the Board of Supervisors ("Board") has determined that current assessment models are inconsistent with the assessment methodology adopted in the *Report of Reassessment* dated June 26, 1989 which is now in effect, resulting in possibly inaccurate or inconsistently applied assessments; and

WHEREAS, the Board has further determined that certain methodologies in the adopted *Report of Reassessment* are outdated or impracticable, and therefore need to be revised; and

WHEREAS, ORS 547.245 provides that, at any time after the expiration of five years from the confirmation of the original assessment report as provided by ORS 547.235, a petition signed by at least one-tenth of the owners of the lands within the drainage district or the owners of at least one-tenth of the lands within such district may be filed with the county clerk, setting forth that the original assessments or benefits are inequitable and unjust, and requesting the county court to appoint three commissioners as provided by ORS 547.215 to reassess the benefits of the district; now, therefore,

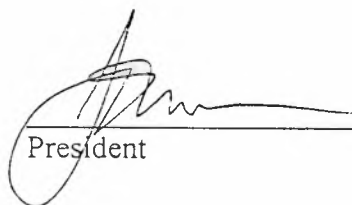
BE IT RESOLVED:

- 1) That the Board authorizes the initiation of the process for conducting a reassessment of benefits pursuant to ORS 547.245.
- 2) That the Board authorizes District staff to take all necessary steps to facilitate the reassessment process, including coordinating with legal counsel as needed.
- 3) That pursuant to ORS 547.220, the Secretary of the Board, as an *ex officio* member of the board of commissioners to be appointed by the County court, shall provide any required assistance and information required by such commissioners to complete the reassessment.

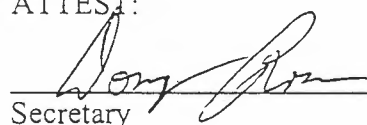
Approval of this Resolution moved by Nelson, seconded by Cooper.

Adopted by the Board of Supervisors of the Multnomah County Drainage District No. 1 on this 4th day of August, 2003, by the following vote:

Ayes: - 3 - Nays: - 0 -



President

ATTEST:


Secretary

Exhibit B

**Multnomah County Drainage District #1
Petition to Appoint Commissioners for Reassessment of Benefits
Dated this 29th day of August, 2003**

Proposed Commissioners:

Dan Vizzini; 13830 Verte CT, Lake Oswego, OR 97034

David Crawford; 3120 NE US Grant Place, Portland, OR 97212

Don Oakley; 14490 SE Oregon Trial Drive, Clackamas, OR 97015

Dan Vizzini is a utility rate financial analyst with the City of Portland, Bureau of Environmental Services. Mr. Vizzini is proposed to be the chair of the commission.

David Crawford, PE, is a registered civil engineer, specializing in storm water management computer modeling.

Don Oakley, is a registered engineer, who was the lead consultant for the 1989 assessment methodology change in Multnomah County Drainage District No. 1.

The petitioners represent that Messrs. Vizzini, Crawford and Oakley meet the requirements of ORS 547.215.

EXHIBIT 2

MULTNOMAH COUNTY DRAINAGE DISTRICT NO. 1 WORK PLAN

Project Work Plan. The work plan for the assessment methodology study includes considerable opportunity for involvement by landowners in the District. The project schedule, with opportunities for landowner involvement, is:

September 2003: County appoints special commission; analysis of impervious area by tax lot and financial issues begins.

October 2003: Impervious area study complete; preliminary financial analysis and draft financial report reviewed by special commission.

October/November 2003: District staff begins meeting in work sessions (3 to 4) with landowners. Special commission reviews public input.

December 2003: Conclude work sessions with landowners. Landowner meeting conducted by the District board; receive public comment on proposed methodology. Final Special Commission meeting for public comment.

January 2004: Commission completes final report, adopts the report as its 'final draft and forwards it to the County.

February 2004: Upon timely submission of the final report in compliance with ORS Chapter 547, the Board of County Commissioners considers the final report; and if approved, the District publishes new assessment method to landowners.

June 2004: District implements revised assessment methodology at start of new fiscal year.