

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

RESOLUTION NO. 2015-XXX

Authorizing the County Chair to Execute an Interim IGA with Oregon DAS for Funding the Central Courthouse Project.

The Multnomah County Board of Commissioners Finds:

- a. Oregon Revised Statute § 1.185 requires Multnomah County to "provide suitable and sufficient courtrooms, office and jury rooms for the court, the judges, other officers and employees of the court and juries in attendance upon the court, and provide maintenance and utilities for those courtrooms, offices and jury rooms."
- b. Chapter 705, Oregon Laws 2013, authorized creation of the Oregon Courthouse Capital Construction & Improvement (OCCCI) Fund and provided for the sale of Article XI-Q bonds to finance the State's matching share of costs for new or renovated courthouses, or portions thereof, owned or operated by the State under a long-term lease or IGA with each county.
- c. The Oregon Department of Administrative Services (DAS), the Oregon Judicial Department (OJD) and the County agreed in early 2014 that the 2013 statute did not provide for state reimbursement or matching of county expenses incurred prior to execution of a long-term lease or IGA for "ownership and operation" of the completed courthouse. The parties agreed an interim funding IGA is needed to grant DAS, acting on behalf of OJD, such authority until the parties finalize grant agreements detailing use of the proceeds from each bond sale.
- d. DAS and Multnomah County have negotiated an intergovernmental agreement, as authorized by ORS Chapter 190, substantially in the form attached hereto as Exhibit A (the "Interim IGA").
- e. The County has submitted its 2015 bond funding request to OJD, and the Oregon Chief Justice has recommended approval of the County's request for the state's matching share of Courthouse costs, with the first bond sale projected for April 2015. At least two, and perhaps three, bond sales are anticipated to fund the state's entire matching share through the end of the 2017-19 biennium.
- f. Under the Interim IGA, the County will submit County-approved invoices to DAS for its review and approval of the expenditures as "approved courthouse costs." The Interim IGA also provides for DAS' retroactive approval of county invoices paid on the courthouse starting last fall and prior to execution of the Interim IGA.

- g. Under the Interim IGA, the County will authorize transfer of funds to pay courthouse invoices from its account in the Local Government Investment Pool (LGIP) into the OCCCI Fund. At its September 2014 meeting, the Emergency Board will be asked by DAS and OJD to authorize expenditure of the state's up to \$15 million match for the remainder of the 2013-15 biennium. This expenditure authority will empower DAS to reimburse the County's deposits (made between now and the April 2015 bond sale) back into the County's account in the LGIP and to begin paying DAS's matching share of approved courthouse costs from the OCCCI Fund.

The Multnomah County Board of Commissioners Resolves:

1. The County Chair is authorized to enter into the Interim IGA with DAS, acting on behalf of OJD, in substantially the form attached hereto as Exhibit A, and to modify or amend the Interim IGA as necessary or desirable to further its intent, so long as such modifications or amendments do not result in a material increase in the obligations of Multnomah County or a material decrease in the benefits for Multnomah County under the Interim IGA.

ADOPTED this 14th day of August 2014.

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

Deborah Kafoury, Chair

REVIEWED:

**JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
Kenneth M. Elliott, Assistant County Attorney

SUBMITTED BY: Michael Bowers, Director of Facilities & Property Management