

Board of Commissioners Meeting  
September 24, 2014

Present: Commissioner Steve McClure  
Commissioner Mark D. Davidson  
Commissioner William D. Rosholt

Chairman McClure opened the meeting at 9:00 a.m. with all three Commissioners present.

Public Comments

Lois Barry, 60688 Morgan Lake Road, La Grande, stated that she has studied the County Commissioners website and especially the history of pursuing funding for a new courthouse. After she read the rationale for choosing a one-story building because elevator maintenance for a two-story building would cost \$1 million she started thinking about the Sac Annex. How could owners of that old building possibly pay \$18,000 a year for elevator maintenance? It seemed impossible. She had assumed that the information published by the County Commissioners on their website was accurate but it isn't. Elevator maintenance contractors quote a maintenance fee of \$125 to a maximum of \$150 per month for maintaining an elevator in a two-story building. At \$150 a month times twelve months is \$1800 a year times 50 years is \$90,000 not \$1 million. The figures are off by more than \$900,000. That is a serious miscalculation. She will give them the benefit of the doubt and consider it an honest error but a significant one and certainly a significant enough error to persuade the Oregon Judicial Department to give the County an extension because they need to reexamine the calculations. She agrees with the estimated cost of \$80,000 per elevator. If the Courtrooms are located on the first floor in a two-story courthouse only one elevator is necessary. Sheriff's staff can transport prisoners by walking them in a separate door and no separate elevator is required for Sheriff's staff and prisoners. All over America in towns small and large justice is sufficiently dispensed in multi-story courthouses. The Clackamas County courthouse has three stories, seven courtrooms and manage nicely with two elevators. If it were a perfect world the judges preference for a one story courthouse would prevail but this is the real world of budget constraints. She knows this Commission is big on common sense so she will add some additional cost saving information based on quick research and common sense. Mike Becker is at the meeting and she is sure that he has the expertise to share his opinion of these possible savings when he meets with the Commissioners. First, the most expensive percentage of a building's total cost is site preparation and foundations. A two-story building has half the foundation on half the footprint. It would be 6500 sq. ft. on the first level instead of 1300 sq. ft. on one level for a one story building. Of course, a two-story structure would also require only half the roofing area and half the cost for 6500 sq. ft instead of 1300 sq. ft. Demolishing the Advocacy Center would cost almost twice as much as demolishing the Joseph Annex asbestos and all because the parking surfaces around the Shelter would have to be removed and that is an expensive process. In addition to the replacement cost to the Center projected to be from \$1.1 to \$1.5 million the profound environmental costs of

demolishing a building only 16 years old should have entered the decision process. The County website says they are looking for the cheapest alternative. When the assumptions about the elevators and multi-story buildings are corrected it will be obvious that a two-story courthouse will be the cheapest alternative. A two-story courthouse with half the footprint would allow the advocacy center to stay exactly where it is. In the meantime it is premature and it may ultimately prove to be unnecessary to evict the Shelter staff from the facility which provides such a vital service to the community.

Matt Cooper, 302 C Avenue, wanted to echo the statements of Ms. Barry that he thinks this is a needlessly premature decision and they would like to respectfully request an extension that the Commissioner request an extension from OJD for further consideration of the siting. He has been asked to report some conversations that a member of the Save our Shelter group had recently with Phil Lemon of the OJD. Valerie Morrow met with Phil Lemon for 45 minutes at the OJD offices yesterday afternoon. Mr. Lemon has said that he has been very interested and attentive to all of the information he has been receiving from Eastern Oregon. He mentioned that he has received nothing in writing from the Commission and there is room to change everything still at this point. Mr. Lemon especially pointed out that it is up to the Commissioners to listen to the tax payers of Union County and to do the right thing. Evacuating and tearing down the Joseph Annex should have a cost benefit analysis. He was looking for indications that the Shelter staff was having regular, open and honest conversations with the Commissioners. He repeatedly questioned Ms. Morrow about how much time the Commissioners would need to do the right thing and kept asking what kind of time it might take to make some kind of difference. The Commission needs time to reassess calculations and to confer with the Shelter personnel and with their contractor. The OJD has indicated that they are open for a request for an extension. If the Commissioners have doubts of Mr. Lemon's willingness to provide time for the Commission to work through this important issue please contact him at his office in Salem. In the meantime it is premature and may ultimately prove to be unnecessary to evict the Shelter staff from the facility which provides such a vital service to the Community. He would like to request that the Commission ask for an extension to OJD to further study the siting before they rush ahead and raze a building that is 16 years old. He considers it a very needless and premature decision.

Stephen Donnell, 2505 East L Avenue, La Grande, stated that he has been watching these proceedings and unfortunately he hasn't been able to attend many of them. He has been going across the country working with the Federal Government on his disability. For quite some time there have been a number of figures going around about how much a new courthouse would cost. One of the most popular figure is about \$6 million. That is not necessarily the exact facts in the matter. The County paid for a facility study by some architects that is dated February 15, 2012. It consists of two things. One, the remodel of the first floor which is now in existence for \$2.5 million. The second, is the construction of the proposed courthouse addition and that was \$3,250,000 which was bid in March. He and most of the people he talks to have no idea

how much the County is supposed to spend on the Design/Build contract. He has no information as to what the County is going to do about the fact that they really have a \$6 million project. One, which is the retrofit to meet the Federal standards and the outworn facilities and infrastructure on the first floor and how they are going to reconcile the \$6 million total for both projects. The figures were given by the media. The County has \$3 million to spend. What is their proposed cost of the contract with Mr. Becker. The spending of State money is covered by Statute. He has been in the construction business since 1948 and he has worked at all levels. He doesn't see any evidence that the County is following the statutory requirements for a competitively bid contract. They were told that the County decided that one contract was the best because it had certain aesthetic features nothing was said about the proper lighting in the courtroom, the best acoustics possible, does it have the best circulation for the protection of the tenants of the building. The people don't know what the County is going to build and the County doesn't either at this point. He suggested to the Commissioners that right now they are in a situation that seems to him that they are out of compliance with State requirements for competitive contracts because they are spending the State's money which is his money. No matter what the County does with the new courthouse they are repeating all kinds of infrastructure. This report complete of how long it will take if the second floor is added which is completely designed by purpose by the people of the County and by the County Commission at the time the building was built to be added on to. The newspaper reports say the County was originally going to have a two-story building. Now there is a switch situation. There is now going to be a one-story building. If the County builds on top of the present building there is a two-story building. There is more than ample room than there is now. As far as some of the reasons such as elevators it is interesting that they can't build a building because elevators cost too much to maintain. They are not using 1936 technology for the elevator. The College is putting elevators in like mad to take care of handicap requirements. They also have other requirements and because the law enforcement structure gives the County the opportunity to meet certain requirements. They will have to retro fit the first floor on the building anyway. It makes no sense to put in new boilers and new infrastructure when it has already been done for you by design with the intent that the second floor would be built on the present building. He knows that the County has a difficult problem and he knows that the County Court has a difficult problem. During the decision that the County has made they are wiping out over \$500,000 of foreign money that comes in here that costs the County nothing and funds completely the effort to take care of those people who are deviant and cause problems with people and wind up in jail and people badly hurt.

Stephen explained a friend of his just got beat up. It nearly killed him all because he accosted the young man that got his daughter pregnant and she didn't want to do what he wanted to do. When he found she was pregnant he started beating on her and finally he wound up in the County jail and only stayed 6 hours. He caused mayhem and assault which could have killed the man because he hit him exactly in the area he had a motorcycle accident and shoved that side of his skull backwards. The County has a problem, the people who the Shelter from the Storm serve has a problem, there is a jail occupancy problem, there is a court justice system which has a problem and the

interesting thing is if you look at the amount of cases that come out from what the Shelter from the Storm pays for a police officer, a car, personnel, the D. A. office. They are potentially completely wiping it out because Shelter from the Storm lives on their reputation and their cooperation of the County Commission to fund them and support them to take care of a problem that the County doesn't have to do that themselves. The decision does not have to be made that way. Furthermore, because the City puts a parking problem on it they are going to vacate the street and the people are going to lose all of their civil rights because they will continue to let the City park and drive on it. The question then becomes what if someone has a firearm in their car and they want to park in the parking lot out here in an area next to the City jail and the court system. He doesn't think the County Court or the State is going to look with good conscience on that. He thinks they have a situation that cries out for reconsideration and a concentrated effort to go with the most building possible for the least amount of money meets the needs of the people in the County and meets the needs for Shelter from the Storm. This building is made with structural clay tile. It cannot be remodeled. All the walls in the building are load bearing walls. This building will not meet any of the structural codes in the City right now. What happens if the State comes along and said they have to meet the building codes if it will be occupied for a public building. If that happens this building is gone. The Commissioners should get together with the County court at both the State and local level with Shelter from the Storm to continue to give them the support that they need. He asked the question at their public meeting what are they going to do and how are you going to justify people giving them money if the county court doesn't support them. At the same time the County is wiping them out. In another part of the state the county built the same type of people a building and gave them the building. It is said that they should be paying rent. What is all the money constitute if they pay for a Sheriff and City police, paying for a car, and paying for other support they give the County what is that. If that doesn't constitute services in lieu of dollars he doesn't understand. The money comes to them from other people. The County doesn't put a dime into them. They pay all their own services. They have a building that was designed by their predecessors with the absolute consideration that they will build a courthouse complex on the top for one specific reason; it is the safest place. If you have been in the military and fought in an urban environment most people don't go above the third floor. With the support of the county court, the public, shelter from the storm and the justice department who are paying for this sit down and put together a group and discuss the whole thing and come up with a reasonable rational solution based upon the money the County spent to tell them what they can and cannot do and the suggestions of how to do it.

Suzanne Goodall, 520 Ruckman, Imbler, explained that she has lived in this area for 23 years. She sends notes to her children that live farther away but grew up here. She has a four page letter from her son who is in the military who has been following it as much as he can. He addressed many of the points that were just heard. He thought it was interesting that from four states away he came up with many of the same ideas that the Commissioners have just heard about saving the money and looking closely at what is needed and not disturbing the effective services. She knows that everyone has worked

hard for the best things to happen in the County. She thinks there is still time to make sure that the best things do happen. She has a concern about not knowing what the County will be giving and have a contractor who served as the architect and the building supervisor. She doesn't see a supervision of quality or materials. She thinks that lacks the kind of oversight that she would like to have on public buildings and of the services. She left her son's letter that addresses his concerns for the record.

Mike Dougherty, 96 Oak Street, La Grande, explained that he has been a resident for about 40 years. He has a background in managing major construction projects at the University campus and working on master planning for not only the residence life program at EOU but also for master planning for EOU as a whole. He has a few comments and has been following what has been going on within the community regarding the Shelter and the need and decision to replace the courthouse facility. He is asking the Commissioners to take a broad look at this because it should be a much bigger issue in terms of the goal for the County in this particular project. He encouraged the Commissioners to think about the replacement of the Joseph building. If the Joseph building isn't sufficient for the courthouse it isn't really sufficient for any of the occupants of the building. The greatest value of the acquisition was the property that it sits on. If the Commissioners look at the end of the life cycle and needing to replace that facility they need to be looking out 50+years. The decisions they make right now are going to affect decision making for decades to come not only in services but also in real costs. Looking at the greatest value being the land, the County is not land rich. There is a relatively small patch of land to develop on the County campus. Providing and building that campus is an excellent idea. When an entity is land poor and there are big construction needs than the solution is to build up and not out. They need to try and shrink the footprints of the buildings in order to fit the landscape in the plan they want to put in place. There are also some efficiencies that can be gained when two-story buildings are built. He would not recommend going three floors or above. There are many more costs that become involved with it in terms of fire safety. Sizing the building to the landscape is important. There are specific needs that the courthouse has and reasons why they wanted it on one story than the original thought of two. The solution is to look at what their needs are and can they be accommodated in a design that is two-stories. If the need is to bring in defendants and they don't want to have extra elevators to bring them up and down than the courtrooms on the first floor and the administrative offices on the second floor. There are design features that can be put in the RFP that can accommodate those kinds of needs if you know what the needs are and work around them. In order to build the campus he thinks this is a really good start. They have the Shelter from the Storm building on the North End of the block, the Corrections facility on the East end of the Block. He thinks that if they put the new courthouse on the South end of the block across from the Shelter there would be a great campus. One of the things that the County needs to do is to move the parking out of the middle of the campus plan for safety and security reasons. The best place for parking is where the Joseph Annex sits right now. The long term cost of developing a master plan. Every construction project that is done has to meet that master goal. They will have to leverage every construction project. He feels that the County needs to replace this

building. If it is not good enough for the court it really isn't good enough for anyone else. He is surprised that they haven't had complaints of sick building issues with the age of the facility. The Joseph Annex building should be torn down first and become the new parking area. It would be easy to convert. It would be easy to build on the parking lot and it is often a place holder on the land for future construction because it is the easiest place to move to without disrupting all of the services that the County has. They would be able to operate everything until the building is complete. They will have to build an administrative or office building for the other inhabitants in the Joseph building. The long term master plan for all of the facilities is all available but it has to be leveraged all the way along. If the Shelter from the Storm building is torn down in his opinion they are tearing down the wrong building. It is going to more than double their cost in the long run if they are really looking at developing the full master plan.

He explained that if it is truly an essential service which the services provided are seen by the community as being essential. He finds it more than ironic that today is opening day for the students at EOU. It is the beginning of their week of welcome. There will be hundreds of new students and 60% of them will be women begin their careers at EOU today. Today is also the beginning of what they call the red zone. Between now and the next six to eight weeks most sexual assaults and date rapes happen on college campuses during the red zone. At this critical time and on this day when they are entering the red zone and should be spending all efforts on looking at preventing these kinds of things and provide the support service. There is a really good program with the Sexual Assault Response Team and the Shelter is the heart of that response. Union County is the envy of a lot of counties across the State with what is going on in support of that. This is detracting from where the focus needs to be. It is a serious concern and a serious issue when they should be educating all the new arrivals to the community and to the local campus they are being diverted and looking at issues that will make it difficult to respond to those. In his estimation the first date rapes will be happening this weekend in La Grande whether they are reported or not. That is real. The needs of this population are real. The more time spent diverting the attention from education and support it becomes a tragedy for the regional community.

Mike stated that the Commissioners need to think about the master plan and the timing and what needs to happen in the long run the decisions right now are critical. To raze the Shelter building not only has a negative and potentially fatal impact on vital impact on services it will greatly detract and inhibit the ability to build a master plan in the future. The Commissioners need to take the time to do due diligence. He has been in correspondence with Mr. Lemon at the OJD and he asked him if OJD would be willing to giving an extension of the time frame to give Union County the opportunity to think about a master plan and his response to him was that if the Union County Commissioners were to request additional time OJD would seriously consider it. He thinks that they need to request extra time to look more seriously at the issues. Look at the 50 year impact and not just the immediate impact to some vital services but the whole project and the future of the campus. To serve the people well and be able to have a master plan with few disruptions to the services that are essential to provide is

doable right now. The Commissioners can also just as easily make a decision that will put all of that in jeopardy. He encouraged the Commissioners to keep what they have that is the best and tear down what needs to be torn down and do it in a staged manor that makes it easy to continue essential services and at the same time not disrupt the people that are working for the County. This issue deserves more time and has the Commissioners need to look more long term and he thinks the potential for a great campus plan across the street is right here. He also stated that he appreciates the opportunity to come in and speak with the Commissioners on this issue. He knows that there have been people that have complained. There is a secret of the dissatisfied customer, only about 1 in 10 people will actually come forward and make a complaint. The rest just take their business elsewhere or take their votes elsewhere. The people that are silent but dissatisfied will tell at least 10 other people. Every time the Commissioners see a person come forward and say they have concerns and are dissatisfied they can easily assume there are 100 people behind each one of them that probably feel the same way. This issue is tearing this community apart. It deserves further consideration.

Sharon Evoy, 204 Spring Avenue, La Grande, stated that she knows they have heard from some people that have not had a positive experience with the County in the past and she knows that others shared their painful experiences and hopefully their goal was to raise the Commissioner's awareness of the need for high quality services. She also knows that they have heard from many in the community that have been supporters but also share a concern about the fate of the community's domestic violence shelter. Nearly everyone in this community wants to see a solution that will continue the high level of services that SFS provides along with a much needed courthouse. Judge Miller in Friday's meeting indicated that the County owns the SFS facilities and they may demolish it or not as they wish. She knows that the Commissioners have received some eloquent letters about the role of leadership and decisions that have to be made. Sometimes it is difficult when there are priorities that have to be weighed. She knows that there was a counter proposal from the Shelter from the Storm and she has written to OJD about the counter proposal and she hopes the County will give the counter proposal serious consideration. Many people have questioned in months long passed about the feasibility of using the Joseph Annex footprint for the courthouse. She hopes that the County will revisit this idea and that it is not impossible to rule it out at this point. Judge Miller also indicated that there may be lingering issues of compliance with the intent of the original grant or Federal regulations. However, he has indicated that is the County's problem. OJD is also aware of their ideas about using the Joseph Annex footprint as well as the future vision of a family justice center. They will do whatever they can to support an option that provides a new courthouse that is not at the high cost of high level services to victims of domestic violence. If there are additional costs related to additional design by being across the street rather than adjacent to the Police station she knows that there are many in the community who would be willing to contribute to some of those costs. They are further committed to do all they can to keep the public aware of all information and option regarding this issue.

Maxine Hines, 701 D Avenue, La Grande, stated that this still seems like this is a bad decision. She is glad that there is another shot at this and the actual eviction hasn't happened yet. She promotes the idea that this is an unsettled event and why disrupt services now and do the eviction when construction can't start for a long time. There is no finalized plans and no money. The plans haven't hit the justice department and no permits. Why disrupt services so early on. She hopes that the Commissioners don't follow through with the eviction for months until this is really settled. She is glad to see some key players here because part of what felt so right at the last meeting was that there was good discussion and the group needs to keep talking.

Judge Brian Dretke, 66 Otten Drive, La Grande, explained that he has come to the Commission meeting to address the issue of a one-story versus a two-story courthouse. As a representative of the judges and the court staff of Union County Circuit Court he testified before the Commissioners in January of this year on this issue. The record of that meeting set forth his preference for a one-story courthouse however, he understands that some members of the community and many associated with the Shelter from the Storm question the reasoning and mistakenly have attributed a one-story preference to the Commissioners; it is the judges. Prior to setting forth the reasons for their preference he clarified that the \$2 million from the Oregon Legislature was not contingent on a two-story courthouse. Any assertion to the contrary is based on misinformation. The building configuration contained in the contract simply says that the design of the courthouse "should communicate the traditional community importance, dignity and respect of the judicial system". Judge West and Judge Dretke support a one-story courthouse for efficiency of court operations which is of the up most importance. Based on the projections of the population of Union County and the caseload in both civil and criminal matters they will remain a two judge jurisdiction for the foreseeable future. Unlike larger court operations with more populated counties they will not have the luxury of specializing in the types of cases that they preside. Rather they will continue to handle all types of cases; criminal, divorce, custody, small claims, landlord/tenant, civil which includes personal injury, medical malpractice, employment discrimination, will contest, real estate disputes, restraining and stalking orders and mental commitments. Invariably the cases are all intertwined. A criminal case of domestic violence may have a companion civil case involving child custody which often necessitates staff retrieving the companion case file during the hearing for the judges review. Likewise, the limited staff members each have very distinct responsibilities. For example, his judicial assistant is also responsible for all appeals, bail forfeitures, warrants for failure to appeal, standard felony filings, the Court's accounts payable and she serves as the Court Clerk one day a week. She does not have the luxury of working solely for him and getting the files he will need during a hearing. Under these circumstances there is no configuration of a two-story courthouse which will be efficient. Staff on one floor and both courtrooms on the other or courtrooms on different floors with divided staff, which is the current situation, is simply unworkable. The purpose of a new courthouse is to improve efficiency for the citizens and staff not perpetuate inefficiency. The claim by opponents of this project that other courthouses are multiple stories is simply misleading. While courthouses in other jurisdictions may well be two-

story buildings every single one of them has all of their court operations on a single floor. Wallowa, Baker, Malheur, Grant and both courthouses in Umatilla County all house courtrooms and court operations on a single floor although they are multistory buildings. The next issue is the safety of the public and the court staff. A two-story courthouse design effects the safety of the public and court staff. They are currently provided one court security officer from the Union County Sheriff's office and since that officer cannot be in two places at one time one floor of a two-story courthouse will always be vulnerable. Vulnerability is increased by the inevitable delay in responding to a different floor for a combative or destructive person. The most important location for an officer is to be stationed at the courthouse entrance for security screening of the public. That location will be completely abandoned when the officer is on another floor. A single story courthouse minimizes this risk. The next issue that has been talked about is cost. A two-story public building cannot be constructed with State and Federal ADA standards without an elevator. For a courthouse at least two elevators are needed; one for the public and one for prisoners. It is likely that a third elevator will be needed for staff because they have to move files around. As he testified back in January elevators are expensive. He contacted an architectural firm who quoted a price of between \$65,000 and \$75,000 per elevator. He also contacted WC construction who quoted a price between \$45,000 and \$50,000 and that was for installation only and did not include annual maintenance. Given the budget of approximately \$3 million for the entire project the cost consumed by installation and maintenance of elevators is prohibitive. Elevators are not the only issue. Structural requirements for a two-story building are greater and hence more expensive. Simply put a one-story building is considerably less expensive to construct. A two-story building would exceed the limited budget. On a related note opponents of the current plan continue to insist that another alternative is to build the courthouse on top of the Union County Jail so the Shelter can remain in their current location. That plan is even more cost prohibitive. While a Jail can structurally support a courthouse the projected cost of \$5.6 million is over twice the budget. That estimate was provided by an engineering study by Design West Architects in 2012. Of that \$5.6 million \$2.5 million was allocated to upgrade the existing infrastructure to accommodate another floor. This \$5.6 million does not include the cost of a rental of a temporary Jail for the 9-12 month construction period. It is of the utmost importance to recognize there is a design from Mike Becker Construction that meets the needs for a courthouse. It has a unanimous approval of the Commissioners and is projected to cost well within the budget and is ready to begin construction on schedule. With regard to parking, he attended all of the City Council meetings at which the proposed location of the courthouse was discussed. According to the City Planner removal of the 25 off street parking spaces for the construction of a two-story courthouse between the current Shelter building and the Jail cannot be approved under the City's parking standards. That is precisely where the Shelter's representatives seek to place the courthouse so as to leave their building in place. However, under the current plan to build the courthouse on a footprint that encompasses the Shelter office the parking plan is anticipated to meet with the City's approval. The building configuration is required by the contract that the design of the courthouse should communicate the traditional community importance, dignity and respect. A courthouse is not an office building. A courthouse is certainly not

a defunct hospital. It is far more than that. It is a focal point of the community. It is a reflection of how the community sees themselves as a people and a democracy. It gives form to a community sense of order and equal justice of the law. It is the building in which members of a civil society seek to resolve their differences. As such it must reflect the gravity and integrity with the importance of that function. A two-story building should not be shoehorned between the Shelter office and the Jail building and in no way meets that criteria. The one story plan created by the chosen contractor sited in the same footprint as the former courthouse and reflecting the historic design of the former courthouse does meet that criteria. He stated that He and Judge West support the location of the Union County campus that has been selected and approved by the Commissioners.

Judge West stated that he supports the one story courthouse. It is the only acceptable design because of safety, efficiency, cost, parking and aesthetics. The Judges told the Commissioners they needed a one-story courthouse. The Commissioners selected the site where the Shelter is. The Judges support that. Given all the options that is where it needs to be located. This has been worked on for six years. There was a committee that planned. The folks from the Shelter from the Storm did not seem interested and were not a part of that process. It was a six year process. They received a \$30,000 grant to have a master study done. The recommendation was to build on the South side of the block on top of the Jail but it was over \$5 million. He went to Senator Wyden and got an earmark in 2010. That got deleted in sub-committee. So the \$5 million was gone. They followed the master plan and tried to fund the facility and were unable to. It was decided that it wasn't realistic to get \$5 million. He explained that he went with Commissioner Rosholt to the Legislature two years in a row. They testified and received the \$3 million that they have now. It will not come around again. They have been through the planning and don't want an extension. They don't want to get involved in an analysis paralysis. They have studied it. Phil Lemon's title is Legislative Communications Manager. He does the liason with the Legislature. The contact they work with directly is Kingsley Cliff who is the State Court Administrator and they work with Chief Justice Thomas Baumer. They do not want an extension and they request that the Commissioners sign the contract and get it to OJD by October 1<sup>st</sup> which is the deadline. The longer the wait the more likely there will be an incident in the current facility. It isn't safe. They want to get it done. They can ask for an extension. There are a number of projects that are begging for money. They may get Union County's money if it is not used. He sees nothing to be gained by an extension. They have a design that reflects the dignity that should be reflected in a courthouse. There have been some arguments of why staff can't be on one floor and courtrooms on another floor. The staff has to have a service desk. A lot of the work done in a court facility is not in the court rooms it is done at the service desk. There is only funding for one security officer. It would not work.

Commissioner Davidson thanked the Judges for coming to the Commission meeting and trying to clear up some of the misconceptions. He appreciates their help and support.

Judge Dretke stated that all of the legal issues have been resolved now. Judge Billings who heard the last hearing should be issuing a written opinion on that today. All of the legal issues that have been raised by the Shelter have been resolved.

Teresa Crouser, Shelter from the Storm, P.O. Box 1173, La Grande, stated that she would like to take a moment to address Judge Dretke's comment that the court needs in Union County are not likely to change. She cited page 23 of the 2009 Master Plan that states, based on population data gathered Union County will likely continue to experience significant population growth over the next 25 years. This is a study that has all of the projected numbers. It was definitely given careful consideration. If that is accurate which they can assume that it is the court needs will increase.

Commissioner Davidson asked Teresa what rate of growth are they projecting in that study. Teresa stated that it is 22.5% for 25 years. Their plan projected the needs of the court for the next 50 years. Commissioner Davidson asked if she knew what the historical rate of growth for Union County is for the past 25 years. Teresa stated that she did not know. Commissioner Davidson explained that if he remembers correctly the rate that they are projecting is close to double what Union County has experienced in the last 25 years.

Commissioner McClure agreed with Commissioner Davidson. He explained that he read that report in detail and his biggest problem was the population projections. The historical population against the projections based on a statewide number. It doesn't make sense to him and he doesn't think the County adopted that report.

Teresa stated that she just read the report and wasn't picking and choosing what she liked out of it.

Mary McCracken, 63036 Buchanan Lane, La Grande, explained that she wasn't going to say anything until Commissioner Davidson stated that he felt this clarified all of the misconceptions that are going around in this community. She is assuming that the Commissioner is thinking that the Judges are the ones that clarified the misconceptions. She thinks that the statements that were made in support of the Shelter and in support of other plans have every bit as much viability and factualness in them as the Judges does. They are certainly outnumbered so she feels it is presumptuous for the Commissioner to summarize and thank them for clarifying the misconceptions. She thinks the misconceptions are on the Commission's side. She thinks that the people who have testified in the majority should have clarified the misconceptions that the Commission is supporting.

Sharon Porter, 302 C Avenue, La Grande, stated that she appreciates the ability to come and speak to the Commissioners today. She explained that when she was a young girl through high school her parents and civics teacher told her that it was important to be informed. She wrote a few weeks ago about minutes that were not

published on the County website since May. She encouraged the County to get those posted more expediently for those that cannot come to the meetings can find out what is going on. She felt like there was a huge information gap and she does not know what is going on. She is here today learning a lot of things. She looked up the sunshine laws in Oregon and they are not specific when the minutes have to be posted but it has to be within a reasonable length of time and they recommend three weeks. She wondered on the comment about a security officer covering a two-story building and how fast a security officer can cover one floor anyway.

Maxine Hines stated that no one has addressed why the immediate eviction has to happen. The Shelter needs some time. They have had since January but everyone hoped and still hopes that this isn't how it plays out. Unless someone is starting construction tomorrow she asked the Commissioners to give them time to figure out something else if this is going to go through. She would like to hear any comments on why it has to happen right now.

Matt Cooper stated that he appreciates the judges being present today and explaining their side of the story. He keeps hearing things about dignity and pillars. He asked about the dignity of sexual assault and domestic violence victims in the County. He asked if that is less important than the dignity of the courthouse building and the Judges. He stated that the Commissioners need to weigh that. He asked if pillars are more important than the women in this community.

Loy Carrington, P.O. Box 792, La Grande, Shelter from the Storm Board Member, gave the Commissioners their counter proposal.

Suzanne Goodall stated that it seemed that there was a statement that said it was the Shelter against the courthouse. She didn't come for either of those organizations. She came to the meeting because she doesn't want the County to waste money. She doesn't want a viable building to be torn down no matter who is in it. She wants a decent courthouse built that will be safe. She wants appropriate parking and wants the County to work with the City if it is against regulations to move a parking lot than work with the City and figure it out. She is not here representing anyone except a ton of people that she has spoken to who have nothing to do with the Shelter and have never been to the courthouse but care about wasting money.

#### Court Facility Contract

Commissioner Davidson addressed Ms. Hines concern about the eviction and the timing of it. He explained that it is still in flux and the final move out date has not been determined. They are open to considering what can be worked out. He thinks it will be a conversation that will occur. He asked her not to go away from here today thinking that is etched in stone. Maxine asked if some of the group could be involved in the conversations. She asked if Mike Becker could talk to what needs to happen. Commissioner Davidson stated that Mike Becker is not in the audience but it is a conversation that they will have with the parties that are involved. Maxine asked if the

Shelter would be a part of that. Commissioner Davidson explained they will talk with the Shelter.

Commissioner Rosholt reiterated that this process has been going on since 2008 when a committee was put together. Since he has been involved no stones has been unmoved. It is a process and the process has to continue because of the money that is designated from the Legislature. If the County does not move forward the Legislature can change their mind and say that Union County will not receive the money. The process has to go forward if they want to see a new court facility being built. All they are trying to do is move that as expedient as possible without disrupting anything as they have suggested from the start. The Commissioners don't want to see the services of the Shelter from the Storm disrupted. They want to do what they can to make sure that they can continue. That has been their plan ever since January 15<sup>th</sup> when he met with the Executive Director to start with. This is a process that will continue. They want to make the best for everything in Union County.

Commissioner McClure explained that there was a proposal received from the Shelter from the Storm. Commissioner Davidson explained that there was a letter received in regards to the County's proposal for assistance and they have expressed a counter offer. The Shelter emailed to the Judges, OJD and the press. He doesn't believe that there has been enough time to assess that offer. He feels that the Commissioners need to confir with legal counsel and discuss it in an executive session if it is going to be considered. A real estate transaction has been proposed. He feels it is due consideration but he doesn't feel it is appropriate to consider today when the County has had it less than 24 hours. It is compatible with the action that they have under consideration today so they are not mutually exclusive.

Commissioner McClure asked the other Commissioners if they want to postpone the contract with Mike Becker. Commissioner Rosholt didn't think it needed to be put on another agenda. Commissioner Davidson explained that he feels that Shelley needs to go through the contract and consider it.

Shelley Burgess, Administrative Officer, brought the Agreement between Union County and Mike Becker General Contractor for the Union County Circuit Court building to the Commissioners for consideration. This is a result of the process that the County went through where the qualifications were first accepted and the field was narrowed to three who were given Request for Proposals. Proposals were received from all three. The proposals were reviewed by a panel and Mike Becker General Contractor's proposal was selected and previously approved. This is the agreement between the County and Mike Becker that would cover the construction of the proposed building. The contract price is \$2,433,006. All of the required elements have been provided. Mike Becker has signed the contract.

Commissioner Rosholt stated that this is a process that has to be continued.

**Commissioner Rosholt moved approval of the contract between Union County**

**and Mike Becker General Contractor as presented. Commissioner Davidson seconded.** Commissioner Davidson stated that this has been a long process. They have received clear input from the local judges and through them from the OJD that they support this location and design. Mr. Donnell stated that he was unclear of the building being built and questioned the price. The price is clearly stated in the contract. There are conceptual drawings that lay out the floorplan of the building. There will be some modifications and final construction drawings developed in the coming months. He hopes that will clear up any confusion that there may exist about what is being built. In his mind it is very clear. He explained that of the processes that are available to the County under public bidding law the one that was followed meets with State law and has been thoroughly reviewed by legal counsel. It has been used on other occasions. He doesn't have any reservations about that.

**Motion carried unanimously.**

Executive Session

An executive session was held under ORS 192.660(h) pending litigation and ORS 192.660€ real property transaction.

Adjournment

The meeting was adjourned at 10:37 a.m.

Respectfully Submitted,

Ashley Wilhelm  
Sr. Department Specialist II

Nathan K. Goodall  
111 Langley St.  
Colorado Springs, CO 80916

Union County Commissioners,

I have been away from Union County for over 15 years and last lived in the county in May 1999, when I left to begin Active Duty in the Army. Since then, I've been stationed in Germany, South Korea, Iraq and Afghanistan. I've been educated as an Organizational Psychologist at Columbia University while on the faculty at United States Military Academy at West Point, New York. I also attended the Army's Command and General Staff College in Leavenworth, Kansas. I'm currently living in Colorado Springs, Colorado where I serve in the Army's Space and Missile Defense Command. Nonetheless, I've maintained my "home of record" as Imbler and still proudly consider Union County my home. I believe that my education and upbringing in this community prepared me well for these experience. I'm still registered to vote in Union County and have a vested interest in this community.

I write this letter as a private citizen. It represent my own personal position, not those of the United States Army or my official position as a commissioned officer in it.

I've been following the proposed Union County Courthouse construction with great interest. As I've read about the Union County Courthouse, I've had several conflicting thoughts and emotions. I've known many of the County Commissioners through my family over the years. I took guitar lessons from "Too Loud McLeod" in High School, where I met Colleen when she was serving as a Commissioner. I attended High School with John Howard's son. I met Commissioner McClure at an event with my father. Judge Russ West spoke at my father's funeral in 2001, and his wife Mary was one of my teachers in Imbler High School. I know that our elected officials care a great deal about their community and that serving in any position as a government official is demanding and somewhat thankless. I appreciate each of your service and your commitment to serving this county.

I've also known many of the people involved with Shelter from the Storm through community events and my mother's involvement in the Court Appointed Special advocates program. Their commitment and advocacy for victims and running a world-class operation from Union County is commendable. They've saved many lives and provided regional leadership in the area of domestic violence and sexual assault. In my career, I've known soldiers and families who greatly benefitted from these types of services. One of my soldiers was knocked unconscious with a frying pan by his wife. I still shudder at the memories of children sent to the hospital. One wife was found murdered in a public park; her husband is now at the Disciplinary Barracks in Leavenworth. The bureaucratic, sociological, and psychological complexities people working at the Shelter have to face is only met by commitment and single-mindedness they have for protecting victims.

Rec'd from  
Suzanne Goodale  
9/24/14

I'd like to offer the following observations and analysis as the final considerations for the new courthouse and fate of the Shelter From the Storm decisions are made.

In my opinion, the county and the Shelter have not rationally explored opportunities for mutual success. Rather, lawsuits and eviction hearings have led to "escalation of commitment" that has led each side to retrench into their formal positions. This has potentially impacted rational decision making and has led to a great deal of embarrassment to this community. The discussions occurring now are extremely important in overcoming these problems.

As a taxpayer, I am extremely concerned about how this . I think there are several key considerations that need to be resolved in an open, transparent manner. These include:

- **Fate of the St. Joseph Annex** - The single factor that all parties seem to agree upon is the St. Joseph Annex is inadequate to their needs. Both the judges and the Shelter believe it inadequate to their purposes. In the briefing provided by the Commissioners on the new Circuit Court building, the building is referred to as historic. If the county decides that it should be considered historic, the building needs to be properly maintained as such. I would hate to see the loss of a historic building due to inadequate maintenance in the manner the truly historic courthouse was lost in the early 1990s. Otherwise, it should be replaced with adequate facilities. If the county chooses not to preserve the building, funding should be pursued to remove it at the earliest opportunity. That will be difficult, but it will remove a major obstacle for further construction and debate.
- **Funding is driving us to make expedient decisions not tailored to our community** - I believe this is the root cause of all the frustrations voiced over this project. The timeline associated with state funding, as well as planning that occurred after the allocation of funds, has placed the county in a position where it has been seemingly forced into a binary decision: Shelter or Courthouse. For future projects, we need to get ahead of this by planning on the services we require and doggedly pursuing funding for solutions that will work for us.  
I will be especially frustrated as a taxpayer if the new courthouse is torn down in 15 years. We are wasting taxpayers dollars to maintain an inadequate facility (the Joseph Annex) and also razing a facility that cost \$368,000 in 1998 dollars (approximately \$531,000 in 2014 dollars) simply because we haven't determined our needs and how to pursue them.
- **The state of Oregon judiciary has ensured its desires have been expressed** - My understanding from reading the minutes and briefing is that the county originally considered a two-story courthouse based on site limitations. Input from the judges and the state, and some concerns about maintenance costs, caused a reconsideration to a single floor facility. In several articles, I've read that the state regards Union County as the worst courthouse in the State. Building a single story facility that highlights their efficiency is as much about achieving their goals for improving these facilities across the state as it is about helping Union County. We should understand their desires and input from this context.

- **The county needs to decide which design works best for its needs** - The judges and state judiciary have a vested interest in advocating for the best facilities; nonetheless, they are not policy-makers for the county. Policy, inherently, is about optimizing for the greatest public good. With that in mind, I make the following observations:
  - The current Shelter facility should be considered as a policy consideration in this discussion. It represented a major effort by this county to fund (through grants) and construct. Previous county commissioners made the decision to host it on the campus. Mutual trust was established between the Shelter from the Storm organization and the county government.
  - I believe that the county may have been convinced by the judiciary to pursue a single floor courthouse based on their observations of efficiency. The judiciary are public servants, the building should not be constructed for their staff's comfort but rather for the public good of the people of Union County.
  - If a two story design is pursued, the elevators placed in the building should meet the minimum requirement to meet code and American Disability Act requirements. I currently work in a building with 350 people where we share a single elevator. Convenience of public employees should not be considered an overriding factor.
  - Some of the discussion in meeting minutes I saw referred to "public impact" and "community presence." Few public buildings made in the last 50 years have been truly impactful, budgets, labor prices, and cut-rate architecture and construction methods have prevented this. No one will ever stand on the steps of our courthouse and feel the swell of emotion they gain standing on steps of the United States Supreme Court. This building should be designed to be functional, **serviceable to the public**, and last for a 50 year lifetime. I submit this building will only be truly ennobled by the decisions that result in its construction and the work that occurs inside it.
- **The county needs to decide on its long term vision of desired services for the campus and work to fund them-** In the 1990s, the county prioritized the construction of the Shelter and sponsored the Community Development Block Grant. This was after the destruction of the old Courthouse and the move to the Joseph Building. From my reading of the briefing, the county began its work to build a new courthouse in 2008. This was nearly twenty years after moving into the Joseph Building. A great deal of effort went into funding and planning the new courthouse. Unfortunately, we will lose all the effort exerted to fund and construct a facility only 15 years ago. We should not allow this to happen again. Other communities may be able to afford this sort of short-sighted vision, but I don't think we can with our current challenges.
- **Partnerships between government and non-governmental organizations (NGOs) are critical.** So critical that I've taken several courses at professional schools about it in my work. It's one of the greatest contributors to our nation's ability to adapt to challenges. It's also a good example of an underlying tensions here, the county has to meet all public concerns, while the shelter is absolutely advocating for their position. The challenge for government is to recognize this while fulfilling its' responsibilities. It

takes mutual trust and respect for these relationships to succeed. Union County and Shelter from the Storm had an extremely successful partnership. The county sponsored their grant packet and agreed to host the shelter on county campus. The discussions I've seen in the letters to editors, lawsuits and eviction proceedings indicate that this trust has broken down. For all parties, whose job is to support the public, I think this is a great injustice to our community. On all sides, I believe there is plenty of blame to share.

- **Domestic Violence and Sexual Abuse have never had greater visibility to the American public** - Domestic Violence and Sexual Abuse are, deservedly, a hot topic now. Spousal abuse among NFL players is making the news daily. It's an extremely sensitive issue in my profession that has threatened it fundamentally. Razing a purpose built facility, without a plan to replace it, sends a message (intentional or not) about the priority of sexual assault and domestic violence in this county. Historically, this organization (Shelter) has been a regional leader; any setbacks in this area should be considered.
- **Events such as this, though uncomfortable, lead to the type of thoughtful debate that makes this nation great.** One of my great privileges of serving this nation is that we have established a system that encourages debate. More often than not, such debate (when reasoned and thoughtful) leads to understanding and outcomes that people can support. I believe there is still time to reach a solution that will work for this county that is not driven by the state's timeline or agenda (to improve what are nationally known as poor courthouse facilities) and that meets **our policy goals. History will be our judge.**

Respectfully,

Nathan K. Goodall