

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 89 - 1051
GENERAL COUNSEL TO COMMENCE)
LEGAL PROCEEDINGS AGAINST PREVIOUS)
OWNERS OF CONVENTION CENTER SITE) Introduced by Rena Cusma,
PROPERTY) Executive Officer

WHEREAS, The Council of the Metropolitan Service District has authorized the purchase of property for the Oregon Convention Center; and

WHEREAS, The property has now been acquired and construction begun; and

WHEREAS, Apparent releases of hazardous materials had occurred on portions of the property prior to Metro acquiring it; and

WHEREAS, The Department of Environmental Quality required Metro to investigate and document the nature and extent of the resulting contamination; and


WHEREAS, Metro has incurred over \$800,000 in costs in the investigation and remediation of the contamination on the site and may incur more; and

WHEREAS, Previous owners and operators are responsible for the contamination and legal proceedings are necessary to recover these costs; now, therefore,

BE IT RESOLVED,

That the Office of General Counsel be directed to commence legal proceedings against the appropriate previous owners and operators of convention center site property.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of February, 1989.



Mike Ragsdale, Presiding Officer

STAFF REPORT

Agenda Item No. 5

Meeting Date: February 7, 1989

CONSIDERATION OF COMMENCEMENT OF LEGAL PROCEEDINGS AGAINST PREVIOUS OWNERS OF CONVENTION CENTER SITE PROPERTY

Date: January 31, 1989

Presented by: Daniel B. Cooper

In acquiring the site for the convention center, Metro became the owner of property where hazardous materials had been released. The Department of Environmental Quality (DEQ) has required that Metro investigate and document the nature and extent of the contamination and remediate the problem. Metro has spent over \$800,000 to date in this process. There may be additional future costs.

The previous owners and operators of the property now part of the convention center site are the parties responsible for the hazardous materials. Metro has the ability through legal proceedings to attempt to recover the costs it has incurred.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No.89-1051, authorizing the Office of General Counsel to commence legal proceedings against previous owners and operators of convention center site property.

COMMITTEE REPORT

Agenda Item No. 8.4

Meeting Date March 9, 1989

RESOLUTION NO. 89-1051, AUTHORIZING METRO GENERAL COUNSEL TO
COMMENCE LEGAL PROCEEDINGS AGAINST PREVIOUS OWNERS OF THE
OREGON CONVENTION SITE PROPERTIES

Date: March 1, 1989

Presented by: Councilor Knowles,
Chair, Convention, Zoo & Visitors'
Facilities Committee

COMMITTEE RECOMMENDATION: At the February 7, 1989 Convention, Zoo & Visitors' Facilities Committee, Councilors present -- Buchanan, DeJardin, Kelley, Van Bergen and myself -- voted 4 to 1 (Councilor Kelley voted in opposition) to recommend Council adoption of Resolution No. 89-1051. All Committee members were present.

COMMITTEE DISCUSSION & ISSUES: Monica Little, Legal Counsel, presented the Office of General Counsel's report on Resolution No. 89-1051. Council approval of the resolution would allow Metro General Counsel to research and subsequently file actions, as deemed appropriate, against prior owners of the land sites on which the Oregon Convention Center is now being constructed. Committee members favoring the resolution noted, in these legal situations, it is important to commence actions as soon as possible to improve the chances of securing any remedies. Not supporting the resolution, Councilor Kelley said she felt Councilors had not been fully briefed to date on the issue and she expressed concern regarding the potential negative publicity for Metro.

Legal Counsel indicated most of the research should be completed by the end of March and there was the understanding General Counsel will keep the Committee informed of progress on this matter.

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