



Fox Park & Molalla Public Library Property Fact Sheet

INTRODUCTION

The City’s only goal is to preserve two public assets that are cherished and have been heavily invested in through Community Donations and Molalla Taxpayer money over more than 25 years. The City of Molalla has attempted, in good faith, to discuss several options for purchase or long-term lease of the Fox Park and Library Property.

The City was under the impression that the District appreciated the overwhelming value the Community places on these assets and deduced through 8+ years of discussions that a purchase of the property would benefit the District by providing cash consideration. The purchase consideration would aid in the District’s Capital and deferred maintenance efforts while maintaining continued use of the District Administration building on a lease-back or other agreement.

The District was amenable to these discussions until the City filed a complaint against the Superintendent for the latest in his pattern of abusive conduct toward the City’s Library Staff. The District claimed to investigate the complaint but did not interview City Library Staff, City Engineering Staff, City Public Safety Staff, or City Contractors, all of whom witnessed at least some portion of the incident.

Now, the District insists on using their attorney (who is paid on an hourly basis for services rendered) as a go-between for any discussion related to the property and has rejected multiple attempts by the Council to present on the issue at a Board Meeting. They’ve even gone so far as to suggest that the District’s attorney would need to screen any presentation by the Council before it’s made. This appears to be an attempt to keep the public in the dark by erroneously citing Executive Session rules, and relying on Attorney-Client privilege in a process that almost never involves attorneys until an agreement needs to be put into legal documents. Additionally, the District has responded with false premises and false assertions surrounding the property and the discussions that have taken place.

The City believes the public has a right to know and weigh in on the use and disposition of assets that it has paid for whether through City or School District Taxes. To that end, a package of information has been released from which you can draw your own conclusions. The information below expands some concepts that are relatively foreign to folks who don’t work in government administration and provides context for some of the information you will see in the mentioned information package.

Email from MRSD Attorney dated 8/28/24

“I understand that the City has previously requested a meeting to discuss acquisition of the leased portion of the District property. Because this is not surplus property and because the City has not made an offer to purchase the property, the District feels any such meeting would be premature.”

- **SURPLUS PROPERTY**
 - It is entirely the School Board’s Decision whether or not to declare property surplus, this is a false premise for declining discussions.
See MRSD Board Policy DN Revised/Readopted 3/11/21.

- **CITY OFFERS**

- The City submitted a letter to the School Board asking to discuss a potential purchase of the property. The district rejected that offer. **Letter to School Board from City Dated 6/5/24 & Email Response from MRSD Attorney dated 7/17/24.**
- The City responded to the rejection with several options to discuss including: a long-term lease of a portion or all of the property, a purchase of only a portion of the property, or some other option amenable to the District. **Email to MRSD Attorney dated 7/25/24.**

Email from MRSD Attorney dated 8/28/24

“The District-owned lot at 412 S. Swigle Avenue (a portion of which is leased to the City) is currently the only property available for future District expansion.”

- **THE ONLY PROPERTY AVAILABLE FOR FUTURE DISTRICT EXPANSION**

- The District is known to **own 49.35 acres of land** at 14994 S Vaughan Rd. **and 12.5 acres of land** at 10500 OR-211. Both locations are viable for expansion, and only about 3 acres total is developed currently. **Clackamas County CMap: <https://maps.clackamas.us/maps/cmap>.**
- The District just sold 2.65 acres of land adjacent to the Aquatic Center at a reduced premium compared to market value, none of the land is currently developed.

Email from MRSD Board Chair dated 10/16/24

“After reviewing your response and discussing this in board leadership as well as in executive session with the whole board, we agreed that bringing the property topic up at all during a board meeting would be inappropriate. Even if the contract details are not mentioned. As you're aware, property matters have recently been discussed in executive meetings and the decisions/responses from these meetings have been relayed between legal counsels.”

- **EXECUTIVE SESSION AT PUBLIC MEETINGS**

- Allows the public body to discuss certain subjects in a special session not open to the public.
- Decisions are not allowed to be made in executive session as this would keep the public in the dark about the decisions being made by their elected officials.
- Does not prevent the Board from discussing anything in a public meeting if they, as a body, choose to do so.
- Does not infringe the First Amendment rights of others to speak on a topic at a public meeting.

- **RELAYED BETWEEN LEGAL COUNSELS**

- The use of Legal Counsel for preliminary real property discussions is not an appropriate use of taxpayer funds and is not in-line with industry standards or best practices.
 - Notably, 8+ years of informal discussion directly between City and District Administration ended abruptly and without warning after a complaint was submitted regarding the conduct of the Superintendent toward City Staff and City Contractors.
- The City has not authorized the use of the City Attorney, the District's Attorney just continues to contact him instead of City Staff.