

Date: 07MAY25

For Office Use

Gresham-Barlow School District
Citizens Comments to the Board

Name: Austin Herny Phone: _____

District Resident: ☒ Yes ☐ No

Group / Organization: Friends Of Kelley Creek

Topic: Salquist Property Sale

- Please submit this form with your written public comment to the board secretary, Sarah Avery, at avery4@gresham.k12.or.us by 4:00 p.m. the day of the meeting.
- The Board Chair, may require that a proposal, inquiry or request be submitted in writing, and reserves the right to refer the matter to the administration for action or study.
- Written comments may offer criticism of school operations and programs; however, the board will not review personal complaints concerning school personnel or against any person connected with the school system. If there is a legitimate complaint involving individuals, the chair will direct them to the appropriate means for board consideration and disposition.
- Please make sure to include your name for the record, whether you are a resident of the district, and the name of the group or organization you are representing, if applicable.
- Questions asked by the public will be referred to the superintendent for response at a later time.
- The board's regular business meetings are digitally recorded. They are also televised by MetroEast Community Media (www.metroeast.org) and Willamette Falls Media Center (www.wfmcstudios.org).

The board sincerely appreciates your interest in the Gresham-Barlow School District and thanks you for attending this meeting. ■

Gresham-Barlow School District
Citizens Comments to the Board

Please see the attached letter.

Please check the box below and include a phone number if you would like to have someone contact you regarding the topic described above.

☐

I would like to have someone contact me regarding my questions/ concerns at:

Phone Number

☐

Cell

☐

Home

☐

Work

The best time to reach me: _____

Dear Board Members and Mr. Koch,

As you are aware, there are in excess of one hundred citizens that have deep concerns regarding the legitimacy of the pending sale from the Gresham-Barlow School District to HEX on the Salquist real property. It was verbally documented and confirmed by way of video recording on September 4, 2024, by the then acting Superintendent James Hiu and the board that the property was never declared surplus, as is required by the district's DN Policy. Below it will be illustrated how the district/board has failed to adhere to district policy and has breached the requirements for the sale of public land under the Oregon Revised Statutes ("ORS").

The Gresham-Barlow School District's "*DN - Disposal of District Property*" states the following:

"The superintendent shall report to the Board any equipment or material no longer suitable for school purposes. The Board, after reviewing the facts and determining that the equipment is no longer suitable, **shall declare items surplus and shall authorize the superintendent to dispose of said equipment in accordance with state law.**"

The district/board has failed to uphold the requirement to declare the property surplus prior to sale -- therefore, this pending sale is procedurally premature and illegitimate. The process of the superintendent reporting to the board is a check and balance system to ensure that public property is kept or disposed of in a manner which provides benefit to the public. The district's decision to bypass the requirement for the board to surplus the property disregards the check and balance process and usurps the public trust.

Further, **the above DN Policy requires that property be disposed of in accordance with state law.** The following statutory references are pertinent:

1. Under ORS 270.100, the statute requires:

"If a state agency that intends to sell or transfer real property or an equitable interest in real property has not disposed of the real property or the equitable interest under paragraph (a) or (b) of this subsection, **the state agency shall cause the real property to be appraised** by one or more competent and experienced appraisers in accordance with rules the department adopts. Except as provided in ORS 273.825, if the property has an appraised value exceeding \$5,000, the property or an equitable interest in the property may not be sold to any private person except after notice calling for such proposals as set forth in ORS 270.130."

I am in receipt of email communications dated May 28, 2024, from Mr. Dennis Clague, where he states that no appraisal was ever conducted on the Salquist real property. As a resident and a citizen I expect the district and the board to uphold their duty to the community, the voter,

and the tax paying citizens that live in the Gresham-Barlow School District by adhering to the law. An appraisal must be conducted prior to sale of the Salquist real property to ensure that such sale maximizes the tax payer's return on its investment in public land.

Further, Under ORS 270.100, the statute requires that public land sales follow specific procedures and that land is to be first offered to:

- (1) other state agencies;
- (2) non-profit organizations;
- (3) Indian tribes; and
- (4) political subdivisions.

2. Under ORS 270.130, the statute requires notice as follows:

“The state agency acting for the state in the transaction shall give the notice of the proposed sale not less than once a week for three successive weeks by publication in one or more newspapers of general circulation in the county in which such real property is situated, and in such other newspapers, if any, as the agency considers advisable. The notice shall describe generally and by legal subdivision such property and the asking price. The state agency shall reserve the right to accept or reject any proposal.”

The above referenced notice of sale was previously requested in the letter submitted to the district/board by 100 citizens on or about July 25, 2024. To date, no such proof of notice of sale has been produced. Under ORS 270.130, notice is required prior to the sale of public lands. The failure to notice the public is a breach of the public trust. In my communications with the district, it is apparent the district references the Oregon statutes which further it aims while blatantly disregarding other statutes which do not. This is an un-ethical abuse of the law.

3. Under ORS 270.105(2), the statute requires:

“If the value of the real property is greater than \$100,000, invite public comment on and consider all the values of the property to the people of this state, including values for fish and wildlife habitat and public access to other property.”

The Salquist property is home to abundant wildlife, which includes Hawks and owls which are protected under federal, state, and local laws. HEX intends to cut every tree down in the field which sustains this wildlife. This is a travesty and a gross inconsideration of the people and the wildlife in this state. Further, this proposed development in addition to multiple large developments in the Spence Acres neighborhood are projected to severely impact traffic congestion and safety, which is both a hazard and a disservice to the residents in this community (including school children). HEX as a private developer cares little as to how this development will impact our community. However, the district/board as government institutions have the

responsibility to consider how this development will affect the adults, children, animals, trees, and the overall community in the Spence Acres area.

In summation, the district/board's actions to date have failed to uphold the public trust and have failed to follow district procedure and the ORS. The district must postpone the sale on the Salquist property at this juncture to act ethically and in the best interest of this community. I am asking you plainly to do the right thing by postponing the sale, engaging with the community as promised, and adhering to the DN Policy and to the ORS.

Regards,

Austin Henry