



# Jeffrey G. Condit

 Partner

☎ 503.205.2305    📍 Portland Office  
✉ jeffrey.condit@millernash.com  
🐦 @millernashllp

**“I primarily think of myself as a problem-solver for clients. My favorite part of the practice is learning about the client’s work, whether they are a mission-driven public body or a private business seeking to grow. It is the fastest way to become part of the team and provide the best service.”**

Jeff Condit’s core practice focuses on government and regulatory law, including municipal, special district, K-12, and higher education law. He focuses on the business and governance side of this practice. Jeff handles matters as diverse as statutory authority and construction, administrative law, public contracting and procurement, public finance, legislation, franchise drafting and negotiation, public records and meetings, government ethics, prevailing-wage issues, and election law. Jeff also advises public and private clients on land use matters, including representing clients before local hearings bodies, the Oregon Land Use Board of Appeals, the Land Conservation and Development Commission, and the appellate courts.

Jeff enjoys working with or serving as general counsel for the firm’s public entity clients, and has a deep understanding of that role. Before joining Miller Nash, Jeff served as the city attorney for the City of Lake Oswego and as county counsel for Benton County. Since joining the firm, he has served in this capacity for cities, school districts, and community colleges.

## Professional Activities

- Multnomah Bar Association, member
- Oregon State Bar Association
  - Real Estate & Land Use Section, member
  - Constitutional Law Section, member
  - Appellate Practice Section, member
  - Government Law Section, member
  - Sustainable Future Section, member
- Washington State Bar Association, member
- American Bar Association, member
- Oregon Council of School Attorneys, member

## Education

J.D., Willamette University  
College of Law, 1982

- Staff Member,  
*Willamette Law Review*

B.A., University of  
Washington, cum laude,  
English, 1979

## Bar Admissions

Washington, 2000  
Oregon, 1982

## Court Admissions

U.S. Supreme Court, 1995  
U.S. District Court, District  
of Oregon, 1985

- Oregon City Attorneys Association, member
  - past president
- National Association of College and University Attorneys, member
- International Municipal Lawyers Association, member
  - past State Chair

### Civic Activities

- Oregon Law Institute of Lewis & Clark College
  - past board member
  - past president
- Artists Repertory Theatre
  - current chair
  - board member
- Northwest Regional Education Service District Foundation, past board president
- Oregon Shakespeare Festival, member
- Oregon Symphony Association, member
- Oregon Historical Society, member
- Center for Innovative School Facilities, board member
- Portland State University, Legal Processes in Land Use Planning, Master of Urban and Regional Planning Program, adjunct professor

### Representative Experience

#### Education

- Assisted school district client with formation of a park and recreation district to assume school aquatic facilities.
- Assisted Portland Community College in the development and implementation of its 2000, 2008, and 2017 bond program expansions, including land use, construction contracts, property acquisition, and election law issues.
- Successfully defended a circuit court challenge to the wording of a school bond ballot title.
- Assisted multiple school districts and community college districts in drafting and enacting local public contracting rules in compliance with the Public Contracting Code.
- Assisted school districts with judicial validation proceedings regarding bond measures.
- Worked on acquisition of school sites, including advice on zoning and eminent domain.
- Worked on land use permitting for new educational facilities and expansion of existing facilities.
- Reviewed and opined on Oregon School Capital Improvement Matching (OSCIM) matching grants.
- Drafted multiple policies and procedures, including bylaws, delegation of authority, censure policies, equity policies, and use of property policies.
- Assisted with president and superintendent searches and employment agreement drafting.
- Assisted with public records requests and Public Meetings law issues.

#### Government & Public Entities

- Drafted and negotiated legislation creating a new type of special district for flood safety and water quality to manage the Columbia River levee system in north Multnomah County. ORS Chapter 550 passed in the 2019 Oregon Legislative Session. Currently assisting in implementation.
- In prior legislative sessions, worked on legislation modifying drainage district authority, the urban growth boundary amendment process, land use appeal issues, and higher education governance.

- Participated in state rulemaking under the Administrative Procedures Act with regard to urban growth review, energy facility siting, LUBA review process, and agency fee structures.
  - Drafted multiple intergovernmental agreements (IGAs), including agreements creating new intergovernmental entities. Recent agreements include:
    - Drafted a five-party IGA settling the designation of the Stafford area as urban reserve, and a three-party IGA governing concept planning for Stafford.
    - Drafting the ordinance and agreements for creation of a Joint Contracting Authority to serve four jointly managed special districts.
    - Creation of the Levee Ready Columbia governance structure among four districts, four cities, a Port district, and a county, to work toward accreditation and certification of the Columbia River levee system.
    - Drafting a coordination IGA for a Park and Recreation District.
  - Drafted and revised ballot titles, explanatory statements, and measure information for charter amendments, bond measures, and local option levies. Represented parties in ballot title challenges to state measures, and defended local ballot title challenges.
  - Assisted with drafting charter amendments, local ordinances, school district policies, and administrative rules. Such regulations have included utility codes, zoning ordinances, tax ordinances, and public contracting rules.
  - Assisted the City of Wood Village in redevelopment of its former City Hall site with a private development and with siting, design, and construction of a new City Hall.
  - Advised public clients regarding compliance with the Oregon Government Ethics Law, including requesting opinions for the Oregon Ethics Commission and participating in rulemaking.
  - Advise clients on compliance with the public records and meetings laws, including representation at the district attorney and circuit court levels.
  - Negotiated utility franchises with metro-area cities on behalf of telecommunications and energy utilities.
- Purchase & Sales

### **Contracting & Procurement**

- Drafted form construction contracts and revisions to AIA form contracts for public- and private-sector clients, including community colleges, private universities, school districts, and cities.
- Drafted form personal services contracts and goods and services contracts.
- Drafted or reviewed alternative retainage agreements.
- Assisted clients with the public procurement process, including drafting and review of invitations to bid and requests for proposals.
- Assisted in responding to and resolving bid or proposal protests.
- Advised clients on the required procurement procedures under the Oregon Public Contracting Code and the Office of Management and Budget Uniform Guidance.
- Assisted multiple public clients in drafting and passing exemptions to competitive bidding under the Public Contracting Code to allow use of alternative contracting processes, such as construction manager/general contractor and design-build.
- Represented public and private clients to defend or bring state and local bid or proposal protests.
- Advised public and private entities on Oregon prevailing wage rate issues, including drafting and filing prevailing wage determination requests with the Oregon Bureau of Labor and Industries (BOLI).
- Assisted public clients with implementation of programs to encourage contracts and subcontracts to minority-owned businesses, women-owned businesses, emerging small businesses, disadvantaged businesses, and service-disabled veteran businesses.

## Real Estate & Land Use

- Appeared many times before the Oregon Land Use Board of Appeals and the Oregon Court of Appeals, primarily on land use matters.
- Assisted a city in resolving a land use appeal and settling a related federal takings case.
- Assisted private clients in drafting, negotiating, and passing development agreements for major projects in Hillsboro and Bend, including related agreements for creation of local improvement districts, provision of water service, system development charge credits and waivers, and transportation improvement timing and development responsibility.
- Defended a city against a citizen initiated enforcement order at the Land Conservation and Development Commission.
- Assisted the cities of Medford and Springfield in successfully obtaining LCDC acknowledgement of amendment of their urban growth boundaries.
- Defended a private developer against a challenge to adoption of a master plan.
- Assisted clients in navigating the local permitting process.

## Publications

- “COVID-19 Preparedness for Educational Institutions,” Miller Nash Graham & Dunn, coauthor (Mar. 2020)
- “COVID-19 Preparedness for Employers,” Miller Nash Graham & Dunn, coauthor (Mar. 2020)
- “Public Contracting Code: 2019 Legislative Update,” Miller Nash Graham & Dunn, *News You Can Use* (Nov. 2019)
- “LUBA Decision Blocks Proposed Right 2 Dream Too Move to the Central Eastside,” Miller Nash Graham & Dunn, *From The Ground Up* (Aug. 2016)
- “Land Use Permits Post-Koontz,” Miller Nash, *GroundBreaking News* (Dec. 2013)
- “The UGB amendment Process: Irretrievably Broken?” League of Oregon Cities, *Local Focus* (Nov. 2012)
- “Land Use and Development Programs,” League of Oregon Cities Handbook, Chapter 5 (2010)
- “The Takings Issue,” Oregon State Bar Federal and State Constitutional Limitations CLE, *Land Use* Chapter 2 (2010)
- “New Government Ethics Rules Take Effect on January 1, 2008,” Miller Nash, *News You Can Use* (Dec. 2007)
- “Oregon Attorney General Says M37 Waivers Not Transferable,” Miller Nash, *News You Can Use* (Mar. 2005) Presentations

## Presentations

- “Key Terms and Tensions in Public Contracting,” Oregon State Bar, Construction Law Section Annual CLE, co-presenter (Oct. 2020)
- “Coronavirus Webinar: Key Evolving Issues and Best Practices for School Districts,” Miller Nash Graham & Dunn, webinar, co-presenter (Mar. 2020)
- “Coronavirus Webinar: Key Evolving Issues and Best Practices for Colleges and Universities,” Miller Nash Graham & Dunn, webinar, co-presenter (Mar. 2020)
- “Legal Processes in Urban Planning,” Portland State University, Masters of Urban and Regional Planning program course (Spring 2019)
- “Legal Processes in Urban Planning,” Portland State University, Masters of Urban and Regional Planning program course (Spring 2018)
- “How to Draft Defensible Findings of Fact,” American Planning Association Oregon Chapter, Northwest Oregon Planners Network Meeting (Jan. 2017)
- “Reaching NOAA’s Ark – Implementing ESA BiOp Requirements in Oregon Floodplains,” Oregon State Bar Real Estate/Land Use Section, Annual Summer Conference (Aug. 2016)

- “Utility Franchises,” Oregon State Bar Government Law Section, Annual Conference and CLE (Feb. 2016)
- “Understanding Writs of Review,” League of Oregon Cities, Annual Conference - Legal Issues Seminar (Sept. 2015)
- “Independent Contractors and Other Public Contracting Tips and Traps,” Oregon School Boards Association and Council of School Attorneys, annual conference and workshop (Nov. 2014)
- “The Hobby Lobby Case—The ACA Meets the Free Exercise Clause,” Oregon Law Institute of Lewis & Clark Law School, The Long Reach of Health Care Reform CLE Half Day Program (June 2014)
- “Preparing for and Implementing a Bond Program Capital Improvement Plan,” Center for Innovative School Facilities, Regional Workshop on New Procurement Regulations and Commissioning (Apr. 2014)
- “Oregon Public Contracting Code,” Portland State University, Government Procurement class, guest speaker (Apr. 2014)
- “Legal Processes in Urban Planning,” Portland State University, professor (Spring 2014)
- “Koontz vs. St. Johns River Water District: An In-Depth Look at the U.S. Supreme Court’s Latest Case on Land Use Conditions,” Oregon City Planning Directors, Annual Conference (Feb. 2014)
- “Monetary Exactions in Oregon Post Koontz v. St. Johns River Water Management District,” Oregon State Bar Real Estate and Land Use Section, 2013 Annual Fall Conference (Nov. 2013)
- “Construction Contracts: Traps for the Unwary and Best Practices,” The Center for Innovative School Facilities, webinar presenter (Apr. 2013)
- “Urban and Rural Reserves,” Oregon State Bar, Government Law Section CLE (Feb. 2013)
- “Surviving the Local Land Use Process,” The Seminar Group, 16th Annual Oregon Land Use Law Conference (Dec. 2012)
- “Understanding Urbanization,” American Planning Association Oregon Chapter, Legal Issues for Planners seminar (Dec. 2012)
- “Public Records & Meetings, Confidential Communications, and the Lawyer-Client Privilege – Avoiding Traps for the Unwary,” Oregon County Counsels Association Annual Conference (July 2012)
- “The Oregon Public Contracting Code,” Oregon Law Institute, CLE (May 2012)
- “Navigating the Local Land Use Process,” Miller Nash Graham & Dunn, 19th Annual Affordable Housing Conference (May 2012)
- “Why Some Firms Win: A Client Panel Talks About the Most Important Factors Related to Selection of an A/E/C Partner,” Society for Marketing Professionals (Feb. 2012)
- “Proposing, Opposing, and Adjudicating Urban Growth Boundary Changes,” The Seminar Group, 15th Annual Oregon Land Use Law Conference, panelist (Dec. 2011)
- “Consideration re: Public Contracting & Budget Cuts,” Coalition of Oregon School Administrators, 31st Annual Oregon School Law Conference (Dec. 2011)
- “The Oregon Public Records and Meetings Laws: an Overview,” Oregon County Counsel Association, Summer Convention (July 2011)
- “Issues Surrounding Fundraising, Foundations and Booster Clubs,” Coalition of Oregon School Administrators, 30th Annual Oregon School Law Conference (Dec. 2010)

## Recognition & Honors

- Recognized as a “Leader in Their Field” by *Chambers USA* for Real Estate: Zoning/Land Use, 2019-present
- Selected for inclusion as an Oregon Super Lawyer, 2013-present
- Named a Top-Rated Schools & Education Attorney in Portland, Oregon, 2013-present
- Selected for inclusion in *The Best Lawyers in America* in Administrative/Regulatory Law, Education Law, Government Relations Practice, Land Use and Zoning Law, Litigation—Land Use and Zoning, Litigation—Municipal, and Municipal Law, 2007-present

- “Lawyer of the Year,” Administrative/Regulatory Law, 2021
- “Lawyer of the Year,” Government Relations Practice, 2015, 2017
- “Lawyer of the Year,” Litigation - Municipal, 2012, 2016, 2019
- “Lawyer of the Year,” Municipal Law, 2014
- Peer Review Rated Lawyer of AV® Preeminent™ by Martindale-Hubbell®

### **Personal Activities**

Jeff enjoys music, theater, architecture, good food and wine, travel, hiking, and cross-country skiing. He is also an adjunct professor at Portland State University, teaching legal processes in urban planning to master of urban planning students every spring term.