

# MINUTES & NOTICE OF BOARD ACTION

BOOK 144 PAGE 1137

APPROVED

4-4-90

## LANE COUNTY BOARD OF COMMISSIONERS

*This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.*

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

February 28, 1990  
Following HACSA

REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS

Harris Hall  
Main Floor

Chair Bill Rogers presided with Ellie Dumdi, Jack Roberts and Jerry Rust present. Steve Cornacchia excused. Judy Haldeman, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA  
There will be one item of Emergency Business later in the meeting.
2. PUBLIC COMMENT

Gary Sherman, 2760 Willamette, commented against the Nuclear Free Zone ordinance and stated that there was an anti-business attitude in Lane County.

Steve Johnson, 1825 Longview, commented in favor of the Nuclear Free Zone.

Barbara Keller, 2570 Onyx, commented that she had been involved with the Nuclear Free Zone from the beginning and that it had served the community well.

Peter O'Day, 2425 Jefferson, commented in favor of the Nuclear Free Zone and stated that this was an example of democracy in action.

Maggie Oldershaw, 15665 Steinhauer Road, Deadwood, commented in favor of the recommendation of the Library Task Force and stated that the proposal would provide meaningful services at the lowest price available.

Peter Sorenson, P. O. Box 10836, commented in favor of the upcoming Lane Community College levy and asked the Board to endorse the levy. He also commented in favor of the Nuclear Free Zone.

Bill Morrisette, 348 G Street, Springfield, commented in favor of the universal library card proposal made by the Library Task Force. He asked

the Board to consider a work session on the Nuclear Free Zone and stated that he was in support of the Lane Community College levy.

David Zupan, 972 West 4th Street, commented in favor of the Nuclear Free Zone and asked the Board not to place this issue on the ballot as it had been passed through a good faith process.

Bob Reuschlein, 956 1/2 West 4th Street, #3, commented against Rohr Industries locating in Eugene.

Kathy Ging, 2705 Oak Street, #11, commented in favor of the Nuclear Free Zone and stated that it helps preserve the liveability of Lane County.

### 3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

### 4. COMMISSIONERS' BUSINESS

#### a. PRESENTATION/Service Forestry Program

Doug Tistadt, Service Forester, Oregon Department of Forestry, Western Lane District, presented this item to the Board. He stated that there is an increasing focus on small woodlot owners and that the department is experimenting with ponderosa pines on poor soils. Tistadt commented that there has been a recent change which would give tax credit for planting some hardwoods as well as conifers.

#### b. DISCUSSION/County Counsel Performance Appraisal

Dumdi commented that Van Vactor had an excellent relationship with the Board and had been a bit less cautious lately. She stated that he had exceptional integrity, was steadfast and honest and she rated him an 8+ or a 9 overall.

Rust stated that Van Vactor was a rare person who had made a career of public law and was at the top of his profession in the state. He stated that the office of County Counsel was well-run with a hard-working staff and that he appreciated the caution and the conservative approach of Van Vactor. He commented that Van Vactor gives profoundly good legal advice and he would rate him a 10 for being exemplary.

Rogers stated that he would rate Van Vactor a 9 overall; that his communications are excellent verbally and orally and his opinions are good. He stated that he has trust in the legal team at the County and that Van Vactor sets an outstanding example for his subordinates.

Cornacchia entered the meeting at 10:07 a.m.

Rogers stated that he rated Van Vactor a 10 on job knowledge and added that he was especially knowledgeable on counties, land use and labor

and personnel issues. He stated that his long-range planning was not as good as his short-range planning and commented that some alternative solutions would be appreciated on recommendations. Rogers rated Van Vactor a 10 for integrity, professionally and personally.

Cornacchia stated that he is impressed with the abilities of Van Vactor and is pleased to be his client. He commented that he has no criticisms of Van Vactor.

Roberts commented that Van Vactor has a good reputation in the community and that he has been comfortable with the advice the Board has received. He suggested that given Van Vactor's experience with the County, he would welcome advice from him on an individual basis.

Van Vactor thanked the Board for their comments and stated that hard work by the rest of the staff contributed to this evaluation. He stated that he enjoys being County Counsel and looks forward to remaining in this position.

MOTION: To approve a 9 overall for the County Counsel. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

This meeting recessed at 10:25 a.m. to reconvene at 10:35 a.m.

### 3. COMMISSIONERS' ANNOUNCEMENTS

Roberts stated that he had received a letter from tenants at Oak Court regarding the County's proposed purchase of the Bus Barn and suggested that the County communicate with the tenants.

Rust announced that Pearl Forncrook at Ya Po Ah Terrace would be 100 years old today.

Rust distributed a memorandum to the Board with a list of original ideas which had been presented to the Board at the public hearing on housing.

Rust announced that there was a Youth Corps project in the works for Oakridge and that it seems that \$5,000 would leverage funds from the Fred Meyer Trust for the Youth Corps.

Dumdi announced that there is a strong possibility that she will be in Washington DC with the Port of Siuslaw delegation the last week in March.

Rogers announced that he had spoken with Jim Johnson about the Oakridge Youth Corps and had received comments from the Juvenile Director. He spoke with Linda DeSpain from Looking Glass and she was not familiar with this particular organization. He stated that when more information was available it would be put on the agenda for discussion.

Rogers announced that there will be a meeting with visitors from St. Wendel and lunch in Conference Rooms B & C on April 4. There will be 40

representatives from St. Wendel in Lane County on September 21 through 24 and he would like to have some Board function during that weekend.

Rogers announced that legal research to review the Nuclear Free Zone would take several weeks of County Counsel's time. He proposed that a Work Session be scheduled to discuss this issue and the majority of the Board concurred that there should be a Work Session and that County Counsel should do the necessary research.

5. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

6. COUNTY ADMINISTRATION

a. ORAL REPORT/Update on Opportunity Shelter

Rob Rockstroh, Director of Health and Human Services, introduced this item and stated that the Opportunity Shelter is working fairly well this year. Nancy Waggoner, Program Services Coordinator, stated that she had interviewed residents and staff of the Opportunity Shelter and that residents are happy with the service that is being provided. The program manager has created a day care facility from 9:00 a.m. to 3:00 p.m. which includes play therapy, as there are complex problems with most of these families. Rogers commented that the County is not changing the cycle for these families, just interrupting it. Waggoner commented that transitional services are not being offered under the current budget. Rogers asked for a cost per day per person and Waggoner stated that she will get those figures for him.

f. DISCUSSION/Library Levy Proposal

This item taken out of order.

Dan Kaplan, Library Task Force member, presented this item to the Board. He stated that the cities are willing to participate in the universal card proposal and stated that the task force preferred the universal card overall. Rogers commented that the amount seems to go up each time it is presented and stated that the great majority of the money goes back to the cities. Roberts suggested that this be postponed until there had been a decision on the other levies being presented by the County. Rust urged the Board to accept the recommendation and stated that it was a small cost to the average taxpayer.

**MOTION:** To place a library levy on the June ballot and prepare an order for Board approval. Rust **MOVED**, Dumdi **SECONDED**. **VOTE:** 3-2, Roberts and Rogers dissenting. Johnson stated that he would return to the Board with the information as soon as possible.

## g. DISCUSSION/Extension Services Levy Proposal

Steve Woodard, Extension Agent, presented this item to the Board with a recommendation for a five-year levy and a May ballot. Cornacchia suggested that the County not charge rent to the Extension Service and reduce the levy by that amount.

MOTION: To approve a three-year levy and a June ballot. Rust MOVED, Dumdi SECONDED. VOTE: 4-1, Roberts dissenting.

## b. Announcements

None.

c. ORDER 90-2-28-1/In the Matter of Transferring an FY 89-90 Appropriation in the Amount of \$4,700 from General Expense to the District Attorney's Office for the Purpose of Establishing and Funding an Office Assistant 1 Position to Help Implement Sentencing Guidelines

Pulled.

d. ORDER 90-2-28-2/In the Matter of Designating the Exclusive Bargaining Team for Labor Negotiations with AFSCME Local 2831, Public Works Association Local 626, Teamsters Local 57, Public Works Administrative and Professional, Oregon Nurses' Association, and the Lane County Prosecuting Attorneys' Association

MOTION: Approval. Cornacchia MOVED, Dumdi SECONDED. Rogers asked why Doug Harclerod, District Attorney, was not a part of the bargaining team for Lane County Prosecuting Attorneys Association and Van Vactor stated that Harclerod was not on the team at his own request. VOTE: 5-0.

e. ORDER 90-2-28-3/In the Matter of Awarding Tourism Special Project Grants

Nancy Cameron, Management Analyst, presented this item to the Board.

MOTION: Approval. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-1, Rogers dissenting.

## 7. PUBLIC WORKS

The following two items taken together.

a. REPORT BACK AND ORDER 90-2-28-4/In the Matter of Legalization of a Portion of Harvest Lane (17-03-24)b. RESOLUTION AND ORDER 90-2-28-5/In the Matter of Acquiring Property for Harvest Lane for Road Purposes (17-03-24)

Bob Ezell, Surveyor, presented this item to the Board. Cornacchia asked what the results were from the discussion with the Prodens and Dave Williams, Assistant County Counsel, stated that the Prodens were not enamored with the level of the purchase price and that there had not been a firm offer from the Prodens. Cornacchia stated that he is uncomfortable with the legalization option and suggested that they be paid market value for the property and the clearing that was done on their property. He suggested that the County go through condemnation procedures if no agreement could be made with the Prodens.

MOTION: To allow 30 days for negotiations with the Prodens and then to begin condemnation procedures using a figure of \$400+ for the purchase of the property. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

MOTION: To abandon legalization of a portion of Harvest Lane. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

This meeting recessed at 12:05 p.m. to reconvene at 1:30 p.m.

Cornacchia excused.

The following item taken out of order.

- e. ORDER 90-2-28-6/In the Matter of Entering into an Intergovernmental Agreement with the City of Springfield for Design and Construction of Highbanks Road

Ollie Snowden, County Engineer, presented this item to the Board. Rogers questioned allocating \$75,000 for street trees and Snowden stated that the City of Springfield requires this of private developers and will require it of the County as well. Snowden stated that it has been a standard practice of the County to plant trees on collectors and arterials. Roberts asked if the County staff was comfortable that this qualifies as a road-related expenditure. Stephen Vorhes, Assistant County Counsel, stated that for purposes of Road Fund expenditure street trees can be brought within the limitations.

MOTION: Approval. Roberts MOVED, Rust SECONDED. MOTION: To amend the motion to remove the \$75,000. Rogers MOVED. Motion dies for a lack of second. VOTE: 3-1, Rogers dissenting.

- c. DISCUSSION/Establishing Board Direction Regarding a Special Assessment Request by the Association of Oregon Counties to Provide Planning Services

Roy Burns, Land Management Manager, presented this item to the Board. He stated that while this assessment was not sufficient to deal with all of the issues within land use, it is better than what is currently provided.

MOTION: Approval. Dumdi MOVED, Roberts SECONDED. VOTE: 4-0.

- d. DISCUSSION/Establishing Board Direction on Proposed Amendments to Administrative Rules for Goal 4, Defining the Term "Necessary for" Related to Forest Dwellings

Burns presented this item to the Board and stated that he had received news from Susan Brody, Director of the Land Conservation and Development Department, that this language would be considered at the LCDC public hearing tomorrow. He stated that an appropriate position for the Board to present to LCDC is as follows: 1) the Board supports the definition that has been in existence for quite a period of time that defines the term "necessary for" to include a definition that the dwelling will substantially contribute to effective and efficient forest management; and 2) that the Commission not adopt the language that exists in this February 28, 1990, draft and 3) that should alternative language be considered beyond the definitions that have been before the public for an extensive period of time, that public comment period be extended and further that a hearing at the April meeting be conducted on the alternative language. He suggested that the Board could support the following: 1) eliminate the term "principal" out of the language; 2) after the phrase that "a dwelling need not be absolutely required for forest management" that a period be inserted and all the remaining language be deleted.

MOTION: To adopt the recommendation made by Burns. Roberts MOVED, Dumdi SECONDED. Rust stated that he was the owner of some F-2 property and may have a potential conflict of interest. Van Vactor stated that there was no need to declare it in this case.  
VOTE: 4-0.

10. EMERGENCY BUSINESS

- a. ORDER 90-2-28-15/In the Matter of Authorizing the County Administrator to Execute an Intergovernmental Services Agreement with the Bureau of Land Management, United States Department of Interior not to Exceed \$20,671.00 (Aerial Photography)

MOTION: Approval. Roberts MOVED, Rust SECONDED. VOTE: 4-0.

- b. ORDER 90-2-28-16/In the Matter of Wishing Pearl Forncrook Happy Birthday

Rust read the order into the record regarding the 100th birthday of Forncrook.

MOTION: Approval. Dumdi MOVED, Rust SECONDED. VOTE: 4-0.

## 8. CONSENT CALENDAR

- A. Approval of Minutes: January 24, 1990, Regular Meeting,  
1:30 p.m.  
February 6, 1990, Work Session  
8:30 a.m.  
February 7, 1990, Regular Meeting  
Following HACSA  
February 7, 1990, Regular Meeting  
1:30 p.m.
- B. Finance and Management Services
- 1) ORDER 90-2-28-7/In the Matter of Selling County-Owned Real Property Map Number 17-02-33-32-03800, adjacent to 5094 Main Street, Springfield
- C. Health and Human Services
- 1) ORDER 90-2-28-8/In the Matter of Accepting the Proposed Project Plan for the Self-Sufficiency Project; and Delegating Authority to the County Administrator to Sign a Subcontract for the Self-Sufficiency Project
  - 2) ORDER 90-2-28-9/In the Matter of Accepting Revision #3 to the 1989/90 Interagency Agreement with the State Health Division for Increases in the WIC and AIDS Programs
- D. Public Works
- 1) RESOLUTION AND ORDER 90-2-28-10/In the Matter of Acquiring Certain Property for Nelson Mountain Road for Road Purposes
  - 2) ORDER 90-2-28-11/In the Matter of Awarding Requirements Contracts to Various Contractors for Establishing Rates for Tree Removal Services Beginning March 15, 1990 Through June 30, 1991, Contract No. 89/90-M&S-55
  - 3) ORDER 90-2-28-12/In the Matter of Awarding a Contract to Sahlberg Equipment Inc., in the Amount of \$29,765 for Three (3) New, 1990, Side-Mounted Flail Mowers with Extra Mower Head, with Trade-Ins, Contract 89/90 FS-06
  - 4) ORDER 90-2-28-13/In the Matter of Entering into an Intergovernmental Agreement with the City of Eugene for Improvements to Goodpasture Island Road in Connection with the Delta Highway South Project
  - 5) ORDER 90-2-28-14/In the Matter of Authorizing a Sheriff's Sale of Surplus County-Owned Real Property; 3240 Dapple Way, Eugene; Lot at 8th and Chambers, Eugene; Lot on 34th Street, Florence

Rogers asked to have item 8. D. 5. pulled from the Consent Calendar and Roberts asked to have 8. C. 1. pulled with further review of the Minutes of January 24, 1990, regarding the vote on item 6. b. (The minutes of January 24, 1990, were amended to reflect the correct vote of 4-1, Rust dissenting, on the evaluation of the County Administrator.)

MOTION: Approval of the balance of the Consent Calendar. Rust MOVED, Dumdi SECONDED. VOTE: 4-0.

C. Health and Human Services

- 1) ORDER 90-2-28-8/In the Matter of Accepting the Proposed Project Plan for the Self-Sufficiency Project; and Delegating Authority to the County Administrator to Sign a Subcontract for the Self-Sufficiency Project

Roberts asked for an update on the participation by the City of Eugene and on the funds for short-term shelter. Rob Rockstroh, Director of Health and Human Services, stated that the self-sufficiency dollars cannot be applied against costs to support emergency shelter services. Steve Manela, Senior Program Services Coordinator, stated that these dollars can be used to enhance the services that are being provided in the current shelter system. Rogers asked if the adoption of the order would change the spending of County General Fund money and Rockstroh stated that it would not. Rogers asked if the adoption of this order would stop anything that the County is doing and cause something else to start up and Rockstroh stated that it would not.

MOTION: To adopt the order. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0.

D. Public Works

- 5) ORDER 90-2-28-14/In the Matter of Authorizing a Sheriff's Sale of Surplus County-Owned Real Property; 3240 Dapple Way, Eugene; Lot at 8th and Chambers, Eugene; Lot on 34th Street, Florence

Rogers commented that he had pulled this item because there was a discrepancy between the motion on the Agenda Cover Memo and the Board Order and that "cash or terms" is the correct language.

MOTION: To adopt this order with the understanding that the Board Order is correct. Rogers MOVED, Roberts SECONDED. VOTE: 4-0.


9. COUNTY COUNSEL

- a. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No.3-90/In the Matter of Amending Chapter 13 of Lane Code to Add Language Omitted by Ordinance No. 1-90 (LC 13.050(5)(a)(ii) and Declaring an Emergency

Rogers read the ordinance into the record.

MOTION: Adoption of First Reading and setting Second Reading and Public Hearing for March 14, 1990, at 1:30 p.m. Dumdi MOVED, Rust SECONDED. VOTE: 4-0.

There being no further business, this meeting adjourned to Executive Session at 2:14 p.m.

  
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Judy Haldeman  
Recording Secretary