

MINUTES & NOTICE OF BOARD ACTION

BOOK 146 PAGE 0661

APPROVED 12-5-90

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.

October 30, 1990
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Commissioners'
Conference Room

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

1. ADJUSTMENTS TO THE AGENDA

Jim Johnson, County Administrator, commented that there will be a contract for the Bus Barn before the Board later in the day.

Rogers stated that item 8. b. will be a Second Reading with a Third Reading and Public Hearing on November 14 rather than November 21.

2. PUBLIC COMMENT

Mike Keating, 06022 Collard Lake Way, Florence, commented on the Clear Lake item. He stated that during the last CRMP meeting, Dick Nichols from DEQ reduced the loading rate on Clear Lake from 265 to 218 which effectively stops all further development in the Clear Lake Watershed. He stated that Heceta Water District has had some of the properties in the Clear Lake Watershed appraised and is currently getting bids to have an appraisal on all of the undeveloped lots that are in the Collard Lake subdivision. He stated that assistance was needed from the Legislature to allow Heceta Water District to do certain functions of a sewer district.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

4. COMMISSIONERS' BUSINESS

- a. ORDER 90-10-30-1/In the Matter of Appointing Two Members to the Metropolitan Area Electrical Power Planning Citizen Advisory Committee

Rogers recommended that Tom Bowerman and Randy Joseph be appointed to the Metropolitan Area Electrical Power Planning Citizen Advisory Committee. Cornacchia commented that this is a consensus process and not an adversarial process and asked that this be emphasized in the letter of appointment to these individuals.

MOTION: To appoint Tom Bowerman and Randy Joseph. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0. Rogers stated that the applications from people who live inside the City of Eugene will be sent to the city.

- b. DISCUSSION/Possible Amendment to Chapter 1, Section 17, Public Use of County Facilities, of the Lane County APM and Directing the County Administrator to Establish an Actual Free Speech Area Within the Wayne Morse Terrace

Roberts commented that he and Dumdi were appointed to review the Wayne Morse free speech area and its usage. He stated that the purpose of dedicating a free speech area was to encourage people to use that area, but people are not restricted only to the area that is designated. He and Dumdi revisited the permit process for use of this area and determined that a permit was inconsistent with the idea of free speech and suggested that this requirement be repealed. They suggested that signs not be affixed to the building and that there be no fund raising or solicitation in this area.

Rust asked if this would have changed any aspect of the latest group activities in this area and Roberts stated that nothing would have been changed except that the signs could not have been affixed to the building.

MOTION: Approval. Roberts MOVED, Dumdi SECONDED. Johnson stated that the exact area may be moved at some point if a statue is erected and Roberts commented that the issue could be revisited. VOTE: 5-0.

- c. ORDER 90-10-30-2/In the Matter of Requesting the Lane Council of Governments (L-COG) to Proceed with the Installation of Improvements, Both Updated Software and Voice Processing, on the Telephone System as Recommended by the Information Systems Standing Committee (ISSC)

Dara Boush, Data Processing Coordinator, presented this item to the Board and stated that there were two components to the proposal: 1) voice processing and 2) a telephone system upgrade. The system will cost \$127,000 and will be financed over five years. Rogers commented that one department had claimed that they were not given a choice about purchasing this system and Boush stated that these improvements were being done on a global basis and that individual departments were not given a choice. Cornacchia asked why this purchase was being financed rather than paid for up front. Dan Mulholland, L-COG, commented that Lane County could pay their portion up front.

MOTION: Approval. Roberts MOVED, Dumdi SECONDED. Roberts commented that this system could allow the County to continue to serve the public when cutbacks occur. Cornacchia stated that this purchase is outside of the budget process and supports the bureaucracy. Dumdi stated that she agreed with much of what Roberts and Cornacchia had said and she suggested that this be discussed in the goal setting session on November 19, 1990. She stated that this system would be an asset to the organization though she would have preferred that it be part of the long-range planning. Rust stated that this item was part of the 90-91 budget and that Lane County is a partner in this enterprise. He stated that there is going to be downsizing in this organization and that telephone communications will be a vital part of how the County will meet these challenges. He commented that these refinements are oriented toward public service, not just taking care of internal operations. Rogers commented that he is skeptical of this proposal, but that he would support it reluctantly. He asked that additions to the budget, such as this one, should be made crystal clear during the budget process. He recommended that in the future when additions are proposed that there be a very clear discussion with the department directors about their feelings. VOTE: 4-1, Cornacchia dissenting.

5. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

6. COMMITTEE REPORTS

Legislative Standing Committee

a. ORDER 90-10-30-3/In the Matter of Establishing the Lane County Legislative Priorities for the 1991 Legislative Session

Cornacchia read the Legislative Priorities for 1991 as recommended by the Legislative Committee. Dumdi commented that she would like to grant water districts the authority to act as a sewer district. Rust asked about the real estate transfer tax issue and Rogers stated that this expires in 1994-95. Rust commented that he would like to add the Fairgrounds issue and Cornacchia commented that the committee recommended not including Commissioners' personal agendas. Cornacchia suggested that individual Commissioners should put a packet together according to the format to allow for a full discussion by the Legislative Committee. Rogers commented that the Legislative Committee has done a remarkably good job of drawing these together and this list will serve the County well.

The Board discussed three policy issues which were brought without a recommendation as to priority or position: 1) warn potential victims of violent crimes; 2) sale of computer programs; and 3) BPA power line corridors. Cornacchia will request background information from

Klamath Falls regarding tax on the transmission and distribution lines owned by BPA and supporting them in concept.

MOTION: Approval of the list of Legislative Priorities for the 1991 Legislative Session with the addition of issues 1 and 2. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

This meeting recessed at 10:14 a.m. to reconvene at 10:25 a.m.

7. COUNTY ADMINISTRATION

a. Announcements

None.

b. DISCUSSION/Human Resources Division

Johnson stated that the recommendation was that Human Resources be given department status; that model 3 may offer the best option and that he did not feel strongly that a search firm should be used for hiring the director (see material on file). Rust stated that he would support no new positions in Human Resources; that he would not support the search firm or the department status for Human Resources. He stated that he would like the County Administrator to take responsibility for this and make it work. Cornacchia, Dumdi and Roberts supported the department status but did not support additional personnel or the executive search. Rogers stated that he is comfortable with department or division status and stated that he would like to see a recruiting plan. Johnson stated that he would present a plan at a later date. Johnson commented that this will come back to the Board with the Lane Manual provision, job description and recruiting plan on November 20, 1990.

c. ORDER 90-10-30-4/In the Matter of Adopting a Revised Affirmative Action Plan for Lane County

Cheryl McCawley, Personnel Analyst, presented this item to the Board. She stated that according to the 1980 census information, the overall minority population runs about 4 percent and Lane County is at 3.8 percent now. Roberts commented that there was no definition for "minority groups". Cornacchia suggested that this be changed to read "groups representing protected classes". Numerous other minor corrections were made to the document. Rust commented that he would have liked to see the numbers in each category and would have liked a shorter goal than five years.

MOTION: To adopt this revised Affirmative Action Plan with the amendments agreed to by a majority of the Board. Rust MOVED, Dumdi SECONDED. Rust commented that the demographics in this country are changing rapidly and that it is in the interest of everyone that the protected classes get as much job training, opportunity for

advancement and as many skills as possible. Roberts stated that this is an important ongoing commitment and this plan makes a strong statement that the County is serious about this issue. Rogers and Dumdi thanked McCawley for her hard work on this plan over the years.
VOTE: 5-0.

- d. ORDER 90-10-30-5/In the Matter of Supporting the Clear Lake Watershed CRMP Process and Developing Legislation to Assure Watershed Protection

Dumdi presented this item to the Board. She commented that there were six alternatives contained in the packet (see material on file). She corrected the wording on alternatives I - IV deleting "if the septic tank effluent can be removed from the watershed" and inserting "These residences would be on alum equipped septic systems and septic tanks and drain fields would be located no closer than 500 feet from Clear Lake". She stated that a meeting is scheduled with the Environmental Quality Commission (EQC) on December 12, 1990. The Board discussed the alternatives presented and requested written information from the Department of Environmental Quality (DEQ) and the EQC regard the loading requirements, etc. Bill Van Vactor, County Counsel, suggested that the Board allow Dumdi the flexibility to discuss all of the options with the parties.

MOTION: Approval with the deletion of the word "any" from (3) in the order. Rust MOVED, Cornacchia SECONDED. VOTE: 5-0.

8. PUBLIC WORKS

- a. ORAL DISCUSSION/Highway 58 and Pleasant Hill Area Road Improvements

Ollie Snowden, County Engineer, presented this item to the Board. Rogers commented that he had reviewed the state guidelines for Highway 58 and that a four-lane, 55 mph highway is being proposed with a barrier in the center or a five-lane highway with a 45 mph limit and traffic signals. He stated that there will be a state environmental assessment in 1991 and a hearing in March of 1991.

This meeting recessed at 12:28 p.m. to reconvene at 1:30 p.m.

3. COMMISSIONERS' ANNOUNCEMENTS

Dumdi announced that there will be a work session on November 20 with Dick Nichols of the DEQ.

Rogers announced that the American Public Works Association has given the William A. Bowes Service Award to Carlos VanElsberg. The Chair will prepare a letter to VanElsberg on behalf of the Board and present it to him at a future Board meeting.

Rogers waived the Agenda schedule for an ordinance by the City of Springfield.

Rogers announced that he had received a letter from Ray Doerner which stated that Hatfield and AuCoin were able to get language passed which preserves the existing timber receipt distribution formulas and guarantees that the payments will be not less than 90 percent of the past three-year average.

8. PUBLIC WORKS

- b. SECOND READING AND SETTING THIRD READING AND PUBLIC HEARING/Ordinance No. 14-90A/In the Matter of Amending Chapter 9 of Lane Code to Repeal Ordinance 4-90 ("Tree Cutting") (LC 9.900 - 9.960), as Amended by Ordinance 8-90, Enact a "Tree Conservation and Protection" Ordinance (LC 9.900 - 9.940), Establish Fees and Declare an Emergency (Third Reading and Public Hearing: November 14, 1990, 1:30 p.m., in Harris Hall Main Floor)

Rogers read the ordinance into the record.

Michael Copely, Associate Planner, presented this item to the Board and stated that there were three options built in for the fee structure in this ordinance in addition to three options for local appeals.

Cornacchia commented that he would vote on this ordinance today to get it to Public Hearing and stated that the Metro Plan dictates that the Board discuss the issue of tree cutting. Roberts commented that he thought that this ordinance was an important one and that he was not in support of it to implement Metro Plan policies. He commented that, in his opinion, this is not a land use decision.

MOTION: To approve the Second Reading and set Third Reading and Public Hearing on November 14, 1990, at 1:30 pm in Harris Hall, with the inclusion of appeal notice A, B and C (which is a combination of A and B) added as options in addition to the language contained in section 9.925(5). Roberts MOVED, Rust SECONDED. MOTION: To amend motion to include 9.940(2) as new language "willful violation of any provision of this Code, may be grounds for revocation or denial of any building, occupancy or other permit issued to or applied for by the violator for the subject property. Such grounds for revocation or denial not to extend beyond one year from the violation". Roberts MOVED, Rust SECONDED. VOTE on amended motion: 3-2, Dumdi and Rogers dissenting. VOTE on motion as amended: 3-2, Dumdi and Rogers dissenting.

OR

- c. SECOND READING AND SETTING THIRD READING AND PUBLIC HEARING/Ordinance No. 14-90B/In the Matter of Amending Ordinance No. 4-90 as Previously

Amended by Ordinance No. 8-90, to Remove the Sunset Clause and Declare an Emergency (Second Reading and Public Hearing: November 21, 1990, 1:30 p.m., in Harris Hall Main Floor)

Rogers read the ordinance into the record.

Cornacchia suggested that this ordinance have the sunset clause amended as a choice to the proposed ordinance. Roberts stated that he would prefer to have the Board pass a new ordinance and let it work than to continue to roll forward with the current ordinance. Stephen Vorhes, Assistant County Counsel, suggested that there be an Ordinance 14-90C if the Board decides to extend the sunset clause.

MOTION: To adopt Second Reading and set Third Reading and Public Hearing for Ordinance 14-90B for November 14, 1990, at 1:30 p.m. in Harris Hall. Roberts MOVED, Rust SECONDED. VOTE: 3-2, Cornacchia and Rogers dissenting. MOTION: To adopt First Reading and set Second Reading and Public Hearing on November 14, 1990, at 1:30 p.m. in Harris Hall for Ordinance 14-90C which sets a sunset date of April 1, 1991. Roberts MOVED, Cornacchia SECONDED. William Van Vactor, County Counsel, commented that this ordinance will be prepared and read after the Executive Session, but that it could be voted on now. VOTE: 4-1, Rogers dissenting.

9. CONSENT CALENDAR

- A. Approval of Minutes: October 10, 1990, Regular Meeting
Following HACSA
October 10, 1990, Regular Meeting
1:30 p.m.
October 11, 1990, Special Meeting
2:00 p.m.
- B. County Administration
- 1) ORDER 90-10-30-6/In the Matter of Amending Chapter 60 of Lane Manual to Add a Deaccession Policy for Lane County Historical Museum (LM 60.410)
 - 2) ORDER 90-10-30-7/In the Matter of Appropriating \$22,500 in Grant Funds from the Oregon Traffic Safety Commission to County Administration and Increasing a .19 FTE Senior Administrative Analyst to .75 FTE
- C. Public Works
- 1) SUBDIVISION PLAT
 - a) Rosewood Estates, Phase 1
City of Junction City
15-04-31

- b) Spring Knoll
City of Eugene
18-03-16
- 2) ORDER 90-10-30-8/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement in 18-02-05-24 (43rd Street)
- 3) ORDER 90-10-30-9/In the Matter of Accepting an Offer on Surplus County-Owned Real Property in Lowell (Adjacent to Tax Lot 9600 on Map 19-01-14-23, Pengra Road)
- 4) ORDER 90-10-30-10/In the Matter of Awarding a Contract to Wildish Corvallis Construction Company dba: Wildish Building Company for Construction of the Florence Transfer Station

MOTION: Approval of the Consent Calendar. Rust MOVED, Dumdi SECONDED.
VOTE: 5-0.

10. HEALTH AND HUMAN SERVICES

- a. ORDER 90-10-30-11/In the Matter of Establishing an Additional 1.0 FTE Mental Health Specialist Position in the Health and Human Services Department to Provide a Portion of the Substance Abuse Outpatient Treatment Program Funded by the Corrections Serial Levy

Rob Rockstroh, Director of Health and Human Services, introduced Richard Miller, Alcohol and Drug Offender Manager. Miller presented this item to the Board.

MOTION: Approval. Roberts MOVED, Dumdi SECONDED. Rust asked if this position would be funded by the levy and Rockstroh stated that it would. VOTE: 5-0.

11. EMERGENCY BUSINESS

ORDER 90-10-30-12/In the Matter of Delegating Authority to the County Administrator to Execute Agreements Necessary to Make the Child Care Center Operational at 540 Oak Street, Eugene, Oregon

Susan Sowards, Youth Services Coordinator, presented this item to the Board. Van Vactor stated that this facility will be leased 100 percent to the General Services Administration (GSA) subject to the right of the County to enroll children of its employees in up to 50 percent of the child care slots. Lane County will pay the utilities and provide the maintenance for the facility. Busy Barn, Inc., the parent group, will contract with GSA and the County to manage the facility.

MOTION: To adopt the order. Rust MOVED, Roberts SECONDED. VOTE: 4-1, Cornacchia dissenting.

This meeting recessed at 2:42 p.m. to reconvene at 2:55 p.m. for Executive Session and at 3:10 p.m. for Regular Session.

8. PUBLIC WORKS

- c. SECOND READING AND SETTING THIRD READING AND PUBLIC HEARING/Ordinance No. 14-90B/In the Matter of Amending Ordinance No. 4-90 as Previously Amended by Ordinance No. 8-90, to Remove the Sunset Clause and Declare an Emergency (Second Reading and Public Hearing: November 21, 1990, 1:30 p.m., in Harris Hall Main Floor)

Continued from earlier in the meeting.

Vorhes read Ordinance 14-90C into the record and distributed copies of this ordinance to the Board. Second Reading of the ordinance will be November 14, 1990, at 1:30 p.m.

There being no further business, this meeting adjourned at 3:12 p.m.



Judy Haldeman
Recording Secretary