

MINUTES & NOTICE OF BOARD ACTION

BOOK 148 PAGE 1254

APPROVED 7-2-91

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.

June 12, 1991
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

1. ADJUSTMENTS TO THE AGENDA

Roberts commented that item 10. F. 9) a. would be pulled off of the Consent Calendar for action.

2. PUBLIC COMMENTS

Mike Farthing, P. O. Box 1147, commented on item 9. a. and stated that this issue goes beyond the particular case with which he is involved. This particular case involves the status of homes in F-2 zones, but the same is true for EFU zones and other zones where houses became conditional uses. He stated that this interpretation is very important and urged the Board to hear this matter.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

4. COMMISSIONERS' BUSINESS

a. DISCUSSION/Process for Mid-Term County Administrator Performance Evaluation

Roberts commented that the Board had agreed to have a six-month evaluation of the County Administrator and he would like to have the Board discuss what type of process it will use for this evaluation. Dumdi stated that the subordinate review and the self-evaluation have worked well in the past and she would like to see this process continue. Rust stated that he would prefer to defer this to the end of the year and that he was satisfied with the way things were going.

Jim Johnson, County Administrator, suggested that there be a limited mid-period review with a report from him on the goals discussed at the last evaluation in a Work Session format. Rust, Frazier and Dumdi agreed to this type of evaluation. Roberts commented that it was a good idea to have a review on a mid-term basis. He suggested that Board members use their comments from the last evaluation as a guideline for the discussion on July 2.

- b. ORDER 91-6-12-1/In the Matter of Ratifying the 1991-1992 Budget as Approved by the Metropolitan Wastewater Management Commission

MOTION: Approval of 1991-1992 budget for the Metropolitan Wastewater Management Commission. Rust MOVED, Roberts SECONDED. Rust commented that Eugene and Springfield have ratified this budget. He stated that 94 percent of the material treated comes from households and six percent from industrial. The Environmental Protection Agency (EPA) has required the MWMC to do an analysis of possible emissions of silver, zinc and grease. He stated that the MWMC will hold a work session on Thursday, June 13 to adopt a position and that the cities would adopt ordinances which will set standards in compliance with the EPA. VOTE: 4-0.

5. RESOLUTIONS

- a. RESOLUTION 91-6-12-2/In the Matter of Designating the Lane Arts Council as the Official Arts Information Agency for Lane County

Roberts read the resolution into the record. MOTION: Approval. Dumdi MOVED, Rust SECONDED. Rust stated that he had watched this organization progress over the years and he is very impressed. He stated that there were economic development opportunities in the arts and they serve as a focal point for the entire County. He commented that this resolution should help them attract the foundation dollars that are needed to keep arts flourishing in Lane County. Dumdi commented that the Lane Arts Council puts out a bi-monthly newsletter that lists all of the art activities in Lane County and is very useful. She would like the Lane Arts Council to take a leadership role in creating more activities downtown in the evening. Doug Beauchamp, Executive Director, stated that there would be a birthday party for Lane Arts Council at the Willamette Street Theater tonight from 6:00 to 8:00 p.m. He introduced Locey Pheiffer, Gene Emge, David Hilton, Derek Johnson, Beverly Andrews and Jack Radabaugh from the Board of Directors of Lane Arts Council. VOTE: 4-0.

6. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

10. CONSENT CALENDAR

This item pulled from the Consent Calendar for action.

F. Public Works

9) SUBDIVISION PLAT

- a) Spring Knoll PUD, Phase I
City of Eugene
18-03-09 & 16

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

7. COMMITTEE REPORTS

Legislative Standing Committee

- a. ORDER 91-6-12-3/In the Matter of Taking a Position on Legislative Bills Introduced During the 1991 Legislative Session

None.

8. COUNTY ADMINISTRATION

- a. Announcements

None.

- b. ORDER 91-6-12-4/In the Matter of Approving Use of Voluntary Furlough Dollars

Jim Johnson presented this item to the Board. He stated that \$43,600 had been generated in salary and benefit savings for next fiscal year. He recommended that the .5 FTE clerical position in Human Resources and four months of the plans examiner position in Land Management be added back into the budget with the balance saved until a later date. Frazier commented that it would be her priority to add the law clerk for Legal Counsel back into the budget. Roberts commented that the Board had suggested that the furlough dollars be reinvested back into the department in proportion to the contributions. MOTION: Approval of the order. Rust MOVED, Dumdi SECONDED. VOTE: 4-0.

- c. ORDER 91-6-12-5/In the Matter of Approving an Intergovernmental Agreement Between Lane County and Lane Council of Governments for Telecommunications System Management, FY 91-92

Jack Lindstrom, Management Analyst, presented this item to the Board. He commented that this was the renewal of the annual contract with L-COG and that the system will be upgraded this year with the addition

of new features, primarily voice processing. MOTION: Approval. Rust MOVED, Dumdi SECONDED. VOTE: 4-0. Dumdi commented that one of the components of this agreement is the addition of voice mail which will give the public better access to information throughout the County.

9. PUBLIC WORKS

- a. ORDER 91-6-12-6/In the Matter of a Determination of Whether or Not to Consider a Request for Policy Interpretation from the Hearings Official

Al Couper, Associate Planner, presented this item to the Board. He stated that this order was a request from the Hearings Official for the Board to interpret County policy in two sections of Chapter 16; a portion of the F-2 impacted forest land zone which allows the replacement of existing dwellings and the non-conforming use section of Chapter 16. The question posed by the Hearings Official is whether both sections govern the replacement of dwellings in the F-2 zone. Staff has concurred with the Hearings Official that it would be appropriate for the Board to hear this, as it is of Countywide significance, will occur with frequency and there is a need for clarification.

MOTION: To hear this for interpretation. Rust MOVED, Dumdi SECONDED. Rust commented that this can and does occur with frequency and stated that it should be dealt with on a policy basis. Roberts commented that the advantages that normally might be derived from an objective policy determination might be difficult in this contested case. His personal preference would have been to have this decided by the Hearings Official though he will vote to hear this case. Frazier asked if there had been other problems with interpretation since this was adopted in 1984. Couper stated that there had been a recent change in the state law and Bill Van Vactor, County Counsel, stated that the Code was changed to conform to the Administrative Rule that was adopted by LCDC with regard to Goal 4. Frazier stated that in this context, she would support the recommendation. VOTE: 4-0. This will be heard on June 25, 1991.

10. CONSENT CALENDAR

- A. Approval of Minutes:
 May 7, 1991, Work Session, 9:00 a.m.
 May 14, 1991, Joint BCC/Planning Commission, 1:30 p.m.
 May 15, 1991, Regular Meeting, Following HACSA
 May 15, 1991, Regular Meeting, 1:30 p.m.
 May 16, 1991, Joint BCC/Fair Board, 12:00 p.m.
 May 22, 1991, Regular Meeting, Following Board of Health

B. Assessment and Taxation

- 1) ORDER 91-6-12-7/In the Matter of a Refund to Forrest Paint Company

C. Finance and Management

- 1) ORDER 91-6-12-8/In the Matter of Authorizing the County Administrator to Execute a Two-Year Lease Renewal with Lane Council of Governments, with Lane County as Lessor, for Space Located in the Lane County Public Service Building, Eugene, Oregon

D. Health and Human Services

- 1) ORDER 91-6-12-9/In the Matter of Awarding Two Intergovernmental Agreements and Subcontract Extension Amendments for Services to Individuals with Developmental Disabilities as Per Exhibit A, for the Months of July and August 1991, and Delegating Authority to the County Administrator to Sign the Agreement and Amendments
- 2) ORDER 91-6-12-10/In the Matter of Accepting the FY 91-93 Intergovernmental Agreement Between the State of Oregon Community Services Division and Lane County in the Amount of \$1,199,491; to Approve the Program Services Plan; and to Delegate Authority to the County Administrator to Sign the Agreement and Subcontracts Listed in Exhibit A in the Department of Health and Human Services
- 3) ORDER 91-6-12-11/In the Matter of Awarding Subcontract Extension Amendments for Services to Children with Mental Health Problems as per Exhibit A, for the Months of July and August 1991, and Delegating Authority to the County Administrator to Sign the Subcontract Amendments

E. Public Safety

- 1) ORDER 91-6-12-12/In the Matter of Approving Various Liquor License Renewals for Various Individuals

F. Public Works

- 1) ORDER 91-6-12-13/In the Matter of Awarding a Contract to Wildish Paving Company for Enterprise Road M.P. 0.0. to M.P. 1.1 (Highway 58 to Morningstar Road North) Contract No. 90/91-20
- 2) ORDER 91-6-12-14/In the Matter of Awarding a Contract to Kip Construction Company for Frank Parrish Road Bridge (Bridge No. 18-2W-7), Contract No. 90/91-21

- 3) ORDER 91-6-12-15/In the Matter of Awarding a Contract to Kramer, Chin & Mayo, Inc., to Provide Storm Drainage Studies on Irving Road, Hayden Bridge Road and 19th Street North
- 4) ORDER 91-6-12-16/In the Matter of Awarding a Contract for Purchase of Geotextile Fabric and Authorizing the County Administrator to Execute the Contract
- 5) ORDER 91-6-12-17/In the Matter of Entering into an Agreement with OBEC Consulting Engineers for Preliminary Engineering Services for Green Hill Road Bridge, Hall Road Bridge and High Pass Road Bridge
- 6) ORDER 91-6-12-18/In the Matter of Entering into an Agreement with CH2M/Hill for Preliminary Engineering Services for Blue River Drive Bridge, Cottage Grove-Lorane Road Bridge and Letz Creek Road Bridge
- 7) ORDER 91-6-12-19/In the Matter of Authorizing the County Administrator to Execute an Intergovernmental Services Agreement with the Lane Council of Governments, Not to Exceed \$36,000 (Hearings Official)
- 8) ORDER 91-6-12-20/In the Matter of Entering Into an Intergovernmental Agreement with the City of Eugene for the Harlow Road Overpass Project

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

11. FINANCE AND MANAGEMENT SERVICES

- a. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance 8-91/In the Matter of Amending Lane Code 5.165, 5.220 and 5.225 to Define the Term Delinquent, Clarify the Definition of Owner, Establish New Fees and Declaring an Emergency (Second Reading and Public Hearing: June 26, 1991 at 1:30 p.m., in Harris Hall Main Floor)

This item will be discussed later in the meeting.

3. COMMISSIONERS' ANNOUNCEMENTS

Rust announced that at a meeting last night the Intergovernmental Human Services Committee discussed what might be done about the loss of the Rape Crisis Network. The Whitebird Clinic has been providing the services that the Rape Crisis Network was providing and has seen 117 cases in the last five months. Most cases were for the treatment of post-traumatic symptoms and 14-15 percent were young males. The vast majority of the perpetrators were acquaintances of the victims. The Committee took \$6,000 to insure that Whitebird continues to provide this service on an interim basis and

asked staff to put out a letter of intent. The Committee would like more than just a crisis approach to this issue.

Roberts commented that the County has not had data available on this issue in the past and that the data collection from Whitebird is important to help the County decide where to spend its resources in the future. Rust asked if the Board would like to see the County more involved in this issue and Dumdi stated that involvement should be within County capabilities.

Dumdi announced that she will tour Siltcoos Lake as a component of the dunal lakes issue with Commissioner Rust on June 17 at 1:00 p.m. She stated that the meeting which was scheduled for 7:00 p.m. had been canceled.

Dumdi announced that SB1001 regarding revolving loan funds had passed and that SB1080 regarding allowing a water district to serve as a sanitary district was moving along quite well.

Dumdi announced that there was an article in the newspaper yesterday regarding the Pacific whiting fisheries industry. She stated that this is an up and coming industry with tremendous potential.

Rust announced that a special forest products receiving site was being set up in Springfield.

This meeting recessed at 10:05 a.m. for Executive Session to reconvene at 11:30 a.m. Cornacchia joined the meeting after the recess.

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Roberts read the ordinance into the record. MOTION: Approval of First Reading and setting Second Reading and Public Hearing for June 26, 1991, at 1:30 p.m. in Harris Hall. Dumdi MOVED, Cornacchia SECONDED. VOTE: 5-0.

12. JTPA

- b. ORDER 91-6-12-21/In the Matter of Approving a Modification to the Southern Willamette Private Industry Council/Lane County Administrative Agreement

This item taken out of order. MOTION: Approval. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

a. PRESENTATION/Private Industry Council's Semi-Annual Report

Laurie Swanson, Director of JTPA and the Southern Willamette Private Industry Council, and Frank Brazell, President of the Board of Directors of the Southern Willamette Private Industry Council, presented this item to the Board. Brazell stated that the Board of Directors feels that the job done by SWPIC is important and affects the lives of the citizens of Lane County. Swanson stated that there have been approximately 3,500 people served this fiscal year, primarily dislocated workers and welfare reform clients.

Dumdi stated that the staff and Swanson do an excellent job with this operation and have served more people than they thought possible. Frazier asked how many of the graduates from the SWPIC program get jobs in their fields and Swanson responded that approximately 60-65 percent get jobs in their fields.

3. COMMISSIONERS' ANNOUNCEMENTS (Continued)

Cornacchia announced that he had received a letter from the American Lung Association asking for the Board to consider an ordinance that would prohibit cigarette vending machines in restaurants, convenience stores and any other areas where they would be accessible to children. The Board concurred that it would like to have a Work Session to discuss this issue. Cornacchia will investigate the economic impact of such an ordinance and Bill Van Vactor, County Counsel, will contact cities and counties that have adopted similar ordinances.

Cornacchia announced that he had received a message from Kevin Davis, attorney for O&C Counties, which stated that Fish and Wildlife would be required to issue no opinions in critical habitat areas.

Cornacchia announced that he had received information from the AOC Legislative Committee that video lottery may become a reality in Oregon. The money earned would be used for economic development and the administration of the lottery. He commented that the state is suggesting that 2.5 percent of the anticipated \$200 million annual net be earmarked for counties.

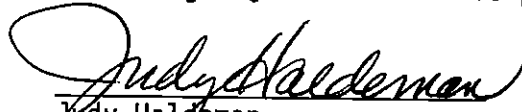
Cornacchia announced that Randy Franke was running for Third Vice-President of NACo. Cornacchia commented that it would be of public benefit to Lane County and Oregon to have him President three or four years from now and he would find public benefit in assisting this campaign. The general opinion of AOC lawyers was that this position was not an elected position as contemplated by the statutes. Cornacchia suggested that the Board assist Franke in his campaign from the General Fund.

ORDER 91-6-12-22/In the Matter of Contributing to the Franke for Third Vice President Campaign

MOTION: To spend \$2,000 from the WIR account for this purpose, contingent upon getting approval from Legal Counsel. Roberts MOVED, Dumdi SECONDED. Van Vactor recommended that if the Board agrees to do this that it should agree that this is a matter of County concern and on the condition that unexpended funds get returned to the County. Roberts commented that it could get confusing to have to segregate the funds if other counties contribute as well. Rust stated that he felt there was public good in supporting this candidate, but he rebelled against spending public money for a campaign. VOTE: 3-2, Frazier and Rust dissenting.

Cornacchia announced that he would be attending the Public Lands meeting in Salt Lake City July 17-20.

There being no further business, this meeting adjourned at 12:08 p.m.


Judy Halperman
Recording Secretary