

# MINUTES & NOTICE OF BOARD ACTION

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## LANE COUNTY BOARD OF COMMISSIONERS

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*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.

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April 15, 1992  
Following HACSA

REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS

Harris Hall  
Main Floor

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

1. ADJUSTMENTS TO THE AGENDA

There will be one item of Emergency Business.

2. PUBLIC COMMENTS

Gail Haydter, 07171 Canary Road, Westlake, commented that she had lived in Westlake for 18 years and had voted six miles away in Glenada. She must now drive to Mapleton which is 24 miles from her home. The option of voting absentee ballot was a meaningless government lesson to her children. She asked the Board to reconsider this change to the voting boundaries as it would create more voter apathy and would require some citizens to travel 66 miles round trip to vote.

Nina Tetzler, 30549 Izaak Walton Road, commented that she lives one mile from the Spencer Creek Grange and must now drive 38 miles round trip to vote. She stated that absentee ballots were unacceptable to her and stated that this was discrimination against rural residents.

William Carroll, 07123 Maple Creek Road, stated that he must travel 47 miles round trip to the new voting place. He stated that there was a new motor/voter bill passed to encourage participation in the voting process; this new action is at odds with this effort. He asked the Board to insert themselves into this issue.

V. W. Johnston, 83818 Pacific Highway, Creswell, stated that he must now drive to the Crest Drive Elementary School to vote. He asked for more efficiency in government, not less service.

Marjorie Zane, 86035 Lorane Highway, commented that she is concerned about the new polling place. She must now drive 19 miles from home to vote at the Creswell High School and commented that this was not fair or necessary. She wants to vote in her own neighborhood and feels that there could be feasible alternatives to going to Creswell. She suggested that there be a Creswell poll book, voting booth and ballot at the Grange.

Jean Marcotte, 86081 Lorane Highway, commented that she was outraged over the change in the precinct boundaries and the absentee ballot alternative.

Thomas Hunt, 865 Alder, Lowell, Vice-President of the Lowell City Council, commented that the precinct was developed to provide access to the citizen for representation on taxation. He stated that Lowell voters had been moved to Pleasant Hill and he felt there was a risk of error in merging precincts.

Howard McBeth, 86339 Lorane Highway, commented that his polling place was moved to Creswell and that he cannot drive on the freeway.

Laurence Christopher, 86289 Lorane Highway, commented that his polling place was moved to Creswell High School. He presented a petition which was signed by 40 residents near Spencer Creek Grange asking to have their polling place moved back to the Grange. He read a letter from Kitty and Gordon Scott protesting the changes in precincts. He suggested that the attitude of the Elections Division should be "let's fix it."

James Bacon, 38256 McKenzie Highway, Springfield, commented that he had lived in this area for 20 years and had voted in the Thurston area which is two miles from home. The new polling place is Upper Camp Creek Road which is about 14 miles round trip. He suggested that something be done about the Elections Division.

Pastor John Dinsmore, 85780 McBeth Road, commented that people did not trust the mail-in ballot system and asked that the County make the polling place as accessible as possible.

Craig Hoyt, 86313 Lorane Highway, commented that central to the idea of democracy is the idea of place; that the individual has a sense of place within the larger society. Creswell is not his place.

Mike Farthing, P. O. Box 1147, commented on the establishment of procedures for the consideration of a mass gathering permit application. He urged the Board not to establish a hearing date on the mass gathering permit until it has decided the preliminary issue of preemption.

Bill Kloos, 767 Willamette Street, Suite 203, commented that the proposed hearing on the mass gathering permit was not prompt enough to insure that the concert could go forward. He stated that adding more requirements and procedures would slow down the decision making process and goes beyond the County authority.

**3. COMMISSIONERS' BUSINESS**

The following item taken out of order.

**b. DISCUSSION/Mass Gathering Permit**

Jim Johnson, County Administrator, distributed copies of the April 9 letter from Bill Kloos for the Board to read prior to this discussion. Bill Van Vactor, County Counsel, commented that he had received a request from the appellant to slow down the process and a request from the applicant to speed up the process. He stated that May 11 had been selected for the Public Hearing to accommodate all parties. The Board discussed holding the meeting to discuss preemption and the Public Hearing on May 5 and 6. Rust suggested that the Board give notice so that the Public Hearing could be scheduled as quickly as possible. Roberts commented that it was important for a number of the issues that the County act deliberately and explore what other factors must be considered; he is not in favor of expediting the process. Rust stated that he prefers a speedier remedy which allows all parties to be heard; a delay denies justice in this case. Roberts stated that adequate notice would not be given to the public if the Board decided to hear this on May 6. He stated that both the land use and the statutory provisions could be noticed in a public manner. Dumdi concurred that there should be discussion on May 5 and a Public Hearing on May 20 to allow ample time to consider the impact on the Veneta area. Frazier and Cornacchia concurred with Dumdi and Roberts. Cornacchia asked if there had been referral to other agencies and how many residents of the Veneta area will be noticed. Johnson stated that all of the agencies which need to have referrals (according to the statute) are aware of the project and that formal notice had been sent yesterday. Residents will be notified by press release, by display ads in the Register Guard and by request.

**a. DISCUSSION/Precinct Changes**

Annette Newingham, Chief Deputy County Clerk, presented this item to the Board (see material on file). She stated that the Elections Division will look at the precinct boundaries after the upcoming election to see if some of the impact on voters can be minimized. Cornacchia commented that there had been no review of the new precinct boundaries with the Commissioners prior to implementation of the changes. He asked who draws the precinct boundaries. Teresa Wilson, Assistant County Counsel, stated that it was a function of the County Clerk, but the process is not described in the statute. She stated that it is possible for the Board of Commissioners to give direction on criteria and process considering the legal requirements. Rust asked who set up the criteria and Newingham stated that they were set by precedent with cost as a consideration.

Newingham stated that the law has changed with regard to the number of registered voters in the precinct and stated that school districts were not a criterion for making changes to the precinct. Frazier asked if a community profile had been established prior to reprecincting and Newingham stated that it had not been considered. Frazier asked for a written cost break down from Newingham. Frazier stated that she would strongly favor looking at the convenience of the voters and asked that Elections consider that there is no public transportation in rural areas. She mentioned that constituents had reported that they were not courteously treated when they called with questions and that they often got conflicting information. She stated that the concept of having all voting done by mail was discussed last year and she wondered if that philosophy had anything to do with the changes in precincts. Newingham stated that she had tried to accommodate the majority of the people within every given precinct. She added that it was difficult to get poll workers; there are currently 11 precincts in which she is unable to get chairpersons.

Cornacchia commented that people came to the Board because they felt that the changes were unacceptable and he is not convinced that timeframe was the reason that the Board was not included in the boundary decisions. He stated that the Board had not given direction to find cost savings at all cost, or savings that only considered the government or department. He asked that the Board give direction for change at a policy level and that all changes which were made in the interest of saving money for Lane County be redone.

Dumdi stated that she had problems with the action which was taken by the Elections Division and stated that it was the responsibility of the Board to carry out the policy of the County. She stated that voter apathy could be compounded by taking measures which greatly inconvenience those voters.

Rust agreed that the election process is sacred ground. He commented that it was clearly a fault on the part of staff that the Board was not involved in the precinct changes. He suggested that the Redistricting Committee might be reactivated to work on the precinct changes. Rust added that the Board's Performance Auditor was working in the Elections Division and that procedures manuals were being created to address past problems; on the whole, things are getting better in Elections.

Roberts recommended that the two rural Commissioners work with staff after the election to review boundary changes rather than reactivating the Redistricting Committee. He stated that precinct changes had been motivated partly by the concern to hold down the cost of County government; efficiency in government is distinguished from reduction in services when someone else's services are cut. He stated that he is sensitive to the problem and that the Board wants

to be responsive to the concerns, but he asked the public to look at what the County is trying to deal with overall.

In response to a question from Cornacchia, Johnson stated that there is less need for General Funds within the entire Finance and Management Service Department as a result of the reduction from reprecincting. Newingham stated that the cost of conducting elections continues to increase due to postal rates and minimum wage. Johnson stated that in response to the request from the Board, he would come back with the proposed make-up of the task team and formal Board action in two weeks.

This meeting recessed at 11:00 a.m. to reconvene at 11:16 a.m.

4. COMMISSIONERS' ANNOUNCEMENTS

To be held later in the meeting.

5. RESOLUTIONS

- a. RESOLUTION 92-4-15-1/In the Matter of Supporting the Relief Nursery's Acceptance of Grant Monies for the Purpose of the Drug and Alcohol Program Enhancement Project in Lane County, Oregon.

Roberts read the resolution into the record. MOTION: Approval of the resolution. Roberts MOVED, Rust SECONDED. Dumdi stated that Jean Phelps and her staff had done an outstanding job with the Relief Nursery and that it had become a national model of service to children who would otherwise have substandard lives. Rust incorporated all of the good things which have been said about the Relief Nursery in the past into this record. VOTE: 5-0.

- b. RESOLUTION 92-4-15-2/In the Matter of Proclaiming the Week of April 26 to May 2, 1992, to be National Volunteer Week in Lane County, Oregon.

Dumdi read the resolution into the record. MOTION: Approval of the resolution. Rust MOVED, Frazier SECONDED. Rust commented that the County depends on its volunteers day and night and Cornacchia suggested that the newspaper be lobbied to provide information to the public about the job done by volunteers for the County. Dumdi suggested an editorial article regarding the amount of money saved through the use of volunteers. She stated that there would be a dessert for the County volunteers April 29 at 1:00 p.m. VOTE: 5-0.

- c. RESOLUTION 92-4-15-3/In the Matter of Commemorating Wendy Ray's Years of Community Service to Lane County, Oregon.

Frazier read the resolution into the record. She thanked Ann Simas and Fred Crafts for supplying the information for this resolution.

MOTION: Approval of the resolution. Frazier MOVED, Rust SECONDED.  
VOTE: 5-0.

6. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

7. COUNTY ADMINISTRATION

a. Announcements

None.

8. PUBLIC WORKS

a. DISCUSSION/McKenzie River Watershed Management Scoping Project.

Jacqlyn Mikalonis, Senior Administrative Analyst, presented this item to the Board. She stated that the McKenzie River is a resource with many benefits and values and supplies drinking water for over 200,000 Lane County residents. There is a great deal of public ownership on this watershed as well as private ownership and there are competing demands and interests associated with it. She stated that as part of the study structure there will be a policy committee, a project manager which will link the policy committee with the other components of the study, a citizen advisory program, a technical advisory committee and a planning team. The scoping is basically complete, though the existing data will need to be organized if the County decides to proceed with this study with EWEB.

Mikalonis commented that representatives from EWEB, the Board of County Commissioners and the United Front have been seeking funding and that funding from outside sources is integral to keeping this program running. Lane County's contribution to this scoping project should be in a coordination and policy advisory role.

Cornacchia stated that he was most interested in public involvement early in this process and suggested three models: 1) BPA Citizens Advisory Committee; 2) Contract Advisory Boards which were created for the national forests; and 3) the Citizens Advisory Committee for the Gateway Refinement Plan. Dumdi and Frazier agreed with the suggestions made by Cornacchia.

Rust asked for a discussion of costs and relative benefits for the County with this project. Roy Burns, Land Management Manager, stated that there should not be a cash contribution from the County at this time, though there would be a contribution of existing staff resources of approximately one quarter time for Burns and Mikalonis and about one sixth secretarial support. There would be some limited staff involvement from the rest of the Public Works Department. Roberts commented that he would be opposed to the County setting a

dollar figure for this project now because that number would become the base; he would like to maximize the contribution from the federal government and the state agencies and maintain flexibility as to the extent of the commitment from the County. He stated that he realized that some commitment would be necessary and stated that he is willing to make a conceptual commitment now.

Dumdi commented that she had met with John Peterson, Director of Water Projects for the Soil Conservation Service, in Washington DC and he was extremely enthusiastic about this project because of the broad scope and interagency cooperation.

- b. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1015/In the Matter of Naming a Private Road in the Former "Stewart Hills" Development (21-02-07, 21-03-12).

Dumdi read the ordinance into the record. MOTION: Approval of the First Reading and setting Second Reading and Public Hearing May 13, 1992, 1:30 p.m. in Harris Hall. Roberts MOVED, Cornacchia SECONDED. VOTE: 5-0.

9. CONSENT CALENDAR

- A. Approval of Minutes: None.
- B. County Administration
- 1) ORDER 92-4-15-4/In the Matter of Appointing a Justice Pro Tempore for Florence Justice Court.
  - 2) ORDER 92-4-15-5/In the Matter of Appointing a Justice Pro Tempore for Central Lane Justice Court.
  - 3) ORDER 92-4-15-6/In the Matter of Appointing a Justice Pro Tempore for Oakridge Justice Court.
- C. Finance and Management Services
- 1) ORDER 92-4-15-7/In the Matter of Increasing the Change Fund for the Lane County Department of Finance and Management Services, Animal Regulation Authority.
- D. Public Safety
- 1) ORDER 92-4-15-8/In the Matter of Approving an OLCC License (Change Ownership) for John W. Henninger, dba: Cowgirls, Too, Eugene.
  - 2) ORDER 92-4-15-9/In the Matter of Approving an OLCC License (Greater Privilege) for William C. and Janice A. Boyd, dba: My Place Tavern, Restaurant and Lounge, Dexter.

E. Public Works

- 1) ORDER 92-4-15-10/In the Matter of Awarding a Contract to Eugene Sand and Gravel, Inc., for Asphalt Overlay - Canary Road and Clear Lake Road, Contract No. 91/92-13.
- 2) SUBDIVISION PLAT
  - a. Regency Estates, Phase II  
City of Eugene  
17-03-21
  - b. Replat Lot 517, Florentine Estates, Third Addition  
City of Florence  
18-12-14

9. MOTION: Approval of the Consent Calendar. Frazier MOVED, Roberts SECONDED. VOTE: 5-0.

There being no further business, this meeting adjourned at 12:11 p.m.

  
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Judy Halveman  
Recording Secretary