



NOTICE OF BOARD ACTION

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.

September 30, 1992
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

1. ADJUSTMENTS TO THE AGENDA

Jim Johnson announced that there would be three emergency business items.

2. PUBLIC COMMENTS

Ed Ragazzino, 834 Pearl Street, speaking on behalf of the Eugene Festival of Musical Theater, reported on the progress of the festival since last spring giving some important statistics on their activities (see material on file). Roberts suggested that future yearly reports would be useful to the Board.

Joseph Gill, 767 Willamette Street, Suite 303, stated he was representing the Oregon Theater Project which is a finalist for a Lane County grant from the Tourism Council. Their project is a presentation in connection with the Oregon Trail commemoration which they hope to exhibit in small rural communities. The project will create jobs for 25 people for about six months.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held later in the meeting.

4. COMMISSIONERS' BUSINESS

a. DISCUSSION/Probation Violations.

To be held later in the meeting.

- b. ORDER 92-9-30-1/In the Matter of Supporting the Emerald Empire Railroad Plan for Lane County.

Neale Hyatt, aide to Commissioner Rust presented this item to the Board and gave background information regarding this matter. See materials on file. He introduced Ray Robinson, President of Emerald Empire Railroad who explained the plan and said they are hoping to get a foundation grant to build the first railroad car this winter which will be done locally.

MOTION: That the Board of Commissioners supports the concept of the Emerald Empire Railroad Plan. Rust MOVED, Frazier SECONDED. VOTE: 3-1, Roberts dissenting.

4. COMMISSIONERS' BUSINESS

- a. DISCUSSION/Probation Violations.

District Attorney Douglass Harclerod introduced this item to the Board and said that Judges Ann Aiken and Kip Leonard were here to speak to this matter. He gave an overview of the situation regarding the workload of his office which has increased dramatically. Due to this overload and a reduced staff in the last two years, he has been obliged to advise the judges of the District Court that his office would no longer be pursuing some probation violation hearings. Harclerod said that his priority is to handle the serious felony cases adequately.

Judge Ann Aiken said that the decision of the District Attorney has caused some problems for District Court. She gave an overview of the process by which someone is finally placed on probation which usually carries conditions which must be complied with. She said if the person does not comply with the conditions, probation is violated, and the District Attorney is charged with the duty to bring that person back to court to show cause why they should not be sentenced. If this is not done, the person cannot be penalized for non-compliance.

Judge Kip Leonard said he was appearing on behalf of Judge Madison the Presiding Judge of the Circuit and District Courts. He said that what is at stake is the integrity of the sentences in the vast majority of the criminal cases that go through District Court. All of these cases are in jeopardy because the show cause process is the enforcement procedure for the probationary sentences which are set by the court and most of the individuals who are sentenced in criminal cases are given a probationary sentence for one, two, or more years, and are mandated to comply with certain conditions. If they do not comply, the court must be informed, that person has a right to be heard, the court makes a decision whether they violated the probation and if the decision is affirmative, they can be sanctioned and resentenced. Leonard said if the District Attorney's Office is not

available to institute the show cause process, then people are under no obligation to comply with probation conditions, thus negating their sentences and going free of penalties. Leonard said that both he and Judge Madison consider this a problem of great magnitude and a solution must be found in order for the justice system to work as it was intended to work. The court cannot assume this duty as it would be unethical for it to be prosecutor and judge. It must remain neutral.

Ross Shepherd, Lane County Public Defender, explained the in-custody arraignment process at the jail which usually leads to agreement on a resolution to the case, between the District Attorney's Office and the defendant's lawyer. In reply to a question from Roberts, Shepherd stated that all participants in the program needed to be present, including a representative of the District Attorney, in order for it to work effectively, and it would be unconstitutional if District Court attempted to act in a prosecutorial manner in these cases.

After general discussion, the Board decided to ask the District Attorney to re-examine his priorities to see if there was another alternative to his decision and to report the result back to the Board.

5. EXECUTIVE SESSION as per ORS 192.660

Held over for the afternoon session.

6. COUNTY ADMINISTRATION

a. Announcements

None.

b. ORDER 92-9-30-2/In the Matter of Approving an Agreement with Jasper Mountain Center for Administration of Grant #92031 for Facility Improvements.

Teresa Wilson, Assistant County Counsel, presented this item to the Board. MOTION: Approval. Roberts MOVED, Frazier SECONDED. VOTE: 4-0.

c. ORDER 92-9-30-3/In the Matter of Designing a Top Ranked Oregon Trail Project Proposal.

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

d. ORDER 92-9-30-4/In the Matter of Approving a 3-Year Tourism Marketing Plan and Awarding a Phase 2 Implementation Contract to the Eugene-Springfield Convention and Tourism Bureau.

Margo Drivas, Assistant County Administrator, introduced this item to the Board and gave background information on this order. MOTION: Approval. Roberts MOVED, Frazier SECONDED. VOTE: 4-0.

This meeting recessed at 10:56 a.m., to reconvene at 11:10 a.m.

7. PUBLIC WORKS

- a. DISCUSSION/Implications of Proposed Administrative Rules for Farm and Forest Lands (Goals 3 and 4) and Preliminary Identification of Small Scale Resource Lands in Lane County.

Rob Burns, Land Management Division Manager, presented this item to the Board. In view of the fundamental changes to policy, Burns recommended that Lane County's elected officials, together with the Association of Oregon Counties (AOC) and LCDC, should participate aggressively and extensively in the hearing process. He said it is an issue in which the elected officials must personally present the County's position. Burns then asked Jim Mann and Bill Sage, Planners in the Land Management Division to give an overview of the highlights of the proposed changes.

Jim Mann discussed the flaws in the new rules, and Bill Sage gave an explanation and displayed maps of the preliminary designations proposed to comply with these rules.

Burns stated that the Board should recommend amendments to the rules as well as legislative amendments that the State of Oregon would administer farm land and forest land decisions and that the decisions on the small scale exception areas in urban growth boundaries be reserved to the counties.

Bill Van Vactor, Legal Counsel, said that the prudent course would be for Lane County to work with other counties and have them all say to LCDC this is unacceptable because of the massive changes in policy.

After further questions and discussion it was decided that the County should present its position at the AOC meeting to take place at the end of the week and ask their cooperation in opposing these rules.

MOTION: To oppose the proposed Administrative Rules. Roberts MOVED. Frazier SECONDED. VOTE: 4-0.

This meeting recessed at 12:06, to reconvene at 1:30 p.m.

The meeting reconvened to Executive Session and adjourned from Executive Session at 2.02 p.m. to continue the regular meeting.

8. CONSENT CALENDAR

- A. Approval of Minutes: July 29, 1992, Regular Meeting, 1:30 p.m.

August 12, 1992, Regular Meeting Following
HACSA

B. County Counsel

- 1) ORDER 92-9-30-5/In the Matter of Amending Chapter 3 of Lane Manual to Eliminate All References to the Oregon Museum Park Commission (LM 3.574).

C. Finance and Management Services

- 1) ORDER 92-9-30-6/In the Matter of Authorizing Selling County-Owned Real Property, Map #17-03-30-34-14200, Adjacent to 427 Washington Street, Eugene, Oregon, to Platt Electric Supply for \$3,200 and Authorizing the County Administrator to Execute Escrow Agreements.

D. Health and Human Services

- 1) RESOLUTION AND ORDER 92-9-30-7/In the Matter of Accepting Amendment #27 to the 1991-93 Intergovernmental Agreement #20-001 with the State of Oregon Mental Health and Developmental Disabilities Services Division; and Delegating Authority to the County Administrator to Sign the Letter of Acceptance and the Associated Subcontract as per Exhibit.

E. Public Works

- 1) ORDER 92-9-30-8/In the Matter of Extending the Lease with EWEB Covering the Vida Solid Waste Transfer Site.
- 2) ORDER 92-9-30-9/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement in 17-03-15 (International Way).
- 3) ORDER 92-9-30-10/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement and County Road in 17-03-15 (Game Farm Road East).
- 4) ORDER 92-9-30-11/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement and County Road in 18-02-28 (Ridgeway Road).
- 5) ORDER 92-9-30-12/In the Matter of Awarding a Contract to John Hyland Construction, Inc., in the Amount of \$32,329 for the Central Receiving Station Pit Floor Repair, and Authorizing Execution of the Contract by the County Administrator, Contract No. WM 92/93-12.
- 6) ORDER 92-9-30-13/In the Matter of Awarding a Contract to Morse Bros., Inc., in the Amount of \$32,060 for an Asphalt Overlay at the Glenwood Central Receiving Station, and Authorizing

Execution of the Contract by the County Administrator, Contract No. WM 92/93-13.

MOTION: Approval of the Consent Calendar. Roberts Moved, Frazier SECONDED. VOTE: 4-0.

9. COUNTY COUNSEL

- a. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 12-92/In the Matter of Amending Chapter 3 of Lane Code to Describe the Functions of the Office of County Administration and Declare an Emergency.

MOTION: Approval of first reading and setting second reading and public hearing for October 14, 1992, in Harris Hall. Roberts MOVED, Rust SECONDED. VOTE: 4-0

10. HEALTH AND HUMAN SERVICES

- a. PRESENTATION/The Family Planning Program in Health & Human Services.
This item was pulled.

11. EMERGENCY BUSINESS

- a. ORDER 92-9-30-15/In the Matter of Appointing the Medical Staff with Temporary Privileges for the Lane County Psychiatric Hospital, Appointment of the Medical Director and Chief of Staff and Delegating Authority to the County Administrator to Execute Contracts Therewith

MOTION: Approval. Robert MOVED, Frazier SECONDED. VOTE: 4-0.

- b. RESOLUTION 92-9-30-16/In the Matter of Proclaiming October 11 Through 17, 1992, National Family and Community Education Week in Lane County, Oregon

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

3. COMMISSIONERS' ANNOUNCEMENTS

Rust announced that Hinman Vineyard had won three Blue Ribbons at the State Fair and he would like to see Lane County wines represented at the AOC Conference taking place in November in Eugene. He also announced that Larry Campbell's office will be hosting a delegation from the sister province of the State, from the Republic of China on October 8.

Frazier asked the Board to come in period costumes to the first or second meetings of the Board in January 1993, as a kickoff to the Oregon Trail Celebration.

Dumdi announced that Frazier will represent the Board at the November 10 hearing in Coburg regarding the Coburg Steam Plant. The Department of Energy Siting Council will be meeting in Corvallis on October 2 but the County does not need representation at that meeting.

Dumdi announced that she had received a letter from Willamette Industries stating that their Vaughn plywood plant and Coburg veneer plant will be permanently closing December 18, 1992. She also announced receipt of a letter from the Roads Advisory Committee questioning why that committee was not consulted prior to Board approval of using road funds to assist in the opening of Olive Street. Roberts will draft a response for Dumdi's signature.


Dumdi announced the retirement of Bonnie Staab of the Florence Annex, on October 2, 1992.

11. EMERGENCY BUSINESS (Continued)

- c. ORDER 92-9-30-14/In the Matter of Settlement of the Employment Claims of Shirley St. Clair

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

There being no further business, this meeting adjourned at 3:47 p.m.



Jane Burgess
Recording Secretary