

MINUTES & NOTICE OF BOARD ACTION

BOOK 153 PAGE 0372

APPROVED

Approved 5/26/93



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.

March 17, 1993
Following HACSA

BOARD OF COMMISSIONERS'
REGULAR MEETING

Harris Hall
Main Floor

Chair Steve Cornacchia presided with Ellie Dumdi, Marie Frazier and Jerry Rust present. Jack Roberts arrived at 9:08 a.m. Sharon Giles, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

Cornacchia noted one time certain item on the Blue Mountain Timber Management Plan.

2. PUBLIC COMMENTS

Dave Rodriguez, Oregon Rivers Museum, 8794 Heather Drive, Springfield, requested a commitment to secure \$30,000 from the video lottery proceeds to complete the Oregon Rivers Museum master plan. He stated the Springfield City Council agreed to provide \$50,000 as a challenge grant, and that these funds would help pay for the master plan but that they would not be freed up until an additional \$50,000 is found. Rodriguez submitted a handout which included House Bill 3401 which if approved would authorize an additional \$150,000 to the effort; and a copy of a fax from OEDD that has earmarked \$30,000 to the effort but places a 60-day time limit to secure the remaining funds.

Rust inquired as to whether this commitment meant the money needed to be secured or whether the money needed to be received within 60 days. Rodriguez stated they just required a commitment.

Glen Johnston, Oregon Rivers Museum, 4831 Franklin Boulevard, asked for support to obtain \$30,000 to help with the ORM master plan.

Bill Burwell, Oregon Rivers Museum, 44387 McKenzie Highway, Leaburg, commented on the beneficial economic and cultural impact of the ORM project. Burwell stated the county needs the ORM as a regional destination point for tourism that will benefit the local economy.

Leonard Lewis, 39933 Jasper-Lowell Road, Lowell, stated he was a recovering compulsive gambler and expressed concern that nothing has been set in place to treat gambling addiction, although it was mandated by '91 legislature. He commended the county's Health and Services Department in foreseeing an avenue to put together a beginning program, even though the State has set no guidelines for its establishment. He reported that Gamblers' Anonymous receives 200 calls per week in Portland.

Rust related to Rodriguez that the Economic Development Committee will review this matter at their next meeting, Monday, April 5. Rust questioned Rodriguez as to the issue of the 20-01 (anti-gay) measure passed in the City of Springfield and whether or not that has been a difficulty in raising any public or private funds. Rodriguez stated that most people perceive this as an important project and he has had only occasional comments concerning Measure 20-01.

Frazier asked Rodriguez about the remainder of the funds needed for the ORM master plan. Rodriguez stated that if the \$50,000 house bill is passed, including \$50,000 from the City of Springfield and \$30,000 from OEDD, and assuming \$30,000 received from Lane County, that they would still need to raise \$40,000 but don't see any obstacles in acquiring the remaining monies.

Cornacchia recommended that, if the Board approves this, no expenditures are made until the entire amount is raised for the ORM.

Roberts asked Rodriguez concerning the source for the \$50,000 from the state. Rodriguez reported that it would be from the state lottery and that the OEDD \$30,000 would come from the Old Growth Diversification Fund.

Roberts stated he believes the Oregon Rivers Museum is an important project for the County to support. Dumdi stated a number of options towards acquiring the additional support monies.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

4. EXECUTIVE SESSION as per ORS 192.660

None.

5. HEALTH AND HUMAN SERVICES

- a. RESOLUTION AND ORDER 93-3-17-1/In the Matter of Appropriating an Additional \$155,000 in Revenues and Expenditures and Establishing an Additional 1.0 FTE Mental Health Specialist Position.

Rob Rockstroh reviewed the board packet material and stated that these monies are specifically for treatment of gambling addiction and that any excess money would go to state's treatment. MOTION: Approval of the Order. Dumdi MOVED, Roberts SECONDED. Dumdi asked whether the Florence 24-hour hotline could be included in this expenditure. Rockstroh stated that he was not sure if that was appropriate since these revenues are appropriated specifically for gambling addiction services. VOTE: 5-0.

6. PUBLIC WORKS

- a. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1030/In the Matter of Amending the Rural Comprehensive Plan Diagram from "Agricultural Lands" to "Marginal Lands" and Amending the Zoning Map from "Exclusive Farm Use" (EFU) to "Marginal Lands (ML) for Map No. 19-03-23, Tax Lot 5803 (Applicant: Jackson).

Cornacchia read the ordinance into the record.

MOTION: Approval of the First Reading. Roberts MOVED, Dumdi SECONDED. Cornacchia noted that the second reading and public hearing has been rescheduled to 4/14 at 1:30 p.m. VOTE: 5-0.

- b. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1037/In the Matter of Amending the Rural Comprehensive Plan Diagram from "Forest Lands" to "Marginal Lands" and Amending the Zoning Map from "Impacted Forest Lands" (F-2) to "Marginal Lands" (ML) for Map No. 18-04-08, Tax Lot 204 (Applicant: Carroll).

Cornacchia reading the ordinance into the record and noted that the second reading and public hearing will be rescheduled to 4/14 at 1:30 p.m. MOTION: Approval of the Ordinance. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

- c. REPORT BACK/Blue Mountain Timber Management Plan.

To be held at 11:00 a.m.

- d. THIRD READING, DELIBERATION AND ACTION/Ordinance No. 1-93/In the Matter of Amending Chapters 5, 9, 10, 11, 13, 15 and 16 of Lane Code to Authorize Administrative Civil Penalties and to Revise Certain Related Provisions Regarding Infraction, Violation and Enforcement Requirements, and Adopting a Savings and Severability Clause.

MOTION: Approval of the Ordinance. Roberts MOVED, Dumdi SECONDED. Frazier expressed concerns that there is not a cap in total amount assessed but only a daily cap, and if the penalty is not paid after the penalty is finalized, then the process would begin over again and become a separate violation. Frazier asked that the Board consider including language to accommodate for a cap in total. Cornacchia concurred with Frazier's concerns and asked Frazier what her recommended cap would be. Rust stated that if there is a total violation cap, that that would allow wealthier people to buy into a transgression and the idea of an escalating penalty is to force termination of the violation.

Dumdi stated that there are flagrant violators out there where a ceiling cap is not appropriate and by establishing a daily penalty, it would force them into compliance. Roberts stated that his concerns with a total penalty cap is that once that total cap is achieved, there would be no incentive after that for immediate compliance. Roberts reiterated Frazier's concerns but stated that the language contained the ability to abate based on good faith. Cornacchia asked what authority the Board would have to reduce the fines after the violation is concluded. Steve Vorhes, Assistant County Counsel, stated that the cap issue is a policy debate, that the Board could certainly establish a cap but that there are competing policy concerns. Vorhes said that the language of the ordinance tries to introduce flexibility into the system without Board involvement. Vorhes stated that there are other enforcement mechanisms available to the Board and to the County that this ordinance does not preclude. Dumdi stated she perceives this ordinance as an assist to the department to complete their job more effectively.

Frazier reiterated a potential for violators to lose their property. Dumdi stated that the ordinance is not designed to address that situation but instead to address developers who flagrantly violate the permit system. Roberts stated that people are given an opportunity to correct their violations before the penalty is actually instigated. Rust stated that if rules are good rules, then people need to live by them; and if rules are bad, then change the rules.

Cornacchia asked how the conscience of the elected officials can be applied to the language if the Board cannot reduce fines. Roberts recognized the need for a compliance mechanism but stated that the Board could change the ordinance in the future if it is not working

well. He asked the Board to give this ordinance a chance to see it in practice.

Burns, Land Management Manager, stated the planning commission requested a report back for review in one year and that the ordinance will be monitored and citizens will report any abuses. Cornacchia concurred with Roberts' assessment. Rust stated his satisfaction with the levels of enforcement as stimulated by citizen complaints. Frazier inquired of Legal Counsel as to whether or not the ordinance could stand up in court in a lien process. Vorhes stated that it would. Frazier stated she could not support the ordinance as it is at this time.

VOTE: Cornacchia, Dumdi, Roberts and Rust AYE, Frazier NAY.

- e. ORDER 93-3-3-15/In the Matter of Amending Chapter 5 of Lane Manual to Add Administrative Civil Penalty Provisions With Regard to Infractions (LM 5.010-5.025).

MOTION: Approval of the Order. Roberts MOVED, Rust SECONDED.

VOTE: 4-1.

7. CONSENT CALENDAR

Cornacchia asked that Item D.2. be pulled from the Consent Calendar. Van Vactor reminded the Board that two copies in the packet, D.2. and F.a., have been corrected.

- A. Approval of Minutes: February 17, 1993, Regular Meeting,
Following HACSA
February 17, 1993, Regular Meeting, 1:30
p.m.

B. County Administration

- 1) ORDER 93-3-17-2/In the Matter of Approving the Faithful Performance Bond of Recently Appointed Fair Board Member, Robert Mattson, in Accordance with ORS 565.210.
- 2) ORDER 93-3-17-3/In the Matter of Appointing One Member to the Lane County Budget Committee.

C. Health and Human Services

- 1) RESOLUTION AND ORDER 93-3-17-4/In the Matter of Accepting the FY 92/93 Intergovernmental Agreement Between the State of Oregon Department of Human Resources and Lane County in the Amount of \$28,034; and to Delegate Authority to the Acting County Administrator to Sign the Agreement.

D. Human Resources and Management Services

- 1) ORDER 93-3-17-5/In the Matter of Amending Chapter 60 of Lane Manual to Establish a Fee to Collect From Employees for Withholding Garnishment of Child Support (LM 60.822).
- 2) ORDER 93-3-17-6/In the Matter of Accepting Bids for County-Owned Surplus Real Property Tendered at a Sheriff's Sale January 25, 1993 (Attached Exhibit "A" - Hennigan; Bell; Wilson; Cox; Slaven; Goldstrand; Simmons; Turner; Urbanski; Heer) and Authorizing the County Administrator to Execute Associated Land Sale Contracts.

Pulled.

E. Public Works

- 1) RESOLUTION, NOTICE OF HEARING AND ORDER 93-3-17-7 /In the Matter of Initiating Proceedings to Withdraw County Road Status (But Not the Public Road Status) of a Portion of County Road Number 605 and 610 (Upper Maple Creek Road) Being Located in Sections 11, 12 and 14 of Township 19 South, Range 11 West, and Sections 7 and 8 of Township 19 South, Range 10 West of the Willamette Meridian (Public Hearing: April 28, 1993, 1:30 p.m., Harris Hall Main Floor).
- 2) ORDER 93-3-17-8/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement for West Lane (19-03-11).
- 3) SUBDIVISION PLAT
 - a. Bungalow Row
City of Eugene
17-03-21
 - b. Kourt Place
City of Eugene
17-04-14

F. Youth Services

- a. ORDER 93-3-17-9/In the Matter of Accepting State Grant Funds and Appropriating Spending Authority in the Amount of \$11,208.75 to the FY 92-93 Budget of the Department of Youth Services to Support the Independent Living Program.

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

8. COUNTY ADMINISTRATION

a. Announcements

Bill Van Vactor stated he received a letter from Bill Kloos who will be applying for a mass gathering permit on behalf of Tribal Outreach on 3/27 and efforts were being made for a Board hearing and decision to be scheduled for 4/28. Van Vactor stated he has talked to Petrsek and he thinks staff can meet the deadline if applicant fulfills all of their requirements.

Dumdi remarked that she will be gone on 4/28. Cornacchia said that the Board should schedule the hearing when all five commissioners can be present. Roberts stated that, although he wishes the Board to be sensitive and responsive, he does not like to see staff pulled off their other duties because of an applicant's delay in filing and does not wish to make this the Board's top priority.

Rust stated the gathering is a tremendous cultural and educational event and an enrichment to the county and believes the Board should facilitate towards meeting these targets. Frazier concurred with Roberts' comments. Cornacchia agreed with Rust on the merits of the event but also agreed with Roberts' concerns regarding timeliness of the application and expressed concern towards the assurance to the adjoining neighbors that the mass gathering is beneficial to the community. Roberts reiterated his concerns regarding the delays in submitting the application. Dumdi agreed that there is a lot of detail work required of staff. Cornacchia suggested notifying Mr. Kloos of the Board's convictions regarding the delay in petition and of their need to fill their requirements and responsibilities.

D. Human Resources and Management Services

- 2) ORDER 93-3-17-6/In the Matter of Accepting Bids for County-Owned Surplus Real Property Tendered at a Sheriff's Sale January 25, 1993 (Attached Exhibit "A" - Hennigan; Bell; Wilson; Cox; Slaven; Goldstrand; Simmons; Turner; Urbanski; Heer) and Authorizing the County Administrator to Execute Associated Land Sale Contracts.

Cornacchia expressed concern about the length of some of the contracts and feels that while the statute allows the Board to proceed, he questioned whether the statute requires the Board to deal with contracts up to 20 years on 9 percent loans. Cornacchia related the loans as: Bell, \$15,000 for 15 years; Wilson, \$45,000 for 20 years; Urbanski, \$24,000 for 15 years; and Turner, \$5,000 for 5 years.

Rust asked if the 9 percent was negotiated. Van Vactor stated his understanding was three percent over prime. Discussion

followed concerning the selling of contracts, the length of contracts and variable interest rates. Cornacchia stated he would not approve the order and suggested Finance & Audit review. Turk stated this was the way it was advertised for the sale.

MOTION: Approval of the Order and referral of basic policy issue to the Finance & Audit Committee. Rust MOVED, Dumdi SECONDED. VOTE: 4-1, Cornacchia dissenting.

9. EMERGENCY BUSINESS

- a. ORDER 93-3-17-10/In the Matter of Approving and Ratifying a Collective Bargaining Agreement with Teamsters Local 57 with Lane County's Prosecuting Attorney's Association.

MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

- b. ORDER 93-3-17-11/In the Matter of Authorizing and Selling Surplus County-Owned Property to the Kingsford Products Company (Map/Tax Lot #17-02-30-00-01901, 2825 Marcola Road, Springfield, Oregon).

MOTION: Approval of the Order. Frazier MOVED, Dumdi SECONDED. VOTE: 5-0.

3. COMMISSIONERS' ANNOUNCEMENTS

Roberts stated there will be a hearing today at 1:00 p.m. in Salem on the Justice Courts and requested to be there to testify.

Frazier stated the McKenzie View Drive Neighborhood Watch Association had a discussion concerning the encampment along the McKenzie River and the issues around traffic.

Dumdi corrected an article in the paper, stating that Jim Lyons is the newly-named Undersecretary of Agriculture in charge of national resources and environment and will be Dale Robertson's boss. Dumdi also stated she received a fax from Mr. Kenops wishing the general public to call to comment on the forest conference.

Frazier asked if Lane County is participating in the summit conference. Cornacchia stated O&C has submitted names of people to testify but if the counties are not allowed to participate, then they will be submitting written testimony.

Dumdi stated plans are on target for the Noti By-Pass and Highway 126 passing lanes.

This meeting recessed at 10:40 a.m. to reconvene at 11:00 a.m.

6. PUBLIC WORKS

c. REPORT BACK/Blue Mountain Timber Management Plan.

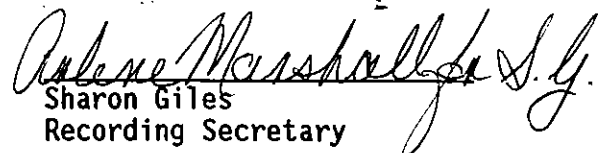
Bob Keefer reviewed a memo regarding the 1985 Timber Management Plan and stated that the plan continues to meet the needs. He concurred with the Parks Advisory Committee's recommendations and tree reforestation.

Cornacchia asked about the costs of reforestation. Keefer stated it was between \$5-8,000 and that it could be set up to be paid out of timber proceeds.

Dan Green stated that the old management plan has been updated only in reference to current prices and logging costs. Green stated the new figure is \$450 per 1,000 board feet net to the County. Rust questioned the need for tree planting considering that this is a selective timber harvest. Green stated there would be no reforestation in the core area where less than 10 percent of the volume would be harvested but that at other points approximately 50 percent would be harvested and that the reforestation would be between 100-400 trees per acre.

Cornacchia asked whether the County park system can be managed with the current revenues, and Keefer stated that it could be but that the revenues are not adequate in regards to the condition of the parks. Cornacchia then questioned the need for a new campground when current parks are in need of management. Keefer explained that these funds are set aside for park improvements and that Richardson is set up to be a self-funding and self-supporting program. Rust stated he believes the management plan represents sustainable second growth management.

There being no further business, this meeting adjourned at 11:20 a.m.


Sharon Giles
Recording Secretary