

MINUTES & NOTICE OF BOARD ACTION

BOOK 154 PAGE 0273

APPROVED *November 3, 1993*



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 6, 1993
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

Vice-Chair Marie Frazier presided with Ellie Dumdi, Jack Roberts and Jerry Rust present. Steve Cornacchia excused. Sharon Giles, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

Frazier stated that a report from the Economic Development Standing Committee would be heard as Item 6.c. Dumdi indicated that she would be bringing forward items under Emergency Business.

2. PUBLIC COMMENTS

Paul Kemp, Box 210, Oakridge, commented that he was present representing the Community Response Team, an economic development group, for the city of Oakridge. With regard to Regional Strategies, he stated that his group would like to see Lane County, in their coordination with other counties, go with tourism for at least one of the strategies. Rust noted that another of Kemp's issues regarding the use of road funds on the Forest Service road would be discussed during Commissioners' Announcements.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held later.

4. COMMISSIONERS' BUSINESS

ORDER 93-10-6-1/In the Matter of Appointing a Member to the Lane County Fair Board.

Frazier explained that the Board had received eight applications for appointment to the Fair Board. She noted that all of the Board members, plus a Fair Board representative (Bob Mattson), had participated in

screening the applications and four people were chosen to be interviewed by a subcommittee consisting of Frazier, Rust and Mattson. Frazier listed those chosen for interviews as Michael Dubick, Cleve Dumdi, Sidney Leiken and Donald McClure. She stated that a majority of the subcommittee recommended Cleve Dumdi for the appointment. She quoted Rust as saying Cleve Dumdi is "The Best of Show - blue ribbon on the rural perspective." Frazier recalled that at a joint meeting with the Fair Board, the consensus was to look for a good rural background and rural perspective. She cited that Cleve Dumdi had an FFA, agriculture, extension, banking and accounting background. She noted that he has a history of working with the Fair Board as a participant. Frazier commented that Cleve Dumdi could best rally the rural area in support of the Fairgrounds. She stated that the subcommittee recommended Dumdi on merit, credentials, experience, knowledge, enthusiasm and ability to get the job done.

Rust stated that it was important to get on the table that Cleve Dumdi's spouse is a member of the Lane County Board of Commissioners and that Cleve Dumdi has a very incidental and peripheral business relationship (they do auctions together several times a year) with another member of the Fair Board. Rust noted that these issues had gone to Legal Counsel for an opinion and it was determined that there is only a potential of conflict. He commented that Cleve Dumdi should not be penalized because his spouse is a member of the Board. Rust stated that on sheer merit, Cleve Dumdi best meets the desired qualifications. He noted that the Board wants strong agricultural representation. Rust stated that the subcommittee made this recommendation, noting that the public may have concerns.

Teresa Wilson, Acting County Counsel, stated that she had contacted the Government Ethics Commission Executive Director. She reported that, in this instance, because the Fair Board appointment is not an appointment that produces financial gain or benefit to Cleve Dumdi or Commissioner Dumdi, other than the potential of reimbursement of expenses, there is no direct conflict of interest. Wilson emphasized that the spousal relationship does not, in and of itself, cause a direct conflict of interest. She noted that the partnership relationship between two Fair Board members is also not a direct conflict of interest, unless the partnership were to seek some kind of contract with the Fairgrounds or were to engage in some activity at the Fairgrounds in which they, acting in their role as Fair Board members, would have an opportunity to affect their financial gain or benefit.

Roberts agreed that this is not an issue of ethics or conflict of interest. He emphasized that Cleve Dumdi has strong credentials and his involvement on the Fairgrounds Master Planning Consortium has indicated his commitment to that facility. Commissioner Dumdi indicated that she would abstain from this vote. She stated that, with regard to public perceptions, she in no way influences her husband as all who know him know how independent he is. MOTION: Approval of an Order appointing Cleve Dumdi to the Fair Board to fill the vacancy created by the

resignation of Guy Di Torrice. Rust MOVED, Roberts SECONDED. VOTE: 3-0-1, Dumdi abstaining.

5. EXECUTIVE SESSION as per ORS 192.660

None.

6. COMMITTEE REPORTS

Human Rights & Affirmative Action Advisory Committee

a. UPDATE

Lynn Burditt, Chair of the Human Rights and Affirmative Action Advisory Committee, distributed material to the Board regarding accomplishments of the Committee (see material on file). She noted that no responses had been received yet to a September 3 letter written to all department heads requesting information above departments' activities relative to human rights and affirmative action. Referring to the follow-up work session on October 27 regarding the Communities of Color meeting on September 28, Burditt commented that it was critical that the Board really discuss what they heard. She encouraged the Board to realize that the Committee considers these real concerns, not a perception of image. Burditt asked the Board to broaden their perspective, listen and look for ways to make substantive changes. She noted that the people involved in the September 28 meeting were asked to invest time and they want substantive, worthwhile results. Burditt recommended department head performance evaluations include an element regarding what they are doing to be more culturally sensitive in the way services are delivered. Noting that the Board does make a difference and sets the tone, she offered to present a training session for the Board. Burditt stated that it was critical that the Board, as leadership, look at a vision of what they would like to accomplish for the County. She added that her advisory committee was available to assist in any way.

Rust expressed appreciation for the report and stated he hoped the HR&AA Advisory Committee was involved in the next, follow-up phase of the Communities of Color meeting. Roberts agreed and apologized that the Committee is not involved more in the September 28 meeting. He stated that it was imperative to look at ways to tie in the Committee during the debriefing in October. Roberts commented that the Committee was the best chance Lane County has of institutionalizing potential changes. He indicated that he thought the training would benefit the Board. Dumdi concurred with Rust and Roberts, especially with regard to training. Frazier indicated that a training session would be discussed during agenda setting. Rust indicated his support for Burditt's suggestion regarding performance review. Burditt noted

that the County does some training, but usually with participation from those at lower levels in the organization. She indicated a need for a commitment from the top. Bill Van Vactor, Acting County Administrator, stated that he would renew the Committee's request for information with the department directors.

Policy and Procedures Standing Committee

- b. DISCUSSION/Possible Charter Amendments Regarding the Structure and Membership of the Board of Commissioners.

Rust reviewed the brief agenda memorandum (see material on file). Rust noted that it costs less money to operate with three commissioners, but there is the perception that you get better representation, particularly in the rural areas, with five members. He stated that it is good government practice to examine basic assumptions and structure. Rust commented that the Policy and Procedures Standing Committee's request was to schedule a public hearing to allow parties to comment.

Roberts explained that he has never said that he felt that three commissioners was better than five commissioners, but has maintained that this is an option that should be offered to the public who could comment on whether the trade-off is worth the cost of having five commissioners. He noted that there is a potential for savings of over \$150,000 annually. Roberts observed that it is necessary to put the Commissioners on the budget table, too. He mentioned that he still believes that five commissioners by district gives a better representation to the entire county than three commissioners. Roberts asked that, at the public hearing, the Board not count heads as to who shows up, but weigh the interests being represented. He expressed a commitment to support staying with five commissioners if a significant number of people come in from the rural areas saying they believe their representation would be adversely impacted if there was a change to three commissioners.

Dumdi emphasized that she feels strongly that people in the county would lose more than what would be saved financially. She remarked that savings would not be as high as projected because of the additional staffing that would be required to deal with constituent issues. Dumdi agreed that it is appropriate that people's feelings be heard. She expressed concern that if the number of commissioners was reduced, the concentration of representation would come from the metropolitan area. Dumdi stressed that urban and rural issues are very different and that people in unincorporated rural areas do not have the representation that the urban people have with their city councils.

Frazier clarified that the Commissioners' office has participated annually in the budget cuts that have occurred, noting that there was a ten percent cut in their budget last year and that Commissioners' salaries have been frozen. She also noted that in approximately 1984-85, the Board went out to all of the communities to discuss issues of concern in terms of cutbacks and in no instance were there any comments that the Board be cut back to three members. Frazier suggested that there were other scenarios that could be considered such as some full-time commissioners and some part-time. She indicated that she would like to see the previous report from the review that was conducted 20 years ago to make comparisons.

Dumdi discussed the possibility, suggested by The Register-Guard, of expanding the commission to 9 or 15 unpaid members, noting that large boards are unwieldy, they lack direct contact with each other, and most members in that situation are usually either working full-time or are retired.

MOTION: That the Board of Commissioners set a public hearing for input regarding possible changes in the structure and membership of the Board of Commissioners. Roberts MOVED, Rust SECONDED. Frazier noted that one of the things that was left out of The Register-Guard article was that at the time there was a change to a five-member board, the full impact of SB 100 had not been realized. She noted that the workload has increase dramatically due to land use law in Oregon. **VOTE:** 4-0. In response to Van Vactor, Roberts suggested setting the public hearing for an evening in the first part of November.

7. COUNTY ADMINISTRATION

a. Announcements

None.

b. DISCUSSION/Selection of Regional Strategy Partners and Appointment of Regional Strategy Board.

Jim Zelenka, L-COG, reviewed the agenda material with the Board. He noted that OEDD has requested that counties recommend regional designations by October 25, so that regions may be designated by November 1. In response to a question from Frazier, Zelenka stated that OEDD had stated other counties want to proceed and OEDD may not designate any regions until they have a recommended package for all regions. Zelenka stated that the LEC had discussed potential partnerships at their recent meeting and described them as follows: 1) partnership with Linn, Benton and Lincoln counties as there are already natural linkages through the Cascades West Economic Development District, Cascade Pacific RC&D and Southern Willamette Research Corridor; 2) partnership with

Douglas County related to environmental technology and high technology; and 3) partnership with Deschutes County related to high technology and industrial development. Zelenka noted that the Economic Development Committee had zeroed in on five key industries for partnering: 1) fisheries and ocean-related issues; 2) high technology; 3) computer software; 4) environmental technology; and 5) forestry. He indicated there was an active discussion of tourism, but there was concern about it being a main focus. Zelenka noted that the Oakridge Community Response Team feels strongly that tourism holds a strong potential for job generation in their area.

Rust reported that Benton County was inviting Lane County to a meeting on October 21 from 9:00 to 10:30 with Linn, Lincoln and Benton counties. He suggested that any Commissioner, along with the appropriate staff, were welcome and encouraged to attend. Dumdi remarked that there is the possibility of a combination of high technology, marine/fisheries and tourism with Linn, Lincoln and Benton counties. Van Vactor asked the Board for direction regarding staff to designate to work on this project, recommending that Zelenka be asked to continue his role. He also suggested initiating communication with the other potential counties, in addition to the October 21 meeting, to determine their interest. Rust, Roberts and Dumdi concurred with both of Van Vactor's suggestions, with Roberts emphasizing keeping all five strategies on the table. Frazier summarized 1) that there was consensus to keep the previously designated staff the same, and 2) that she and Rust will initiate contact with the other counties and do substantive work prior to the 21st, before meeting with Linn, Lincoln and Benton counties.

Responding to Frazier, Zelenka replied that the governing bodies are to appoint the Regional Strategy Board members jointly and that that Board will develop and recommend the strategies for the region. The governing bodies have the responsibility to approve or disapprove what the Regional Strategy Board develops. Frazier stated that she would like opportunities to be explored regarding networking and having one entity to be involved in Regional Strategies, economic development and anything else regarding creation and sustainability of jobs in Lane County. She also commented that in her district all jobs are important - not only family-wage jobs and she would not like to see tourism ruled out. Rust remarked that 25% of the \$14 million is going to be reserved for multi-region strategies. Dumdi noted that available monies include Regional Strategies, video lottery proceeds, forest plan dollars, room tax receipts, etc. and agreed with Frazier regarding tying it all together.

Rust asked, on behalf of Paul Kemp, under what conditions may Lane County road funds be used for a Forest Service road. Teresa Wilson indicated that she would need further information,

including the status of the road. Wilson agreed that she would work with Kemp and the Forest Service to get further details and report back to the Board via a memo.

- c. ORDER 93-10-6-2/In the Matter of Accepting Grant Funds From the U.S. Forest Service For the McKenzie Hatchery Project and Increasing Appropriations in the Amount of \$4,200 in Fund 35 in the Human Resources and Management Services Department.

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

3. Dumdi distributed copies of an October 5 letter from Liz Cawood (see material on file) regarding the Northwest Economic Adjustment Program. In the letter, Cawood requested that the Board be more proactive in expressing Lane County's needs. Dumdi advocated that the Board take a leadership role in stating Lane County's position, perhaps via letters to legislators at the state and federal level, and suggested that Zelenka, Peter Thurston and Stephanie Schulz also work on this effort. The Board concurred. Van Vactor suggested Marcia Morgan, Intergovernmental Relations Coordinator, also become involved upon her return. The Board confirmed the importance of keeping all elected officials in the County informed of the process.

Dumdi stated that Don Hazen, the Public Works Director in Florence, had requested that Lane County sponsor with ODOT a city entry sign to be posted on the Pierpoint Inn property. This is necessary because the sign location is outside the Florence city limits. The Board concurred.

Dumdi noted that her office would be bringing forward a Resolution on October 27 regarding National Unfunded Mandates Day.

Frazier commented that she and Rust had been involved in the dedication of the Office Covered Bridge in Westfir on Monday.

8. PUBLIC WORKS

- a. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1046/In the Matter of Adopting a Rural Comprehensive Plan Diagram Amendment from "Residential" to "Industrial" and Related Zoning Map Amendment from "Rural Residential" (RR-5) to "Limited Industrial" (M-1) for Map No. 19-03-02, Tax Lot 602. (Applicant: Bugbee/Obie)

Frazier read this Ordinance into the record. MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing for October 27, 1993. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0.

- b. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1047/In the Matter of Adopting a "Reasons Exception" to Statewide Planning Goals 16 (Estuarine Resources)

and 17 (Coastal Shorelands) to Allow Replacement of the Big Creek Bridge on U.S. Hwy. 101 at Milepost 175.02, Map No. 16-12-15, Tax Lot 300 (part). (Applicant: Oregon Dept. of Transportation)

Frazier read this Ordinance into the record. MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing for October 27, 1993. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0.

9. CONSENT CALENDAR

- A. Approval of Minutes: September 1, 1993, Work Session, re: County Administrator Hiring Process, 8:00 a.m.
September 1, 1993, Regular Meeting, 9:00 a.m.
- B. County Counsel
- 1) ORDER 93-10-6-3/In the Matter of Appointing a Justice Pro Tempore for Central Lane, Florence, and Oakridge Justice Courts for 60 Days.
- C. District Attorney
- 1) ORDER 93-10-6-4/In the Matter of Accepting a Grant From the Oregon Department of Justice and Appropriating \$900 to Establish an Emergency Fund to Purchase Services for Victims of Crime.
- D. Public Works
- 1) ORDER 93-10-6-5/In the Matter of Awarding a Contract to Hessel Tractor & Equipment Co. in the Amount of \$78,850 with Trade-In for the Purchase of One (1), New Integrated Toolcarrier, Contract FY93/94 FS-01.
 - 2) ORDER 93-10-6-6/In the Matter of Vacating a Portion of Alex Warrington Gateway (Indexed as County Road Number 815), Without a Public Hearing, and Adopting Findings of Fact (16-01-19).
 - 3) ORDER 93-10-6-7/In the Matter of Delegating Authority to the Acting County Administrator to Sign an Easement with Southern Pacific Transportation Company in Connection with the Greenhill Road Project.
 - 4) ORDER 93-10-6-8/In the Matter of Renewing a Hardware and Software Maintenance Agreement with Digital Equipment Corporation for the Public Works Department's VAX Computer Systems.

5) SUBDIVISION PLATS

- a. Lakeway
City of Lowell
19-01-11
- b. Stanley Hall, Second Addition
City of Junction City
15-04-31

MOTION: Approval of the Consent Calendar. Roberts MOVED, Rust
SECONDED. VOTE: 4-0.

10. EMERGENCY BUSINESS

- a. ORDER 93-10-6-11/In the Matter of Committing \$10,000 of Video Lottery Funds to the RCIC for Technical Assistance Projects that Advance Immediate Potential for Northwest Economic Adjustment Program Funding.


Dumdi presented this Emergency Business item to the Board, noting that there were five rural communities which would benefit, at approximately \$2,000 each. Wilson requested a language change in the Order which would drop the requirement that the consultant services subsequently come back for approval to the Board, instead authorizing the County Administrator to take the necessary action.

MOTION: Approval of the Order, with the change recommended by County Counsel. Rust MOVED, Roberts SECONDED. VOTE: 4-0.

- b. ORDER 93-10-6-12/In the Matter of Authorizing the County Administrator to Execute a Contract with L-COG for Planning Services Related to the Clear Lake Watershed and Transferring Funds.

Dumdi presented this Emergency Business item to the Board, noting that the mediation process was close to being finished. MOTION: Approval of the Order. Rust MOVED, Roberts SECONDED. VOTE: 4-0.

There being no further business, this meeting adjourned at 11:52 a.m.



Sharon Giles
Recording Secretary