

MINUTES & NOTICE OF BOARD ACTION

BOOK 156 PAGE 1991

APPROVED

February 22, 1995



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.

December 20, 1994
9:00 a.m.

WORK SESSION
BOARD OF COUNTY COMMISSIONERS

Commissioners'
Conference Room

Chair Jerry Rust presided with Steve Cornacchia, Ellie Dumdi, Marie Frazier and Jack Roberts (arrived 9:10 a.m.) present. Sharon Giles, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

One item of Emergency Business was identified.

2. PUBLIC COMMENTS

Walter Drew, 06103 Drew Road, P.O. Box 217, Florence, distributed a copy of his statement and a packet of material including three documents which he indicated were not included in the today's agenda material related to Item 6.f. (see material on file). He mentioned that not all participants in the mediation accepted the report and indicated that the public was not allowed to attend. Drew stated that the records do not show how the mediation was organized. He asked that, before the Board accepts the report, it investigate/examine the mediation process.

Mike Keating, 06022 Collard Lake Road, Florence, stated that he does not think the Board should adopt the report due to the flawed process. He observed that motors will be allowed on Clear Lake, but only two. Keating stressed that the process needed public input. He indicated that the County will probably be responsible for putting in sewers. Keating recommended that the mediation report not be accepted and that the promised public hearings should be held.

William Gates, 06565 Canary Road, West Lake, indicated that he has been involved in the Clear Lake process for ten years. He stated that it is time for Lane County to acknowledge its past bad land use decisions around Clear Lake. Gates emphasized that there is no reason to allow a powerful man to buy his way into development. He suggested that Dumdi and Cornacchia should exclude themselves from decisions on this process as

much of their campaign contributions came from Aaron Jones and Seneca. Gates remarked that parts of the plan are illegal. He asked the Board not to do anything with the plan until the Board hears from opponents.

Muriel Hilliard, P.O. Box 903, Florence, commented that she was speaking against the mediation report. She stated that she was the secretary for H2O Power and indicated that a letter had been faxed to the Board yesterday and that her comments are in the letter. Additionally, Hilliard observed that American Legion Post #59 requests a portion of the 40 acres the County owns in Florence to build a new Post home. She stated that Ron Rivera wrote a letter requesting a conference. Rust indicated that he would turn the request over to the Real Property Manager to evaluate. Roberts noted the need for Florence and the Port of Siuslaw to sign off on the request. He suggested that perhaps they take their request directly to Florence and the Port, process it there, and then come back to the County after that.

Don Churnside, 440 East Broadway, Suite 300, stated that he represented Pam and Wayne Swango who live on the east side of the Willamette River in Harrisburg and own 90 acres. He indicated that Lane County has an interest in 18 acres of that property. Churnside reported on the movement of the river between Linn and Lane Counties and asked the Board's assistance in getting a Quitclaim Deed to Swango's piece of property. He stated that he is working with Dave Williams on this matter. Churnside stressed that this property has low value, is in a floodplain and is not tillable. He indicated that Lane County had foreclosed on the property as taxes had not been paid after the County location had been switched by the river's movements. Churnside remarked that the property received no bids during the Sheriff's Sale and that now his clients have made an offer but have not received a response. Roberts informed Churnside that a discussion had occurred on this subject during an Executive Session and direction had been given to staff to resolve the matter without creating a precedent either way. Teresa Wilson, County Counsel, stated that it is anticipated that the matter will come back to the Board in early January. Churnside indicated that he was willing to prepare the necessary documents.

Hugh Myron, 1294 Horn Lane, spoke on two subjects. First, he remarked that Roberts had done a good job in his position as county commissioner and he congratulated him on his new position and wished him luck in Salem. With regard to public input, Myron offered three suggestions: 1) 3-minute limit should apply to staff also; 2) unused public time at the end of public comment could be used in one minute increments by previous speakers; and 3) questions of information should be allowed if they are polite, germane and short.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held later in the meeting.

4. COMMISSIONERS' BUSINESS

a. MEMORANDUM AND DISCUSSION/Lane Regional Air Pollution Authority.

Cornacchia reviewed the agenda memorandum (see material on file), indicating that no specific recommendations have been made. Responding to correspondence received from Springfield Mayor Bill Morrisette, Cornacchia reiterated that at no time during the process of processing Seneca's permit did he or Frazier ever make a threat that they would pull out of LRAPA for the purpose of Seneca getting their permit. He stated that the first discussion of consideration of a recommendation to pull out of LRAPA, made by private individuals, was after Seneca had their permit in hand. Cornacchia noted that Don Arkell had admitted to Register Guard reporter Joe Mosely that there was no discussion about County support of LRAPA during the processing of Seneca's permit. He stated that now, however, Arkell still asserts that there was. Cornacchia played a 10-minute tape containing comments by Lowell Mayor Warren Weathers which expressed concern about LRAPA's reluctance to issue a permit for Lowell's community burn pile to help raise money for volunteer fire fighters.

Cornacchia referred to Arkell's memorandum regarding advantages of a local air quality program (see material on file). Cornacchia commented that he agrees that there should be flexibility in handling individual situations and that the mode of operation should be preventative rather than corrective. However, he indicated that there are allegations that this is no longer occurring and that LRAPA is now mainly regulatory. Cornacchia remarked that this memo is being brought forward to show the concerns that are being expressed by the public.

Frazier concurred with Cornacchia's comments. She indicated the need to get LRAPA back on track with its Charter objectives of accomplishing its goals with cooperation and conciliation between all parties concerned. Frazier asked that the Board, as a participating member, review the information and give some direction to the LRAPA Board.

Dumdi, as former Board member of LRAPA, observed that LRAPA used to work with companies to get them into compliance before fines. She noted that some members say that has not been the recent practice.

Rust indicated that he found the report incomplete and unsatisfactory, containing a lot of hearsay and biased/selective information. He stated that he had called the agency and gathered some statistics with regard to enforcement actions: 1) Title V: 2 violations with only 1 penalty assessed; 2) Non-Major: 21 violations with only 5 penalties assessed; 3) Commercial/Open Burn: 2 violations with no penalties assessed; 4) Residential/Open Burn: 7 violations with 6 penalties assessed; and 5) Asbestos: 13 violations

with 7 penalties assessed. Rust remarked that this does not show the picture of an agency that is out pursuing assessments and fining everyone who violates. He noted that the Board of Commissioners has not had a very active role on the LRAPA Board in the last calendar year. Rust referred to a letter from Mike Tharp to Don Arkell in which he outlines some contact with Frazier in late September wherein she had discussed the option of Lane County pulling out of LRAPA if the Seneca permit were not issued.

Noting that he did have some concerns and was not tuning out the possibility of some problems, Rust stressed the need to take the concerns and process them through Board participation at LRAPA. He commented that it is entirely inappropriate to talk about withholding dues unless the Board is absolutely sure that there is a huge pattern of abuse. Responding to Cornacchia, Rust stated that he would see the communication with LRAPA taking place through the Board's representative to LRAPA.

Frazier stated that most of the concerns expressed have been unsolicited. With regard to her attendance at LRAPA meetings, Frazier remarked that she had missed half of the meetings during the last year, primarily due to her Board responsibilities.

Roberts indicated that, in retrospect, this matter has been handled poorly. He agreed that there may be some legitimate concerns that need to be responded to, but that needs to be done through involvement with the County's intergovernmental partners. Roberts stressed that anonymous personal attacks on individuals at LRAPA should not be disseminated. He highlighted the need to work with LRAPA without any threats over their head. Roberts noted that LRAPA has acknowledged some problems, stating that it is only fair to give them a chance to respond. After additional discussion, there was consensus that Rust would draft and circulate a letter acknowledging Dodrill's November 16 letter, recognizing that Lane County intends to deal with these issues at the LRAPA Board level and will be awaiting a progress report.

5. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

6. COUNTY ADMINISTRATION

a. Announcements

Bill Van Vactor, County Administrator, referred to a memorandum from Randy Green regarding investment policies and indicated that he would make it available to the press.

b. DISCUSSION/Adopting the 1994-95 Supplemental Budget #1 and Making Appropriations.

Margo Drivas, Assistant Director of Human Resources and Management Services, reviewed the agenda memorandum (see material on file) highlighting three broad categories.

Responding to Roberts, Randy Covey, LCARA, explained, with regard to the licensing canvassing pilot project, that canvassers would not be giving citations. He remarked that they would ask if the residents have any dogs, offer help to get them a license and be prepared to sell licenses if the party has rabies vaccination verification. Covey continued that if the party refuses to purchase a license, the canvasser will give information regarding possible penalties. He stated that a second contact would be made within two to six weeks and, if a license has not been secured, then an officer would have discretion to issue a citation at that time. Roberts expressed concern that the end product of canvassing might be enforcement. Covey noted that the program would be ineffective without adequate follow-up. Quoting from a newspaper article, Cornacchia indicated that he did not want to see the program proceed as it is currently structured. Dumdi remarked that the activity is intended to be educational, not regulatory. [A brief fire drill interrupted the meeting at this point.] She suggested following up on the original visit with a letter in perhaps two to six months if they have not licensed their dog.

Van Vactor asked if there is a way to do the pilot project without a planned follow-up and see what the compliance percentage is. Rust agreed and suggested implementing the program for 90 days while tracking voluntary compliance, after which the Board can receive a report back and determine any future follow-up. Cornacchia expressed concern about any plan which would entail using information acquired during the first 90 days. He indicated he could not support the pilot unless it is purely an informational project. Cornacchia remarked that it will be difficult to raise the \$58,000 to pay for the pilot project without voluntary compliance, thus he questioned the basis to pass the change in the general fund budget without some guarantee of covering costs. Covey emphasized that it is expected that the compliance rate will be high, but asked the Board not to limit the follow up that may be necessary.

Rust indicated that he was willing to take a chance on incurring the expense because of the huge problem present in the community. Russell summarized direction: To do the canvassing effort as strictly informational, not recording addresses for future follow-up, and at the end of 90 days report back to the Board to determine any future follow-up. Rust corrected that statement to indicate that the Board did want established data and statistics.

Drivas continued her discussion on the supplemental budget, noting specific requests for the surveyors, Health and Human Services and a revenue adjustment with regard to declining revenues for recordation

(see material on file). Drivas reminded the Board of the public hearing tomorrow on these issues.

- f. STATUS REPORT, RESOLUTION AND ORDER 94-12-20-4/In the Matter of Accepting the Clear Lake Watershed Mediation Report and Directing Staff Implementation.

This item was taken out of order.

Roy Burns, Public Works, briefly reviewed the agenda memorandum, recommending adoption of the mediation report. Van Vactor outlined two responses to this morning's public comment: 1) The mediation team met with citizens in Florence to review the report; and 2) With regard to public hearings, the design was to have the mediation report go forward and, if the framework was generally acceptable as a beginning place, then the land use process would begin during which there will be public hearings. MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. Roberts observed that this is a continuation of the process, agreeing that it does not finally resolve all parts of the issue. Dumdi noted that there were issues on the November ballot in Florence wherein the bonds for the filtration plant were approved, but not funds for a buy-out. Rust expressed concerns about the UGB expansion, sewers in the watershed and the fact that no public hearings were held at the front end of the process. VOTE: 4-1, Rust dissenting.

- c. ORDER 94-12-20-1/In the Matter of Amending Chapter 3 of Lane Manual to Transfer Budget Functions from the Department of Human Resources and Management Services to the Office of County Administration.

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

- d. ORDER 94-12-20-2/In the Matter of Adopting a Salary Range for the Classification of Senior Management Analyst.

Van Vactor distributed copies of information noting that the salary range would be at the same level as the ADO Manager. MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

- e. ORDER 94-12-20-3/In the Matter of Authorizing the County Administrator to Notify the Cities of Creswell and Veneta that Lane County May Need to Terminate the Contracts for Police Services June 30, 1995.

MOTION: Approval of the Order. Cornacchia MOVED, Roberts SECONDED. Dumdi expressed concern, noting that there has been a successful and cooperative program with the two cities. She observed the problems inherent with starting a new police force within a six-month timeframe. Frazier indicated the need to do more contracts with small cities instead of less. Roberts agreed with Frazier, but noted

that the Sheriff is not proposing that. Bob McManus, Sheriff, stated that he has \$1.5 million plus in contracts, of which these two cities are a small part. He expressed concern that if these long-term contracts are put at risk, it may affect the ability to negotiate other contracts in the future. Rust commented on the need to serve notice so the community has a chance to debate jail closures versus contracts, indicating that everything needs to be put on the table. Roberts indicated that if the Sheriff will not put these contracts on the cut list, then there is no need to give notice. McManus stressed that these contracts will be far away from the cut list this year, especially since Creswell and Veneta don't have any other alternatives other than no police department. Responding to Roberts, McManus stated that he would rather not give notice, noting that he was willing to give up six months of flexibility in order to honor the long term contracts. VOTE: 2-3, Dumdi, Frazier and Roberts.

There was consensus to hear Emergency Business and Executive Session at tomorrow's meeting.

3. COMMISSIONERS' ANNOUNCEMENTS

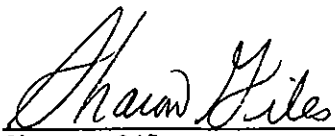
Frazier indicated that the Fair Board applicant interviews would be Thursday morning.

Van Vactor observed that faxes had been received this morning indicating that two positions have been approved as a result of the COPS Ahead application and March 3 is the date to identify a match.

7. EMERGENCY BUSINESS

None.

There being no further business, this meeting adjourned at 11:49 a.m.


Sharon Giles
Board Secretary