

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.

December 7, 1994 REGULAR MEETING Harris Hall
Following HACSA BOARD OF COUNTY COMMISSIONERS Main Floor

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

1. ADJUSTMENTS TO THE AGENDA

None.

2. PUBLIC COMMENTS

Robert Johnson, 205 South 54th Street, Springfield, spoke in opposition to the transient room tax on privately-owned recreational vehicle parks. Johnson urged the Board not to vote for approval of the tax, stating that the measure should be taken up by the state legislature.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held later in the meeting.

4. COMMISSIONERS' BUSINESS

a. ORDER 94-12-7-1/In the Matter of Reappointing Delbert Phelps to the Lane County Budget Committee.

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

b. DISCUSSION AND ACTION/County Counsel's Evaluation.

To be held later in the meeting.

c. ORDER 94-12-7-2/In the Matter of A) Approving the Recommendation of the Lane County Criminal Justice Council to Contract With Lane Council of Governments for Assistance in the Development of a Strategic Plan for Lane County's Corrections System; B) Giving

Direction to the Lane County Criminal Justice Council Regarding Issues/Questions the Board Would Like Addressed in This Planning Exercise; and C) Determining the Role of the Board in the Development and Review of the Project.

Rust reviewed the memo, (see material on file) and noted that this was a planning effort intended to provide a solid foundation for corrections planning for the next 10 years. Rust stated it was important for the Commissioners to "buy into" this planning process, and enthusiastically voiced his support.

Dumdi asked if Sheriff McManus had been involved in discussions for formulating the strategic plan. Rust replied affirmatively, adding that the District Attorney, and Ben Sunderland, Captain, Sheriff's Office, and law enforcement personnel from other municipalities were involved in the discussions.

Bill Van Vactor, County Administrator, stated it was important that two Commissioners sit on the subcommittee because a request for an additional facility may be forthcoming. Van Vactor added that the subcommittee is composed of criminal justice professionals, and suggested that non-professional citizens (drawn from the Board of Commissioners) should be included. Van Vactor asked if the process was acceptable to the Board.

Rust responded that it was, and noted that the planning effort will be gradual, with the Board of Commissioners kept apprised. Continuing, Rust stated that a prudent, conservative approach would be maintained, in light of the expense of building and staffing new facilities.

Roberts voiced support for the formation of the Strategic Plan, but expressed reservations about supporting the institutional needs of the agencies involved instead of addressing a broader public safety perspective. Roberts expressed concern about the District Attorney's request to add two floors to the jail due to growth, while statistics show that the crime rate remains "fairly flat, or in some cases, has declined slightly." Roberts opined that it was necessary to examine the District Attorney's office and how the population in Public Safety was being managed before a conclusion is made to build more jail space. Roberts stressed the importance of having non-law enforcement people on the strategic plan committee, but cautioned that they should be qualified. Roberts added that he strongly supported having two Commissioners on the subcommittee--one representing an urban area, the other a rural area.

Rust asked that the Board to endorse the planning effort. MOTION: Approval. Roberts MOVED, Dumdi SECONDED: VOTE: 4-0.

The following items were taken out of order.

7. COUNTY ADMINISTRATION

- b. THIRD READING AND DELIBERATION/Ordinance No. 7-94/In the Matter of Amending Chapter 4 of Lane Code to Revise the Lane County Transient Room Tax to Include Recreational Vehicle Parks (LC 4.110).

Rust read Ordinance 7-94 into the record.

Robert Keefer, Parks Manager, provided a summary of past discussions on Item 7. b. Keefer emphasized that a portion of the funds derived from the fees would be used to assist public and private campgrounds in marketing their facilities and services. In reply to Public Comment provided by Robert Johnson, Keefer deferred to Teresa Wilson, County Counsel, for a legal definition of "transient."

Wilson affirmed that Mr. Johnson was correct in stating that the state statute and the County room tax ordinance contain different definitions of transient; however, the statute definition of transient pertains to the Residential Landlord/Tenant Act, while the County ordinance definition is broader and only applies to an occupancy of 30 days or less. Thus, the County ordinance does not apply to long-term lodging situations. Continuing, Wilson said that to her knowledge, the County ordinance has not caused a legal problem since its application to the hotel-motel industry.

Dumdi asked Keefer for a recounting of the usage of the funds. Keefer replied that the funds would be applied in the same format as present, although he make may recommendations to the Budget Committee for dedicating some funds to marketing.

MOTION: Approval. Roberts MOVED, Dumdi SECONDED.

Dumdi stated it was her understanding that this ordinance applied to people who stayed in an RV park 30 days or less. Keefer affirmed her statement. Rust added that the purpose of exempting those who stayed in a park for more than 30 days was to account for domiciles in an RV park. Keefer emphasized that this tax was on public and private facilities; including state parks, Lane County parks, and federal facilities operated by a private concessionaire. Wilson stated that it was the transient, not the owner, who was responsible for paying the tax. Dumdi asked if this would apply to all federal or state parks. Keefer responded that only if the park was operated by a private concessionaire.

The secretary polled the Board. VOTE: 4 Ayes.

- c. THIRD READING AND DELIBERATION/Ordinance No. 9-94/In the Matter of Amending Chapter 4 of the Lane Code to Adopt a 1% Increase in That Portion of the Transient Room Tax That is Dedicated for Visitor Industry and Applicable in Western Lane County, Bringing the Total Rate From 6% to 7% (LC 4.110(2)).

Rust read this Ordinance into the record.

Dumdi read a letter from the Florence Area Chamber of Commerce which supported the current rate of 6%, unless the Board does not feel the current rate can maintain County service. In that event, the Chamber supports a 1% increase to raise the rate to 7%. In addition, the Chamber is opposed to an increase of 2%, which would make the overall rate 8%--the highest on the Oregon Coast.

Rust spoke in favor of the 7% rate. MOTION: Approval. Roberts MOVED, Dumdi SECONDED. The Secretary polled the Board:
VOTE: 4 Ayes.

5. EXECUTIVE SESSION as per ORS 192.660

To be held later.

6. COMMITTEE REPORTS

Legislative Committee Report

- a. ORDER 94-12-7-3/In the Matter of Establishing Policy for Legislative Activity on Behalf of Lane County for the 1995 Legislative Assembly.

Roy Burns, Public Works, presented this item to the Board and provided a review of matters discussed by the Legislative Committee, including policies and goals which the County would pursue in the 1995 legislative assembly. (See material on file).

Rust expressed appreciation for the goals, noting that they represent a solid foundation for approaching the legislature. Roberts commented that the Board viewed this legislative session as "largely a defensive one" while recognizing the opportunities presented by a change in the legislature. Roberts stressed that the County needs to be sensitive to changes which may provide opportunities.

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

The following item taken out of order.

4. COMMISSIONERS' BUSINESS

- b. DISCUSSION AND ACTION/County Counsel's Evaluation.

Wilson complimented County Counsel staff for providing outstanding support--proclaiming that the "staff is superb." Wilson also expressed gratitude for the written evaluations that addressed her performance.

Roberts reported that he did not do a written evaluation of Wilson's performance because of dissatisfaction with the form; but stated that

he has been extremely pleased with Wilson's performance. Further, Roberts lauded Wilson's assumption of the County Counsel position, and commended her legal expertise and management skills. Roberts declared that he would support an exceptional rating for Wilson's performance.

Dumdi reported that she evaluated Wilson's performance at 9.5, and voiced support of Roberts' comments. Dumdi also noted that Wilson received a very high rating from her co-workers.

Rust commented that his confidence level regarding Wilson's performance is extremely high. Rust stated he was rating Wilson's performance as superior.

MOTION: Approval of an exceptional performance rating for County Counsel Teresa Wilson. Roberts MOVED, Dumdi SECONDED: VOTE: 4-0.

Wilson credited Bill Van Vactor [former County Counsel] with proving to be a valuable resource for her duties.

8. PUBLIC WORKS

- a. ORDER 94-12-7-4/In the Matter of Adopting Supplemental Findings Supporting Ordinance No. PA 951 on Remand from the Oregon Land Use Board of Appeals (File PA 3399-87; Overholser/Mathews).

Deliberation on this item was postponed until the 1:30 meeting.

- b. ORDER 94-12-7-5/In the Matter of Appointing/Reappointing Five Members to the Vegetation Management Advisory Committee.

Cornacchia noted there was only five applicants for five positions, and that one applicant does not have the full confidence of the rest of the committee. Cornacchia opined that it was the committee's responsibility to "police its own" through a consensus process so as to reach an understanding on furthering the governmental agenda.

MOTION: Approval of the appointment/reappointment recommendations of the Vegetation Management committee. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

9. CONSENT CALENDAR

A. Approval of Minutes: None.

B. County Administration

- 1) ORDER 94-12-7-6/In the Matter of Reappointing a Justice Pro Tempore for the Central Lane Justice Court for 60 Days.

- 2) ORDER 94-12-7-7/In the Matter of Reappointing a Justice Pro Tempore for the Florence Justice Court for 60 Days.
- 3) ORDER 94-12-7-8/In the Matter of Reappointing a Justice Pro Tempore for the Oakridge Justice Court for 60 Days.

C. Health and Human Services

- 1) ORDER 94-12-7-9/In the Matter of Accepting Plan/Amendment Approval Form #88 to the 1993-95 Intergovernmental Agreement #20-001 With the State Mental Health and Developmental Disabilities Services Division; Awarding a Subcontract Amendment of \$79,200 to McKenzie Personnel Systems; Delegating Authority to the County Administrator to Sign the PAAF and the Subcontract Amendment and Appropriating \$16,861 in Fund 24 in Fiscal Year 1994-95 for Services to Individuals With Developmental Disabilities.
- 2) ORDER 94-12-7-10/In the Matter of Accepting Plan/Amendment Approval Form (PAAF) #87 to the 1993-95 Intergovernmental Agreement #20-001 With the State Mental Health and Developmental Disabilities Services Division in the Amount of \$88,000; Appropriating an Additional \$88,000 in Revenues and Expenditures; and Delegating Authority to the County Administrator to Sign PAAF #87 and the Subcontract Amendment with Prevention and Recovery.

D. Human Resources and Management Services

- 1) ORDER 94-12-7-11/In the Matter of Authorizing the County Administrator to Execute a Utility Easement With EWEB for a Waterline (Map #17-04-14-23-05400, Located Between Bushnell & Labona, Eugene).
- 2) ORDER 94-12-7-12/In the Matter of Authorizing the Sale of Surplus County-Owned Real Property to the West Bailey Avenue Homeowners Association (Map #17-04-25-13-04400, Adjacent to 1390 Bailey Avenue, Eugene).
- 3) ORDER 94-12-7-13/In the Matter of Authorizing Interim Financing in an Amount Not to Exceed \$4,250,000.

E. Public Works

- 1) RESOLUTION AND ORDER 94-12-7-14/In the Matter of Acquiring Fee or Other Interests in a Portion of Certain Real Property for Relocation of the Zone 6 Road Maintenance Shop and Dropping Certain Other Real Property from Consideration for the Shop Site.

- 2) ORDER 94-12-7-15/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement and County Road for Flathead Avenue (18-02-33).
- 3) ORDER 94-12-7-16/In the Matter of Accepting Deeds of Land to be Used as a Public Road Easement for Herman Cape Road (17-12-14, 15, and 23).
- 4) ORDER 94-12-7-17/In the Matter of Vacating a Portion of Sixth Avenue in the Plat of Hubert, as Platted and Recorded in Book 6, Page 32, Lane County Oregon Plat Records, Without a Public Hearing, and Adopting Findings of Fact (16-05-10).
- 5) ORDER 94-12-7-18/In the Matter of Authorizing Relinquishment of Certain Real Property Rights Reserved in Tax Lot 17-04-23-2-3900 to the City of Eugene Under ORS 271.330(2).
- 6) ORDER 94-12-7-19/In the Matter of Authorizing a Relinquishment of County Owned Road Fund Property to City of Eugene Under ORS 271.330(1).
- 7) RESOLUTION AND ORDER 94-11-22-8/In the Matter of Acquiring Fee or Other Interests in Certain Real Properties for the Improvement of Hall Road for Road Purposes.

The following item was pulled from the Consent Calendar with no return date scheduled.

D. Human Resources and Management Services

- 2) ORDER 94-12-7-12/In the Matter of Authorizing the Sale of Surplus County-Owned Real Property to the West Bailey Avenue Homeowners Association (Map #17-04-25-13-04400, Adjacent to 1390 Bailey Avenue, Eugene).

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

10. HUMAN RESOURCES AND MANAGEMENT SERVICES

- a. ORDER 94-12-7-20/In the Matter of Authorizing Lane County To Become a Member of the Lane Health Coalition and Pay Dues in the Amount of \$1.00 Per Employee Per Month.

MOTION: Approval of the recommendations. Cornacchia MOVED, Roberts SECONDED. VOTE: 4-0.

- b. ORDER 94-12-7-21/In the Matter of Appointing Members to the Human Rights and Affirmative Action Advisory Committee.

MOTION: Approval of the recommendations. Roberts MOVED, Cornacchia SECONDED.

Dumdi asked why one committee member, who had not been a long-term resident, was chosen over other applicants who had resided in the County longer. Cornacchia stated that the same question had arisen in his mind, but the perspective of this committee member was important, thus he was comfortable with the choices presented. Rust echoed Cornacchia's sentiments. Roberts observed that it is important for this committee to have a diverse membership, and that a new resident does offer a unique perspective. VOTE: 4-0.

11. PUBLIC SAFETY

- a. ORDER 94-12-7-22/In the Matter of Amending Chapter 60 of the Lane Manual To Establish a Fee for the Sheriff's Office to Perform Background Checks for Transfer of Handguns (LM 60.839(4)).

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

12. YOUTH SERVICES

- a. MOTION AND ORDER 94-12-7-23/In the Matter of Authorizing Lane County's Application to the Oregon Commission on Children and Families for Grant Funds to Support Community-Based Prevention of Juvenile Delinquency.

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

- b. ORDER 94-12-7-24/In the Matter of Amending the Commission on Children and Families Comprehensive Plan for 1993-95.

Roberts stated that items a. and b. were technical amendments provided in response to a request by the Oregon Commission on Children and Families, and that more details will be provided in March.

MOTION: Approval. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

- c. ORDER 94-12-7-25/In the Matter of Amending the Commission on Children and Families Comprehensive Plan for 1995-97.

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

Referring to item 12. a., Van Vactor noted that County Counsel had raised some administrative issues on that item, and that he planned to pursue the issue with John Ball, Director, Commission on Children and Families.

3. COMMISSIONERS' ANNOUNCEMENTS

Dumdi announced that the Eugene-Springfield Metropolitan Partnership sent a request for additional monies for Oregon Yurt Works which will need the approval of the Board. The request is for an additional \$25,000 available from OEDD to complete the project. Dumdi added that this was highly recommended by John Lively and that the Economic Development Committee was forwarding a positive recommendation.

ORDER 94-12-7-26/In the Matter of Approving an Increase in Regional Strategies Round II Funding of the Oregon Yurtworks Project.

MOTION: Approval of an additional expenditure of \$25,000 for Oregon Yurtworks, as recommended by the Metro partnership team and the Economic Development Team, with the monies available in round two of the Regional Strategies Plan from the Oregon Economic Development Department. Dumdi MOVED, Roberts SECONDED. VOTE: 4-0.

13. EMERGENCY BUSINESS

None.

There being no further business, this meeting was adjourned at 10:00 a.m. to convene for Executive Session at 10:30 a.m.


Sharon Giles, Recording Secretary