

# MINUTES & NOTICE OF BOARD ACTION

BOOK 156 PAGE 1352

APPROVED

April 5, 1994

## 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.

February 22, 1994  
1:30 p.m.

WORK SESSION  
BOARD OF COUNTY COMMISSIONERS

Commissioners'  
Conference Room

Chair Jerry Rust presided with Steve Cornacchia (arrived at 1:40 p.m.), Ellie Dumdi, Marie Frazier (arrived at 1:45 p.m.) and Jack Roberts present. Sharon Giles, Recording Secretary.

Rust indicated that, while it was not on this afternoon's agenda, he would allow Public Comment on topics other than those that are on today's agenda and are subject of an appeal.

Cookie Swetland, P.O. Box 227, Blue River, stated that she represents the Blue River Park Board and the McKenzie River Celebration, which is one of the special projects grants that the Board will be asked to consider today. She noted that their first festival was in 1993. Swetland invited everyone to the celebration to be held at Blue River Park on May 15 from 10:00 a.m. to 7:00 p.m.

### 9. COUNTY ADMINISTRATION

- a. ORDER 94-2-22-1/In the Matter of the Friends of the Museum of Art at the University of Oregon Appeal of Tourism Special Projects Funding as Recommended by the Tourism Council (Appellant: Friends of the Museum of Art at the University of Oregon; Response: Tourism Council).

Margo Drivas, Human Resources and Management Services, reviewed the agenda memorandum (see material on file) and presented the ground rules for the appeal, indicating that the Friends of the Museum of Art, represented by their president, Susan Selig, would have ten minutes to present the appeal. She stated that the Tourism Council would then have an opportunity for a 10-minute response, which she would be presenting. Drivas indicated that other applicants that might be affected by the outcome of the discussion would then be given a 5-minute opportunity to speak, although none have come

forward to do so. She continued that this would be followed by Board discussion and decision.

Rust convened the Appeal. Selig began by explaining that the Board of the Friends of the Museum of Art is composed of three people with some connection to the University of Oregon and 26 people from the broader community, stressing that the Friends are not part of the University, but are a community organization. She remarked that their activities are not on campus, but throughout the greater Lane County area. Selig described the workshops, which are the basis of their application for a full-page magazine ad to attract participants, and explained that everything necessary was provided in the application. She stated that, with regard to the score sheets, at least five raters incorrectly applied the criteria. Selig remarked that some had assumed that all activities were going to be on campus and noted that everything is in the greater Lane County community. She stressed that the Friends' workshops had scored higher than four of the six projects that were granted partial funding. Selig asked why they weren't called if there were questions, when the prospectus indicated that evaluators could, and would, call in applicants if they had any questions or needed further clarification.

Drivas remarked that staff had analyzed the appeal and presented the results to the Tourism Council at last Thursday's meeting and they did not change their recommendation. She highlighted Tourism Council concerns as follows: 1) The workshops are a "niche market" and are narrowly focused; 2) Whether the strategy to meet the above market was cost-effective; and 3) Much of the information in the appeal was clarifying the original application. She noted that as part of the appeal criteria, the appellant must demonstrate that the committee used different criteria on their proposal. Drivas emphasized that the new information was appreciated, but the Council felt it was only fair to consider information provided on the original application.

Responding to Cornacchia, Drivas indicated that the downfall to the marketing strategy was that the cost per respondent/attendant was high, by comparison, for the \$10,000 investment. With regard to Cornacchia's questions regarding "place to stay" concerns and what other possibilities there were besides hotels, Drivas commented that the application was non-specific, and could have included home stays/exchanges. Responding to Rust, Drivas indicated that at the Bidders' Conference, emphasis was given that specificity was necessary in direct connections to tourism revenue and that many other applicants made that connection. Responding to Cornacchia, Drivas remarked that if all the information in the appeal had appeared in the original application, it is probably that it would have been looked at more positively. Frazier commented that the Tourism Council may still not have approved it as it was not as cost-effective as some others. Responding to Roberts, Drivas commented that important new information included 1) specificity regarding

hotels; 2) that the purpose was not exclusively to attract attendees, but to generate general Museum attendance; and 3) that the market was upscale, disposable income clientele. Roberts observed that the first two points were matters of clarification and asked Selig if there was anything in the original application that dealt with the upscale market. Selig responded that the upscale market was throughout the United States and it was unlikely that those people would know anyone in Eugene to stay with, and thus would have to stay in hotels. She also stressed that Museum attendance was part of the original application.

Roberts noted that there was \$6,000 left over after all grants and asked Selig what the Friends might be able to do with \$5,000. Selig responded that the cost was \$4,800 for a full-page ad in one magazine. Rust remarked that the application response regarding where to stay provided broad intent that hotels would be utilized, asking if the focus has been narrowed too much. From a policy standpoint, Cornacchia expressed some concern about second-guessing the Tourism Council's expertise and the message that would send to other unsuccessful applicants. Roberts voiced concern that grantsmanship was being graded instead of the proposal. He stressed that the new information was clarification of the original material. Indicating that he did not want to adversely affect other recipients, he indicated that he was leaning toward awarding the Friends \$5,000. Dumdi stated that she liked the rural field trip approach and concurred with Roberts regarding partial funding. She indicated that she found the intent easy to read between the lines. Frazier reminded the Board of the criteria and indicated that she did not feel that the application was judged/interpreted differently than others. Cornacchia concurred with Frazier and expressed concern about speculation on what \$5-\$6,000 would buy. He suggested overturning the recommendation and granting the full \$10,000 or denying the appeal. Rust remarked that the Friends had made a good faith effort to address the room tax issue and indicated that the burden of proof was on the applicant to overcome the arguments in the rejection, with the Board having the ability to determine that they were not satisfied with the way the criteria was applied. He asserted that that was his position and that he would support tentatively making an award based on further submission and negotiation with staff in coming back to the Board before any final allocation of funding was made. Cornacchia stressed that there is value in a dissenting vote, acknowledging the process and the Tourism Council.

MOTION: Uphold the appeal based upon the finding that the criteria was incorrectly applied regarding the use of hotel/motel rooms by the attendees and awarding \$6,000 to the Friends of the Museum from special projects funds (not subject to a further submittal). Roberts MOVED, Rust SECONDED. Dumdi MOVED to amend the Motion to award \$5,000 instead of \$6,000. Cornacchia SECONDED for discussion. Dumdi indicated that \$5,000 could be used, thus leaving some leeway in the

fund. Dumdi withdrew the Motion and Cornacchia withdrew the Second. VOTE: 3-2, Cornacchia and Frazier dissenting. Drivas indicated that she would rewrite the Order to reflect the Board's findings.

- b. ORDER 94-2-22-2/In the Matter of Awarding Tourism Special Projects Grants for 1994.

MOTION: Approval of the Order with the Special Projects list, as amended by the results of the Appeal. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

- c. SEMI-ANNUAL REPORT/Convention & Visitors Association.

Linda Weston, Executive Director of C-VALCO, briefly reviewed the semi-annual report included in the packet (see material on file). Responding to Frazier, Weston indicated that recipients are not charged for relocation material, but are asked for a voluntary donation and get a good response. Responding to Dumdi, Dan Egan, C-VALCO, stated that convention tour packaging for outlying areas of the County is hard to do, but they are working on golf and bicycling tours. The Board thanked Weston and Egan for the report.

## 7. PUBLIC WORKS

- c. ORDER 94-2-15-1/In the Matter of Approving the McKenzie Watershed Council Charter.

Frazier discussed the issue of inclusive versus exclusive and expressed concern that the language in the criteria for membership is such that the inclusion of other members cannot occur unless they are an agency or organization. She indicated that the opportunity should be available, for example, for a farmer or large agricultural interest.

Rust remarked that all parties had signed on to the Charter except Lane County. He suggested passage/sign off today and then development of language to allow for other participation post-signing. Rust suggested that the Board would have the ability as an agency to nominate private parties for membership status. Roberts indicated that there is less risk in adopting the Charter now and then presenting further issues later. He questioned how the membership issue had gotten adopted by consensus if Frazier had objected to it all along. Frazier indicated that perhaps that occurred at the meeting at which she was absent.

Frazier agreed that she would go along with the Charter as long as today's Minutes specifically reflect the fact that the Board prefers an inclusive membership process as opposed to an exclusive process. Cornacchia suggested that a letter be written by the Chair, to accompany the Charter back to the Council, which would address the Board's issues. Rust remarked that the other issue to cover in the

letter would be regarding the McNutt Island issue, asking that the basin-wide planning be taken care of first prior to focusing on issues such as McNutt Island.

Cornacchia asked that the following language in the Charter also be addressed in the letter, agreeing that the basin-wide planning be taken care of first:

- 1) "The council welcomes and will respond to requests for advice on actions affecting the watershed that are proposed by local, state and federal agencies; organizations; or interests."
- 2) "Provide a forum for resolving problems and conflicts related to the council's mission when all parties to the problem or conflict agree to refer the matter to the council."
- 3) "Help solve issues among diverse interests in the watershed."

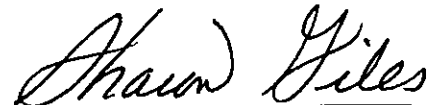
With regard to this language, Cornacchia expressed concern that the Council could become considered as the arbiter of every land use debate occurring on the McKenzie before they have done the watershed analysis and subsequent watershed management plan.

Rust indicated that he would address these issues in a letter and circulate it to the Board. MOTION: Approval of the Order. Frazier MOVED, Roberts SECONDED. VOTE: 5-0.

#### 10. OTHER BUSINESS

Cornacchia mentioned to the Board that, with regard to the consideration of whether or not to hear an appeal on tomorrow's agenda, he had read the Hearings Official's decision and there were four comments that he found inappropriate with regard to the Hearings Official's analysis of the Howard decision. He indicated that he found comments such as "the Howard decision sets an incredibly low standard" and "the extremely low standards of the Howard case" inappropriate. Cornacchia stated that he believes those adjectives are not necessary to impart the meaning of the sentence, are irrelevant in an objective decision, and inappropriate in the role of Hearings Official. He remarked that a separate concern is the Hearings Official's incorrect interpretation of the "10-year period of abandonment" in Howard. Cornacchia indicated that he had written a memorandum on these issues to the Hearings Official.

There being no further business, this meeting adjourned at 3:27 p.m.



Sharon Giles  
Recording Secretary