

MINUTES & NOTICE OF BOARD ACTION

APPROVED *April 2, 1986*

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 6, 1996
9:00 a.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

Chair Bobby Green, Sr. presided with Steve Cornacchia, Jerry Rust, and Cindy Weeldreyer present. Ellie Dumdi excused. Sharon Giles, Recording Secretary.

1. **ADJUSTMENTS TO THE AGENDA**

One item of Emergency Business was identified and it was determined that Item 6.b. would be pulled until the next meeting when Dumdi could be present.

2. **PUBLIC COMMENTS**

None.

3. **COMMISSIONERS' ANNOUNCEMENTS**

To be held at approximately 10:40 a.m.

4. **EXECUTIVE SESSION as per ORS 192.660**

Balance of Executive Session agenda to be heard later today.

5. **COMMITTEE REPORTS**

SAVE Standing Committee

- a. ORDER 96-3-6-1/In the Matter of Approving a SAVE Award to Tom Cochell in the Amount of \$3000 for Recommending Improvements to the Short Mountain Landfill Tarping Procedure.

Craig Starr, Interim Waste Management Manager, briefly reviewed the agenda memorandum (see material on file).

MOTION: Approval of the Order. Cornacchia MOVED, Weeldreyer SECONDED.
VOTE: 4-0.

6. **COUNTY ADMINISTRATION**

- a. Announcements

Bill Van Vactor, County Administrator, asked Craig Starr to report on the status with regard to the leachate line from Short Mountain Landfill. Starr stated that they have favorable recommendations from all three of the planning commissions to the elected officials (the two city councils and the Board). He indicated that the next step will be a joint meeting conducted by the three governing bodies to hold a public hearing to receive public input regarding the change in the plan. Starr remarked that that hearing will probably be scheduled sometime next month.

- b. ORDER 96-3-6-2/In the Matter of Awarding Video Lottery Grants and Transferring \$182,000 from Operational Reserves to Materials and Services in General Expense (17) in the Special Revenue/Special Services Fund (Fund 28) for 1995 Economic Development Special Project Grants.

This item was pulled from today's agenda and rescheduled for March 13.

7. **PUBLIC WORKS**

- a. REPORT BACK AND ORDER 96-3-6-3/In the Matter of Establishing Direction for the Waste Management Division for Responding to the Financial Impacts of the Development of Material Recovery Facilities in the Eugene-Springfield Area.

Craig Starr, Interim Division Manager, reviewed this item for the Board, noting the revisions in the list as previously discussed (see material on file). Responding to Green, Starr indicated that staff will be coming back in a few weeks with Lane

Manual changes. He added that during the budget process there may be addition or reduction packages that would affect this. There was consensus to hear a report back on this issue in six months after the beginning of the new fiscal year (December, 1996).

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

- b. ORDER 96-3-6-4/In the Matter of Appointing Three Members to the Vegetation Management Advisory Committee.

Mike Perkins observed that the committee had ranked the applicants in order of their choices (see material on file). Rust requested that John Sundquist be moved up in the listing. He indicated that Timothy Wefler was a distributor of herbicides. Rust, however, suggested approving Wefler, Pauly and Sundquist. Cornacchia remarked that the committee is presently unbalanced towards no-spray. He indicated he would like Wefler on the committee to provide more balance.

MOTION: Approval of the Order appointing Timothy Wefler, Linda Pauly and John Sundquist to the Vegetation Management Advisory Committee. Rust MOVED, Cornacchia SECONDED. Weeldreyer stated that she was sorry not to be choosing Paul Day who had ranked third. Rust noted that Day would be available to the group as needed if necessary. VOTE: 4-0.

8. CONSENT CALENDAR

- A. Approval of Minutes: November 21, 1995, Work Session, 9:00 a.m.
December 27, 1995, Regular Meeting, following HACSA
December 27, 1995, Emergency Meeting, 3:10 p.m.
December 29, 1995, Emergency Meeting, 11:00 a.m.
December 29, 1995, Emergency Meeting, 3:00 p.m.
January 3, 1996, State of the County, 10:00 a.m.
January 3, 1996, Regular Meeting, following State of the County
February 8, 1996, Emergency Meeting, 9:00 a.m.
- B. County Administration
- 1) ORDER 96-3-6-5/In the Matter of Amending the Employment Contract for the County Administrator to Extend its Term by One Year.

C. Assessment and Taxation

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- 1) ORDER 96-3-6-6/In the Matter of Refunds to Sears, Roebuck and Company and Valley River Village, LLC.

D. Human Resources and Management Services

- 1) ORDER 96-3-6-7/In the Matter of Authorizing the County Administrator to Execute a Purchase Option Agreement With Robert H. Bennett for the Sale of Surplus, County-Owned Real Property Located in the Centennial Shopping Center in Springfield (Map #17-03-27-43-05800).
- 2) ORDER 96-3-6-8/In the Matter of Authorizing the County Administrator to Execute a Purchase Option Agreement With the Bethel Christian Temple for the Purchase by Lane County of the Church-Owned Property Located at 1545 S. Brooklyn Street, Eugene (Glenwood) to be Used as a Residential Care Facility for Homeless Single Adults With Chronic Mental Illnesses (Map #17-03-34-44-02800) and Authorizing the County Administrator, or His Designee, to Execute Any Required Notices and Closing Documents.

E. JTPA

- 1) ORDER 96-3-6-9/In the Matter of Appropriating an Additional \$331,000 in Revenues and Expenditures for the Southern Willamette Private Industry Council (JTPA Department) in Fund 49.
- 2) ORDER 96-3-6-10/In the Matter of Appropriating an Additional \$137,124 in Revenues and Expenditures for the Southern Willamette Private Industry Council (JTPA Department) in Fund 49.

F. Public Safety

- 1) ORDER 96-3-6-11/In the Matter of Authorizing an Intergovernmental Community Policing Agreement With the U.S. Department of Justice.

Cornacchia asked that Item 8.D.2 be pulled from the Consent Calendar.

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

8. D. Human Resources and Management Services

- 2) ORDER 96-3-6-8/In the Matter of Authorizing the County Administrator to Execute a Purchase Option Agreement With the Bethel Christian Temple for the Purchase by Lane County of the Church-Owned Property Located at 1545 S. Brooklyn Street, Eugene (Glenwood) to be Used as a Residential Care Facility for Homeless Single Adults With Chronic Mental Illnesses (Map #17-03-34-44-02800) and Authorizing the County Administrator, or His Designee, to Execute Any Required Notices and Closing Documents. (Pulled from Consent, to be heard separately below.)

Cornacchia observed that there is a file note on this matter. He indicated he would like provisions for the environmental assessment and land use issues to be included in the option. Teresa Wilson, County Counsel, stated that the HUD environmental assessment had revealed some concern about some above-ground tanks and potential risk of some degradation from the tanks and also the possibility of asbestos tiles in the building. With regard to the land use, Wilson stated there has been the initial zoning approval, but there is a risk of appeal. She indicated she could talk to Steve Manela, Health & Human Services, or this could be discussed in Executive Session as to whether these items may be able to be negotiated with the seller. Rust received clarification that the tanks were not on the property being purchased, but were next door. He indicated he was inclined to move forward, but would not be opposed to discussions in Executive Session. Cornacchia stated that if he were a private purchaser, he would have concern about the site being environmentally tainted. There was consensus to discuss this matter further in Executive Session.

9. COUNTY COUNSEL

- a. ORDER 96-3-6-12/In the Matter of Adopting Findings of Fact, Conclusions and Order in the Appeal of Spencer Creek Neighbors From the Hearings Official Decision Conditionally-Approving a Special Use Permit for a Paintball Park in an Impacted Forest Lands Zone (F-2, RCP) (PA 0856-95, Gillette/Williams).

Stephen Vorhes, Assistant County Counsel, reviewed the Findings based on the tentative decision made in early January, and included in the packet (see material on file). He noted that the proposed Order and Findings would conditionally approve the special use permit. Vorhes remarked that the supplemental material, with recently received documents, distributed separately from the packet, would require specific action by the Board to be excluded from the record. With regard to ex parte contacts since the last meeting on this issue, Weeldreyer indicated that she has had one conversation with Jane Novick (detailed in Weeldreyer's memo included in the record), a conversation with Don Walken and a

phone conversation with Jerry Strand. She added that she listened to the information and believes these people have concerns regarding the process. Rust indicated he had had a conversation with Jane Novick, but nothing said during that conversation would influence his decision. Weeldreyer added that she would make her decision from the information on the record. Cornacchia indicated that he had had a phone debate with the attorney for the appellant (Sherlock) a few days after the hearing. Rust added that he, too, had also spoken with Sherlock. Green stated he had no ex parte contacts.

Liam Sherlock, attorney for the appellant, stated that contrary to Cornacchia's assertion, the disclosure was not a few days after the January 10 hearing, but on January 23 when Cornacchia made an unsolicited call to him to debate the substantive and procedural issues. He indicated that he had stated to Cornacchia at that time that he felt the call was inappropriate as the Board had only made a tentative decision on the matter. Cornacchia remarked that his memory was substantially different than Sherlock's, but that, regardless, the discussion would not affect his decision-making process. Sherlock again commented that he felt the unsolicited call was inappropriate.

Rust noted that Weeldreyer's memo to the Board had taken exception to his characterization of the development as "intensive." He clarified that his finding of the use of the word intensive had to do with the recreational use being intensive versus passive. Rust noted that there would be parking, traffic, a clubhouse, potential tournaments and an organized presence. He added that his characterization did go to the heart of the statute; and thus if the park was going to be allowed, the property should be rezoned up-front as a park. Rust stated that he will be voting no.

Cornacchia agreed that the "use" issue is the crux of the matter and that it is anticipated that LUBA will hear this on appeal.

Weeldreyer stated that this case has been very challenging with regard to understanding the legal process and the way it limits additional information outside the process. She indicated she shares some concerns about issues that were not raised in the appeal. Weeldreyer remarked that she feels her hands are tied as she cannot consider the additional information; and that she believes it is necessary to uphold the process outlined by the statute. She stated that she will be supportive, but with great reservations.

MOTION: Approval of the Order. Cornacchia MOVED, Green SECONDED for discussion. Cornacchia commented that his sentiments are similar to Weeldreyer and that he doesn't see that the Board has a whole lot of choice based upon state law, Administrative Rule and the County's own process. Responding to Green, Vorhes observed that any decision by the Board will be appealable. Green concurred with Cornacchia's statements in that he has a personal bias, but has to follow the process. Rust noted that he has no bias against the paintball activity, but that that isn't the issue. He stressed that the issue is that there is a zoning and planning process that should be

followed, but this is allowing a special use permit to take a forest zone and make a park. VOTE: 3-1, Rust dissenting. Cornacchia requested to get a report back from the Land Management Division as to the status regarding compliance with land use on other Gillette properties. He noted that those issues were not, however, relevant to this permit. There was consensus from the Board to ask for this report.

10. HEALTH AND HUMAN SERVICES

- a. ORDER 96-3-6-13/In the Matter of Increasing a .80 FTE Mental Health Specialist to 1.0 FTE.

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

The following item was taken out of order.

14. EMERGENCY BUSINESS

ORDER 96-3-6-16/In the Matter of Requesting Consideration for Eligibility as a Sponsor in the Emergency Watershed Protection Program.

Weeldreyer reviewed this item (see material on file). She recommended approval of the Order. MOTION: Approval of the Order. Weeldreyer MOVED, Rust SECONDED. Cornacchia indicated that he needs to know that legal counsel and the analysts have reviewed this issue and also receive information as to where the 25% match is to come from. Gary Briggs, NRCS, presented additional written information (see material on file). Briggs indicated that the match does not have to come from County funds and can be in-kind or a combination of funds, such as from a local landowner, their community or their in-kind funds. Cornacchia stated that he wants the Order revised to show that there will be no expenditure of County funds. Rust suggested getting Public Works involved, perhaps forming a task team, with possible usage of road funds or in-kind road services. Briggs remarked that other counties are dealing with matters on a "case by case" basis. There was consensus to return this item to the agenda for March 13. (The Motion was not voted upon.) Rust suggested that Weeldreyer, Public Works, Legal and Briggs work together to develop this further. Cornacchia noted that there is another federal program for roads and that this is for watershed restoration.

This meeting recessed at 10:20 a.m. to convene into Executive Session at 10:30 a.m., reconvening into regular session at 10:48 a.m..

D. Human Resources and Management Services

- 2) ORDER 96-3-6-8/In the Matter of Authorizing the County Administrator to Execute a Purchase Option Agreement With the Bethel Christian Temple for the Purchase by Lane County of the Church-Owned Property Located at 1545 S. Brooklyn Street, Eugene (Glenwood) to be Used as a Residential Care Facility for Homeless Single Adults With Chronic Mental Illnesses (Map #17-03-34-44-02800) and Authorizing the County Administrator, or His Designee, to Execute Any Required Notices and Closing Documents. (Pulled from Consent, to be heard separately below.

This item was voted upon after discussion during Executive Session.

MOTION: Approval of the Order. Cornacchia MOVED, Weeldreyer SECONDED. VOTE: 4-0.

11. HUMAN RESOURCES AND MANAGEMENT SERVICES

- a. ORDER 96-3-6-14/In the Matter of Approving and Ratifying a Collective Bargaining Agreement With AFSCME, Local 2831.

Ruth Larson reviewed the Tentative Agreement for the Board (see material on file). She indicated that it had been ratified by the AFSCME membership. Mary Dutton spoke briefly on behalf of the Union. Rust observed that there is a tough budget season ahead, but noted that there were no salary increases in this one-year contract. Rust also noted that the County has saved several million dollars in benefit packages from working together with the unions. Cornacchia stated that the people of Lane County are being well-served by committed Lane County employees. Weeldreyer remarked that this shows that the County's most valuable resource is its employees. Green stressed that he has sensed a high level of pride and commitment by employees.

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

- b. ORDER 96-3-6-15/In the Matter of Approving and Ratifying a Collective Bargaining Agreement With Lane County Public Works Association, Local 626.

This item was pulled from today's agenda.

12. PUBLIC SAFETYa. PRESENTATION/Public Safety Levy.

Sheriff Bob McManus reported that over 25 presentations have been done outside of regular working hours and he presented to the Board a sample of what has been used to inform the public. He provided a video that has been presented to the public regarding Lane County's fiscal situation and proposed levy. McManus then presented a slide show which he had used that outlined the revenue sources available to Lane County and provided more detail on how the two-tiered levy will work. He distributed copies of the two handouts distributed at presentations before the public (see material on file). McManus reported that the flaw in the program is that people in Tier Two ought to be able to vote separately on their own proposal, without the influence of the cities. McManus reported that the County will be working on developing the mechanism to allow this to happen in the future. He remarked that the County should be proud of bringing this proposal forward as the information presented and debate has been important. Rust emphasized that the entire County owes the Sheriff a debt of gratitude for coming forward with this proposal as it has helped enlighten the public about the critical needs of the County. McManus commented that he believes he has learned to be a team player. Weeldreyer remarked that after having attended four public meetings with McManus, she appreciates McManus's professionalism.

13. REVIEW ASSIGNMENTS

Ask Compliance to report back on status of compliance with land use on Gillette's properties.

Waste Management to report back in December, 1996 regarding effects of changes related to revenue reductions.

Reschedule Order for next week related to Emergency Watershed Protection Program issue.

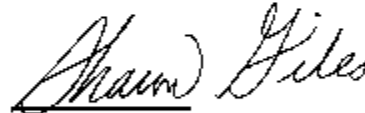
3. COMMISSIONERS' ANNOUNCEMENTS

Rust indicated he would be presenting at a law clinic conference this weekend with regard to issues surrounding what to do with abandoned mill sites.

Rust also indicated he would have a press conference tomorrow at 1:30 regarding announcing his political plans.

Green distributed a written report on a recent trip to Washington, DC for (United Front) lobbying which he and Van Vactor attended. He also distributed a handout regarding a newspaper article about federal impacts on counties.

There being no further business, this meeting adjourned into another Executive Session at 11:48 a.m.



Sharon Giles
Board Secretary