

W. 13.15

**MEMO**

**Date: 11/27/04**

**To: Lane county Board of Commissioners  
Bill VanVactor, County Administrator  
David Suchart, Director of Management Services**

**Subject: Additional rabies reporting information.**

I have been in contact with King County Animal Services, New Hampshire Animal Services and San Diego Animal Control. These are just a very few of the agencies that have mandatory rabies reporting codes or laws requiring veterinarians to supply a copy of inoculations to dog licensing enforcement departments. Speaking with these agencies they all said since their programs have been enacted their license compliance has increased (see below), animal intake has decreased and euthanasia has decreased. They agree after the first 3 years revenues level out but will vary depending on population changes.

**Increased licensure by agency:**

|                |  |
|----------------|--|
| King County;   | 63% in 3 years   |
| New Hampshire; | 61% in the first 3 years and 58% over a 10-year period   |
| San Diego;     | Estimate only 35% of total compliance due to lack of proper enforcement, 15% is credited to mandatory reporting. This program has been in place for over 16 years. |

King County and New Hampshire send 2 notices for compliance.  
The third notice is a summons to appear.  
San Diego sends multiple notices without enforcement follow up.

**History:**

In July 2003 LCARA offered \$2.50 per license sold as incentives to Lane County Veterinarians. This incentive program increased license vendors from four to twenty-four. This relationship increased dog licenses in unincorporated Lane County from 3,134 in November of 03 to the current 6,275. Eugene has steadily but slowly increased from 7,550 to 8,134 during this same time period. Eugene's slow increase may be a result of Eugene's current limit law. Many Eugene residents will acquire rabies shots for their dogs but feel if they license dogs over the current limit law they would be subject to citation by LCARA. LCARA has spoken to the Eugene land code enforcement department and they state, "LCARA has no obligation to report limit violations to the city of Eugene". The Eugene land code department responds to such violations on a citizen complaint driven basis only.

## **Lane County Options:**

1. Continue current program
2. Adopt mandatory reporting of rabies inoculations by lane county veterinarians.

Under mandatory reporting, offer all incorporated cities LCARA's licensing program services and participation in a countywide rabies and licensing informational database. This database would increase access to rabies and licensing information by law enforcement and health providers. This database would expedite investigations in dog bite and lost/found dog investigations. It would also help to decrease the numbers of dogs impounded, and euthanasia performed at LCARA. Fees and tags would have to be consistent throughout the county. LCARA suggests a 50 – 50 revenue split on all license revenue collected by LCARA with participating cities.

If option number 2 is adopted, addressing only the dogs estimated living in the unincorporated areas of Lane County, calculating a conservative compliance increase of 20%, a license and revenue increase could be as follows:

Estimated revenue is calculated using the one-year license fee of two altered dogs and one unaltered dog divided by three. ( $2 \times 15 = 30 + 35 = 65$  divided by 3 = 21.6) Rounded to \$21.00 for calculations within this report.

Dog population estimates within this report are from the Animal Regulation Advisory Task Force Report of November 12, 2003.

### **Un-incorporated Lane County**

|                                  |               |                         |         |
|----------------------------------|---------------|-------------------------|---------|
| Estimated dog population         | 22,659        |                         |         |
| Current license compliance       | 27%           | Estimated compliance    | 47%     |
| Current revenue                  | 128,477       | Estimated total revenue | 223,644 |
| <b>Possible revenue increase</b> | <b>95,167</b> |                         |         |

Currently LCARA contracts with the city of Eugene for enforcement, housing and administers their licensing program. Licensing revenue is reinvested towards their total contract amount for all services supplied. Eugene's representative has voiced strong support for the mandatory reporting option. Result of Eugene participation is as follows:

### **City of Eugene**

|                                  |                |                         |         |
|----------------------------------|----------------|-------------------------|---------|
| Estimated dog population         | 33,564         |                         |         |
| Current license compliance       | 24%            | Estimated compliance    | 44%     |
| Current revenue                  | 170,814        | Estimated total revenue | 310,131 |
| <b>Possible revenue increase</b> | <b>139,317</b> |                         |         |

**All City totals and 50-50 / county 100%**

| <b>City</b>   | <b>Dog population</b> | <b>Current compl.</b> | <b>Est. compl.</b> | <b>Est. revenue<br/>50 – 50</b> |
|---|-----------------------|-----------------------|--------------------|---------------------------------|
| County  | 22,659                | 27%                   | 47%                | 223,644                         |
| Eugene  | 33,564                | 24%                   | 44%                | 310,131 - 155,065               |
| Springfield   | 11,849                | 12%                   | 32%                | 79,632 - 39,816                 |
| Veneta  | 2,755                 | 25%                   | 45%                | 26,040 - 13,020                 |
| Florence  | 2,059                 | 6%                    | 26%                | 11,235 - 5,617                  |
| Cottage Grove   | 8,435                 | 7%                    | 27%                | 47,817 - 23,908                 |
| Oakridge  | 777                   | 32%                   | 52%                | 8,484 - 4,242                   |
| Creswell  | Unknown/county renews |                       |                    |                                 |
| Junction City   | 1,053                 | 13%                   | 33%                | 7,297 - 3,648                   |
| <b>Total</b>  |                       |                       |                    | <b>714,280 – 245,316</b>        |
| County  |                       |                       |                    | <u>223,644</u>                  |
| <b>Possible total license revenue as stated above</b> |                       |                       |                    | <b>468,960</b>                  |

These calculations do not include any on going agreements or contracts into consideration.

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**MEMORANDUM**

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Agenda Date: December 8, 2004

To: Board of County Commissioners

From: Teresa J. Wilson, County Counsel



Subject: Confidentiality protections in Rabies Reporting Ordinance

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At the time of the first reading, the Board asked that I look further into the comments made by Dr. Schroeder on behalf of the Lane County Veterinary Medical Association (LCVMA) regarding the confidentiality provisions in Ordinance 19-04. I have had the opportunity to speak with Dr. Schroeder (LCVMA) and Glen Kolb, Executive Director of the Oregon Veterinary Medical Association. Mr. Kolb has been in touch, through Marsh Keith (the Association's lobbyist), with the Attorney General's office. He reported to me that the Attorney General's office concurs with the analysis that the Public Records law does not contain a definitive exemption for veterinary records. Mr. Kolb also indicated that the advice he had received indicated that even the trade secrets exemption may not apply. As a result, the Association may seek legislation to exempt their records from public disclosure under a more direct and specific law. Mr. Kolb indicated he would advise me of further developments.

I have reviewed the Public Records law again, and again arrive at the conclusion there is no specific applicable exemption. As you know, the Public Records law starts from the premise that all records in the public agency's hands are public records available for inspection by the public. ORS 192.420. Only when there is specific legislative authority can a matter be kept confidential. There is a process for an individual to request a public body to not disclose a specified public record with their home address, telephone number or e-mail address, but only if the individual demonstrates to the satisfaction of the public entity that the individual or family member is in danger. This exemption is a case-by-case and record-by-record exemption. ORS 192.445. Most of the other exemptions under the public records law are what are regarded as "conditional" exemptions, in that the listed public records can be held exempt from disclosure "unless the public interest requires disclosure in the particular instance." ORS 192.501.

The language written in Ordinance 19-04 as Lane Code Section 7.088(4) is designed to treat the information received from a veterinarian identifying the owner, address, phone number or rabies tag serial number, as a part of the veterinarian's customer list, and therefore potentially eligible as exempt from disclosure as a "trade secret" under ORS 192.501(2), which reads:

"(2) Trade secrets. 'Trade secrets,' as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;"

While the Code language is written to permit an argument that the rabies reporting form itself meets this exemption, it is not entirely clear that the argument would be successful in court. It may well be that if an individual were to come in and ask to inspect a particular rabies reporting form, we would be required to make a copy of the form available, but with the veterinarian's name redacted, in other words, remove from inspection that information which is business specific.

A second question is whether the information when it is transferred from the paper form into an electronic data base can be kept confidential. If an individual were to ask to see all of the clients of a particular veterinarian, it would be appropriate to deny that request based on the Ordinance language and the trade secrets exemption under the Public Records Law; however, until that matter has been litigated, I cannot say with certainty that such an argument would be successful. It would be much more difficult to deny a request for information from the data base that did not tie to a particular veterinarian – for instance a request for all records of animals owned by John Smith, or all animals residing on a particular street.

If there are other questions regarding the confidentiality issues, I will be happy to attempt to answer them.

Cc: David Suchart  
Mike Wellington

W. 9.a.

**GILSTRAP Zoanne M**

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**From:** FORSTER Chuck E  
**Sent:** Friday, December 03, 2004 1:20 PM  
**To:** GILSTRAP Zoanne M  
**Subject:** RE: Evaluation of County Administrator

Hi Zoe:

Please pass along to Bobby.

Bill does a great job in a challenging environment. He strives to engage the department directors as much as possible in decisions of critical importance to the County. Bill's leadership in moving forward on the strategic plan and the County budget is commendable. Bill has truly become Lane County's "CEO."

Thanks,

Chuck

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**From:** GILSTRAP Zoanne M  
**Sent:** Friday, December 03, 2004 11:21 AM  
**To:** \*LC Department Directors  
**Subject:** FW: Evaluation of County Administrator

Just checking to see if anyone has an evaluation to submit.

-----Original Message-----

**From:** GILSTRAP Zoanne M  
**Sent:** Monday, November 22, 2004 10:01 AM  
**To:** \*LC Department Directors; GARDNER Alex R; Anna Morrison; Bill Dwyer; Bobby Green; Don HAMPTON; PETER SORENSON  
**Cc:** DAVE GARNICK; ETHEL MASHAW; John ARNOLD; Kay Blackburn; Malinda DODSON; Melinda Kletzok; MELISSA ZIMMER; MIKE DAVENPORT; PETER THURSTON; TERESA NELSON; Tony SEESE-BIEDA; WILLIAM VANVACTOR  
**Subject:** FW: Evaluation of County Administrator

On behalf of Commissioner Green:

Please complete the attached evaluation for Bill Van Vactor and return it to Zoe Gilstrap by Tuesday, December 1. The Board will discuss Bill's evaluation at the December 8 meeting.

Bill has requested an opportunity to review the completed forms to learn about where he may need to improve job skills, etc. If there are evaluation changes from prior years, you may wish to note them and elaborate on your assessment.

You do have the option to send the evaluation anonymously, or if you wish to share the confidential information, please give me a call or drop by.

If you don't have time to complete the evaluation form, I would appreciate a short email with comments.

Again, your cooperation in returning the evaluation or e-mail to Zoe Gilstrap by December 1 will be greatly appreciated.

If you have any questions regarding this information, please feel free to call or email Zoe or me.

Thank you.

Bobby Green, Chair  
Board of Commissioners

<< File: BVV-eval.DOC >>

W. 9.a.

# WILLIAM VAN VACTOR, COUNTY ADMINISTRATOR

Performance Evaluation - 2004

- Communications** - Consider: Clear expression of thoughts and ideas in written and oral form; ability to listen and share information, understanding replies or directions from others; clarity, brevity, accuracy, and logic in writing.

|  |              |            |             |                |
|--|--------------|------------|-------------|----------------|
|  | Exceeds      |            | Needs       |                |
| Exceptional  | Expectations | Successful | Improvement | Unsatisfactory |
| 10[ ] 9[x]   | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |
| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

Comments/Examples:

- Managerial Decision Making** - Consider: Application of logic and decision-making principles; selection of a decision from among the options; effects of decisions; sharing the decision with others as appropriate; following through with decisions.

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|--|--------------|------------|-------------|----------------|
|  | Exceeds      |            | Needs       |                |
| Exceptional  | Expectations | Successful | Improvement | Unsatisfactory |
| 10[ ] 9[x]   | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |
| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

Comments/Examples:

- Leadership** - Consider: The amount and type of influence upon staff or supervisors; amount of influence upon work standards, styles and priorities; availability and accessibility to staff; setting and enforcing standards for quantity and quality of work.

|  |              |            |             |                |
|--|--------------|------------|-------------|----------------|
|  | Exceeds      |            | Needs       |                |
| Exceptional  | Expectations | Successful | Improvement | Unsatisfactory |
| 10[ ] 9[x]   | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |
| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

Comments/Examples:

Mr. Van Vactor exerts his influence most notably by example – he invites and encourages participation by the management staff on significant issues (and by others as he believes would be helpful) and his door is consistently open to all. Most importantly, he models the standards he sets and expects.

4. **Organizing, Coordinating, Supervising** - Consider: Organization and coordination of people and resources to get a job done; scheduling and assigning tasks to and getting results from employees; coordination of own plans with those of others; development of systems to improve work methods.

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|--|--------------|------------|-------------|----------------|
|  | Exceeds      |            | Needs       |                |
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| 10[ ] 9[x]   | 8[x] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |
| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

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Comments/Examples:

5. **Creativity** - Consider; Originality of ideas; being curious about and questioning even the "obvious;" inventiveness and imagination in solving problems or developing new procedures; generating new and unusual ideas; stimulating and encouraging others to develop new ideas; resourcefulness.

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|--|--------------|------------|-------------|----------------|
|  | Exceeds      |            | Needs       |                |
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| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

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Comments/Examples:

6. **Planning--Short and Long Range** - Consider: Development and achievement of relevant objectives; commitment to County goals and objectives, as well as personal goals and objectives; translating goals and objectives into activities; designing, scheduling, and implementing short-and-long-range plans; scheduling workload within the plan; anticipating deviations from the plan.

|  |              |            |             |                |
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|  | Exceeds      |            | Needs       |                |
| Exceptional  | Expectations | Successful | Improvement | Unsatisfactory |
| 10[ ] 9[x]   | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |
| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

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Comments/Examples:

Mr. Van Vactor is committed to both short and long-term planning and devotes significant resource to implementation of adopted plans, including updates as needed. Examples are the Strategic Plan and the Diversity Plan.

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7. **Interpersonal Skills** - Consider: Quality of interactions including clarity and timeliness of communications, responsiveness and sensitivity to the needs of others, willingness and ability to confront conflict situations, effectiveness in giving and receiving feedback, open expression of feelings.

|             |              |            |             |                |
|-------------|--------------|------------|-------------|----------------|
|             | Exceeds      |            | Needs       |                |
| Exceptional | Expectations | Successful | Improvement | Unsatisfactory |
| 10[ ] 9[x]  | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |

During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ]

Comments/Examples:

Mr. Van Vactor is a delight to work with – he is respectful, caring, clear in communication, willing to engage on any issues, and except for the occasional very bad pun, appropriately humorous.

8. **Budgeting Skills** - Consider: Translating plans, activities, and performance measures into budgets; executing plans and activities within the budget appropriation; following budget procedures and meeting budget deadlines.

|             |              |            |             |                |
|-------------|--------------|------------|-------------|----------------|
|             | Exceeds      |            | Needs       |                |
| Exceptional | Expectations | Successful | Improvement | Unsatisfactory |
| 10[ ] 9[x]  | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |

During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ]

Comments/Examples:

Mr. Van Vactor's strengths were challenged in putting together the proposed FY 04-05 budget, but he delivered a budget that was true to the Board's policies and attentive to the needs of citizens within available resources. At the same time, he is committed to finding and proposing means of shoring up the County's finances, including efforts to renew the Secure Rural Schools Act, and investigating possible new revenue resources from such sources as telecommunications license fees and a public safety district.

9. **Professional Development** - Consider: Maintaining high performance by initiating growth training; setting realistic objectives for employees; providing guidance and counseling to employees; keeping own skills and knowledge current.

|             |              |            |             |                |
|-------------|--------------|------------|-------------|----------------|
|             | Exceeds      |            | Needs       |                |
| Exceptional | Expectations | Successful | Improvement | Unsatisfactory |
| 10[ ] 9[x]  | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |

During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ]

Comments/Examples:

The best example here is Mr. Van Vactor's strong support of such events as :”Performance Counts.”

10. **Initiative** - Consider: Willingness attack problems, challenge the status quo; assertiveness and self-motivation; amount of personal responsibility taken for completion of work; commitment to goals when extra effort is required; quality of extra effort and results produced; work progress without complete direction.

|                           | Exceeds<br>Expectations | Successful | Needs<br>Improvement | Unsatisfactory |
|---------------------------|-------------------------|------------|----------------------|----------------|
| Exceptional<br>10[ ] 9[x] | 8[ ] 7[ ]               | 6[ ] 5[ ]  | 4[ ] 3[ ]            | 2[ ] 1[ ]      |

During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ]

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Comments/Examples:

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11. **Public Contact and Service Skills** - Consider: The image one projects of the County; the amount of assistance given to outside persons and groups; honesty, tact, and courtesy extended to citizens; awareness of and sensitivity to community needs and attitudes.

|                           | Exceeds<br>Expectations | Successful | Needs<br>Improvement | Unsatisfactory |
|---------------------------|-------------------------|------------|----------------------|----------------|
| Exceptional<br>10[x] 9[ ] | 8[ ] 7[ ]               | 6[ ] 5[ ]  | 4[ ] 3[ ]            | 2[ ] 1[ ]      |

During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ]

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Comments/Examples:

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12. **Integrity** - Consider: Adherence to a code of morals, ethics, and values; soundness of ideas; degree of honesty and consistency.

|                           | Exceeds<br>Expectations | Successful | Needs<br>Improvement | Unsatisfactory |
|---------------------------|-------------------------|------------|----------------------|----------------|
| Exceptional<br>10[x] 9[ ] | 8[ ] 7[ ]               | 6[ ] 5[ ]  | 4[ ] 3[ ]            | 2[ ] 1[ ]      |

During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ]

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Comments/Examples:

Without question.

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13. **Implementation of Board Policy** - Consider: Administration of County consistent with Board policy; being consistent with the Board's short and long range goals; initiation of planning to achieve goals.

|  |              |            |             |                |
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|  | Exceeds      |            | Needs       |                |
| Exceptional  | Expectations | Successful | Improvement | Unsatisfactory |
| 10[x] 9[ ]   | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |
| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

Comments/Examples:

Mr. Van Vactor excels at determining where the center of the Board is on issues, communicating that to the rest of the organization and ensuring implementation.

14. **Maintaining Positive Image for County** - Consider: Representation of County in a positive manner; available and visible to citizens; effective representation of County on intergovernmental bodies; effective media contact and relations.

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|--|--------------|------------|-------------|----------------|
|  | Exceeds      |            | Needs       |                |
| Exceptional  | Expectations | Successful | Improvement | Unsatisfactory |
| 10[ ] 9[x]   | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |
| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

Comments/Examples:

15. **Board of Commissioner Decision-Making** - Consider: Participation in discussion, not decision-making; staff reports offer policy alternatives, with implications on issues; staff reports offer clear, concise recommendations; familiarity with staff reports.

|  |              |            |             |                |
|--|--------------|------------|-------------|----------------|
|  | Exceeds      |            | Needs       |                |
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| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

Comments/Examples:

16. **Diversity Factor - Consider:** Steps taken to support and enhance diversity; compliance with the Diversity Implementation Plan, including workforce diversity, customer service, and related county policies. (See Appendix 4-20 in the Diversity Implementation Plan for diversity performance indicators).

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|--|--------------|------------|-------------|----------------|
|  | Exceeds      |            | Needs       |                |
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| During past year has: Improved[ ]      Remained About the Same[ ]      Declined[ ] |              |            |             |                |

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Comments/Examples:

**17. Other Comments:**

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**17. Overall Rating**

|  |              |            |             |                |
|--|--------------|------------|-------------|----------------|
|  | Exceeds      |            | Needs       |                |
| Exceptional  | Expectations | Successful | Improvement | Unsatisfactory |
| 10[ ] 9[x]   | 8[ ] 7[ ]    | 6[ ] 5[ ]  | 4[ ] 3[ ]   | 2[ ] 1[ ]      |
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Rated by: Teresa Wilson

Date: December 6, 2004