

W. 9. a.

AGENDA COVER MEMORANDUM

Memorandum Date: October 10, 2007

Agenda Date: October 24, 2007

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: IN THE MATTER OF PROVIDING DIRECTION TO STAFF FOR DISPOSITION OF COUNTY OWNED TAX FORECLOSED PROPERTY IDENTIFIED AS MAP NO. 18-03-08-44-02500 (ADJOINS 3783 PINE CANYON DRIVE, EUGENE)

1. **PROPOSED MOTION:** No motion is proposed. Staff is seeking direction from the Board.

2. **AGENDA ITEM SUMMARY:**

Competing offers have been received to purchase the subject property. This matter was previously presented to the Board at the August 29th meeting. The Board directed me at that time to gather additional information concerning the subject property with respect to its planned role in the City of Eugene's transportation plan for the area surrounding the subject and to also inquire with the City if they had any interest in acquiring the subject.

To summarize the issue:

Phillip Bulliard, owner of tax lot 2600 which adjoins the subject, has submitted an offer of \$1,200. Mr. Bulliard wishes to pursue using the subject parcel as access to his property.

Rahul Deshpande, owner of tax lot 2300, and Janice Jensen, owner of tax lot 2400 (both parcels also adjoin the subject), have submitted an offer of \$1,300 for the subject. Their offer is on behalf of, and supported by, 4 other property owners within the 38th Street PUD in which the subject property is located. The offer was submitted after, and with knowledge of, Mr. Bulliard's offer.

The subject parcel is noted as “Lot A” in the 38th STREET PUD. The subject parcel is designated in the plat to be used for “bicycle, pedestrian, public utility and emergency vehicle access”.

3. **BACKGROUND/IMPLICATIONS OF ACTION:**

A. **Board Action and Other History**

The subject property was acquired through tax foreclosure in September, 1993. It is a 15’ x 30’ strip and is included in the plat of the 38th STREET PUD. It has a current assessed value of \$798. The parcel has not been offered at a public auction (Sheriff’s Sale).

Mr. Bulliard contacted the County about purchasing the subject property as he was to be developing his property (tax lot 2600) with one, single family dwelling. Mr. Bulliard was interested in the subject property for use as access to his (Mr. Bulliard’s property is 5 acres lying outside of the PUD plat). Mr. Bulliard’s property does have legal access from 38th St., however, according to Mr. Bulliard, developing access from 38 St. will be difficult and expensive as a steep ravine will have to be crossed.

Ms. Jensen and Mr. Deshpande, as adjoining owners, were contacted and informed of Mr. Bulliard’s offer. Both, as well as other property owners they contacted in the PUD, expressed great concern with a sale to Mr. Bulliard and his intent on using the parcel for access. Their concerns are focused on quality of life issues from increased traffic, reduced parking and loss of open space in the cul-de-sac where the subject property is located.

The PUD property owners asked for a period of time to research the legalities of using the parcel for access given the restrictions in the plat and to discuss the matter amongst themselves. Ms. Jensen and Mr. Deshpande then submitted a competing offer.

Mr. Bulliard had been made aware of the competing offer and has stated to Property Management staff that he is willing to make a counter offer exceeding the one made by the PUD property owners.

Additional Subject Property Information:

A copy of the 38th Street PUD file from when it was going through the approval process in 1977 has been obtained from the City. The file does address the subject parcel and the role it was to have in the PUD.

In the City’s Memorandum granting tentative approval for the PUD it notes that the City’s Public Works Dept., when reviewing the PUD plan, requested that emergency vehicle access be provided from the cul-de-sac in which the subject is located to the property to the South (Mr. Bulliard’s property, tax lot 2600) to provide a connection with a potential extension of 38th Ave.

Also in the tentative approval memorandum, the City's Public Works Dept. acknowledges the potential for future development of property adjoining the subject property but notes that the development can occur via an extension of 38th Ave. and that regular vehicle access, either public or private, does not need to be provided from the cul-de-sac. The memorandum further states that the "Approved Eugene Planned Street and Right of Way Map" does not indicate the need for additional right of way contiguous to the 38th St. PUD.

The City of Eugene did not express an interest in acquiring the subject parcel.

Policy Issues

ORS 275.200 provides for selling County property at private sale, without public notice if a property has been offered at a Sheriff's sale and remained unsold after the sale. The subject property would be eligible for a private sale and notice was published in the Register-Guard on August 14th, 2007.

ORS 275.190 states that sales "must be to the highest and best bidder". County Counsel is of the opinion that the statute does provide some discrepancy by the Board to accept a bid with a lower monetary offer if it is deemed that non-monetary factors make a bid superior.

LM 21.425 states that it shall be the policy of the County to dispose of property not needed for public use.

It has been an unwritten practice of the County to sell irregular, low value parcels only to an adjoining owner.

C. Board Goals

A sale of the property would be consistent with the Board's goals of returning tax foreclosed property to the tax roll.

Financial and/or Resource Considerations

Revenue from the sale of tax foreclosed properties is distributed to all of the taxing districts after program costs are first deducted and retained by the County.

E. Analysis

Use of the subject parcel is restricted by the plat for pedestrian, bicycle and emergency vehicle access and it is questionable whether Mr. Bulliard, even if he owns the subject, can legally use it for everyday vehicle access to his property without having the use restriction vacated. This would require a process similar to vacating public right of way where other affected property owners would need to sign off on the vacation.

Ms. Jensen and Mr. Deshpande, whose properties are within the PUD and also adjoin the subject are aware of the use restrictions on the subject parcel. They, as well as other property owners in the PUD, do not want the subject used for access and are concerned that if Mr. Bulliard purchases the property and attempts to use it for access that they (the PUD property owners) may need to become involved in civil litigation to prevent that. It should be noted that Mr. Bulliard, whether he acquires ownership of the subject or not, may have the right to develop the subject for emergency vehicle access as noted in the plat.

It is possible that an argument could be made that the subject property has the same status as a public street (subject to the use restriction) given that it was dedicated for use by the public in the plat. If it was considered as a public right-of-way then the tax foreclosure would be erroneous. The City does not have an opinion on the status of the subject property and it is referred to as an easement in other documents. A decision may be required by a court to determine the legal status of the subject – either public right-of-way or private property with an easement for specific public uses.

Given that a tax foreclosure did occur with the subject and title is in the County's name any future issues that may arise – i.e., maintenance, trash removal – would be deemed to be the County's responsibility to rectify. For this reason, it would be in the County's interest to dispose of the subject.

One of the considerations for the Board in determining the disposition of the subject property is whether the highest monetary offer will be the sole basis for a sale or whether other factors will be considered where the highest monetary offer is not deemed to be the "best" offer (ORS 275.225 provides for a sale to the "highest & best" offerer). Other factors to consider would be the original intended use of the subject parcel, that fee ownership should be held by a property owner within the PUD as a sale to a non-PUD property would cause undue hardship for the PUD property owners.

It would also reasonable to dispose of the property strictly based on the highest monetary consideration offered. Mr. Bulliard is an adjoining owner and it could be argued that he should have an opportunity to purchase the subject parcel and pursue options of acquiring legal access through it.

F. Alternatives/Options

1. Direct Property Management staff to conduct a sealed bid or oral auction for the property with a sale made to the highest bidder.
2. Accept Mr. Bulliard's \$1,200 offer as it was submitted first.
3. Accept the \$1,300 offer from Ms. Jensen and Mr. Deshpande. (note, Mr. Bulliard has not had an equal opportunity to submit a counter offer)

4. Offer the parcel at a future Sheriff's Auction.

5. Retain the Parcel

V. TIMING/IMPLEMENTATION

Property Management staff will proceed based on direction given by the Board.

VI. RECOMMENDATION

It is recommended that Option 1 be pursued giving all adjoining owners an equal opportunity to purchase the parcel.

VII. FOLLOW-UP

Property Management staff will implement the direction given by the Board.

VII. ATTACHMENTS

Tax Map

PUD Plat

Aerial Photo

Page from City's Tentative Approval of the 38th St. PUD

Letter from Ms. Jensen and Mr. Deshpande

Letter from Richard Blunt, PUD Owner

Email from Ms. Jensen

Petition of Support from PUD Owners

Letter from Mr. Bulliard

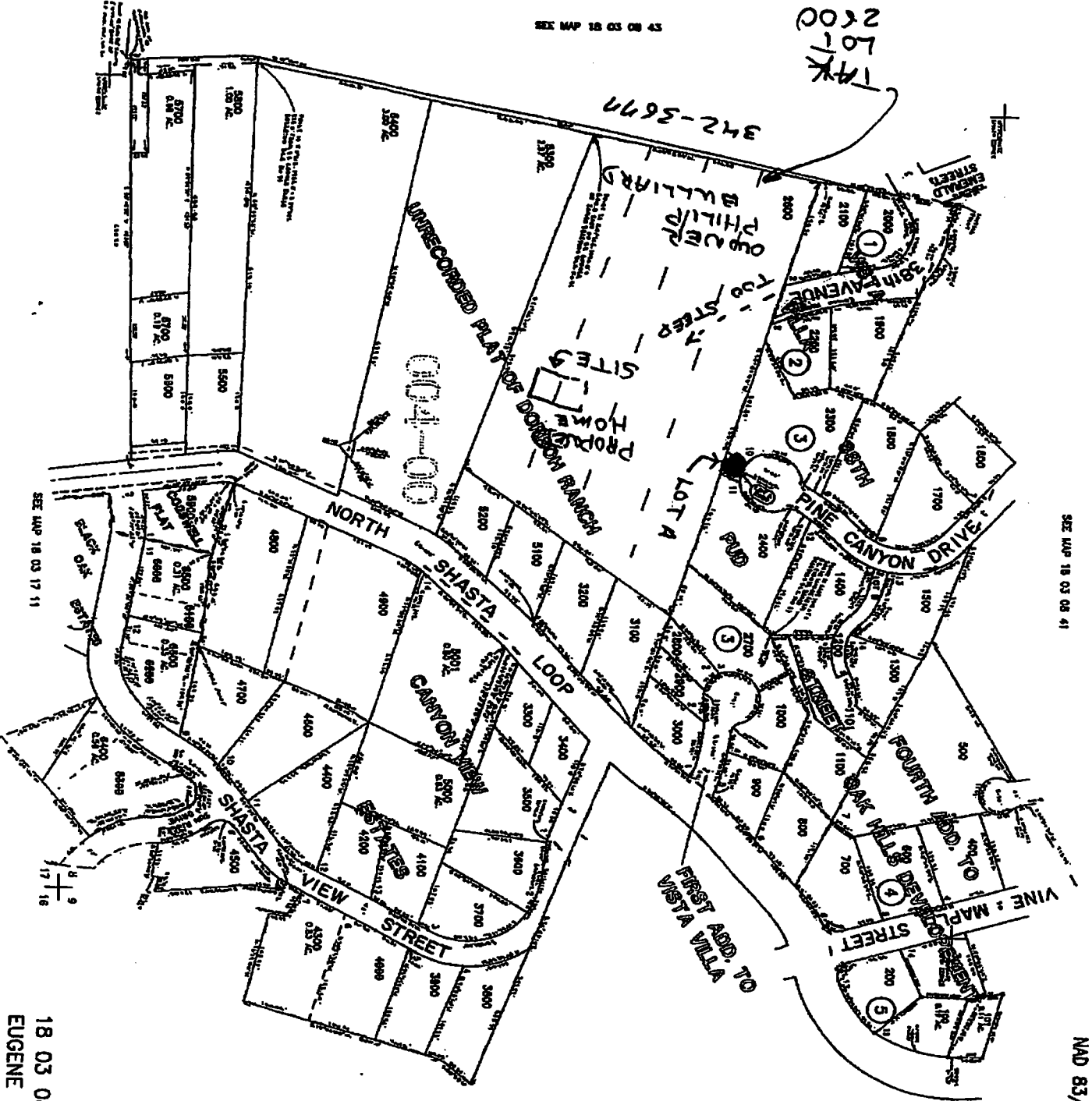
LAND TAXATION
ONLY

SE1/4 SE1/4 SECTION 8 T.18S. R. W.M.
LANE COUNTY
SCALE 1" = 100'



18 03 08 44
EUGENE
MAD 83/91

SEE MAP 18 03 08 41



SEE MAP 18 03 08 43

TAK
LOT
2600

342-5671

SEE MAP 18 03 01 25

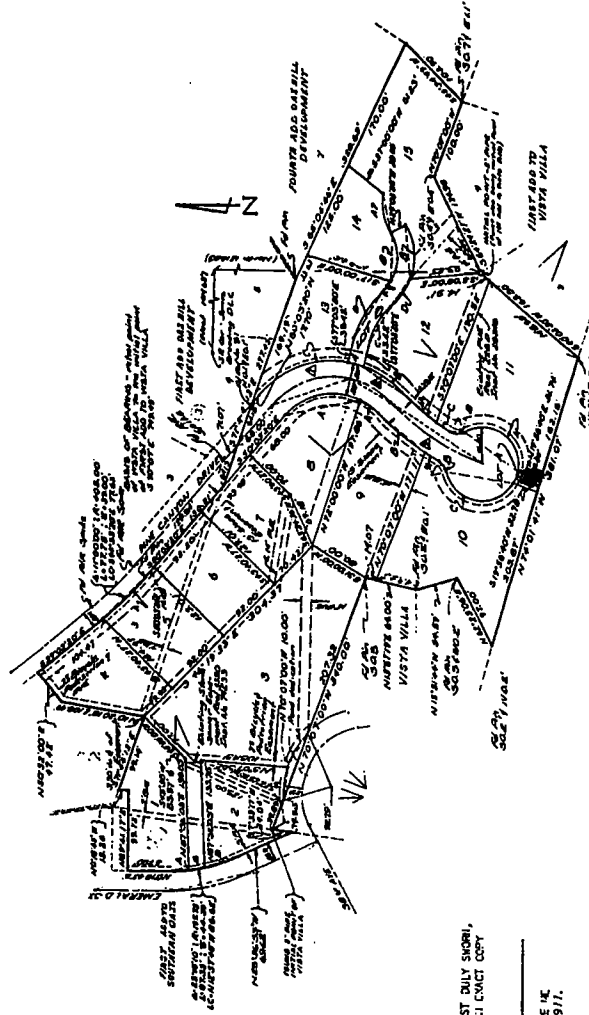
CANCELLED
4000
4100
4200
4300

SEE MAP 18 03 17 11

18 03 08 44
EUGENE

38 TH STREET P.U.D.
 PART OF WHICH IS A REPLAT OF LOT 1 BLOCK 7 FIRST ADDITION TO SOUTHERN OAKS AND LOTS 3 & 4, BLOCK 2 FIRST ADDITION TO OAK HILLS DEVELOPEMENT.

SEC. 8 T18S R31W WM
 EUGENE, LANE COUNTY, OREGON
 SCALE 1" = 100'



LOT	CURVE	BEARING	CHORD	RADIUS
1	A	N02°11'23"W	19.88	197.75
2	A	N81°43'33"W	42.26	102.00
3	A	N18°45'38"W	47.20	197.75
4	A	N58°30'27"W	42.26	102.00
5	A	N08°55'13"W	20.14	197.75
6	A	S44°33'20"E	77.63	402.00
7	A	S11°41'58"E	99.29	80.00
8	A	S36°48'02"W	28.18	80.00
9	A	S40°04'30"W	76.55	320.00
10	A	S10°17'34"W	21.40	320.00
11	A	S37°24'18"W	18.11	40.00
12	A	S08°24'13"W	89.94	40.00
13	A	N02°50'19"E	82.73	46.00
14	A	N02°26'28"E	17.48	20.00
15	A	N12°02'54"E	57.52	200.00
16	A	N32°20'04"E	60.34	120.00
17	A	S50°11'20"E	58.63	90.00
18	A	S58°36'35"E	38.69	82.50
19	A	N32°05'34"W	18.64	62.50
20	A	N02°05'20"W	64.32	110.00
21	A	N02°56'44"W	116.76	120.00
22	A	S78°18'28"W	55.21	92.50
23	A	S89°54'25"W	60.53	82.50
24	A	N78°18'28"E	55.21	92.50
25	A	N02°25'01"E	88.27	82.50
26	A	S70°03'20"E	15.00	46.00
27	A	N12°58'40"E	20.00	120.00

CURVE NO.	DELTA	RADIUS	CHORD	BEARING
Δ	63°00'00"	100.00	164.50	S18°33'20"E
Δ	34°00'00"	100.00	58.47	S29°56'40"W
Δ	27°00'00"	300.00	140.07	S33°26'40"W

RESTRICTION
 ALL EASEMENTS SUBJECT TO EUGENE CITY CODE.
 ELECTRIC DISTRIBUTION FACILITIES SHALL BE UNDERGROUND AND SUBJECT TO THE POLICIES AND PROCEDURES OF THE EUGENE WATER AND ELECTRIC BOARD NOW IN EXISTENCE, OR AS HEREINAFTER AMENDED.
 LOT 3 IS A PRIVATE DRIVE AND A PSE.
 LOT 4 IS A BICYCLE, PEDESTRIAN, PUBLIC UTILITY AND EMERGENCY VEHICLE ACCESS.

FILED
 AUG 31 1977
 CLERK OF COUNTY

STATE OF OREGON)
 COUNTY OF LANE) SS
 I, THOMAS F. POIZE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT THIS IS A TRUE COPY OF THE FINAL PLAT AS SHOWN.

CHRISTINE K. DAIRD
 County Commissioner

I, THOMAS F. POIZE DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE INTERIOR MONUMENTS WITHIN THE HEREON SHOWN PLAT WILL BE SET WITHIN 60 DAYS OF THE COMPLETION OF IMPROVEMENTS.

THOMAS F. POIZE
 SUBSCRIBED AND SHOWN TO BEFORE ME THIS 31st DAY OF August, 1977.

CHRISTINE K. DAIRD
 CLERK OF COUNTY

38 TH STREET P. U. D.
PART OF WHICH IS A REPLAT OF LOT 1 BLOCK 7 FIRST ADDITION
TO SOUTHERN OAKS AND LOTS 3 & 4, BLOCK 2 FIRST ADDITION TO
OAK HILLS DEVELOPEMENT.

SEC. 8 TIBS R3W WM
EUGENE, LANE COUNTY, OREGON

DESCRIPTION

BEGINNING AT THE INITIAL POINT WHICH IS ALSO THE INITIAL POINT OF FIRST ADDITION TO VISTA VILLAS PLAT RECORDED IN LANE COUNTY, OREGON, SAID POINT BEING OF RECORD SOUTH 74.60 FEET EAST 11.17 FEET SOUTH 31.17 FEET WEST 202.26 FEET AND SOUTH 70° 07' EAST 749.26 FEET FROM THE SOUTHEAST CORNER OF JAMES BREEDING DONATION LAND CLAIM NO. 51 IN SECTION 6, TOWNSHIP 18 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN; THENCE ALONG THE EASTERN BOUNDARY OF SAID FIRST ADDITION TO VISTA VILLAS PLAT SOUTH 41° 30' WEST 163.50 FEET TO THE MOST EASTERN CORNER OF SAID PLAT; THENCE ALONG THE BOUNDARY OF SAID PLAT NORTH 62° 23' 06" EAST 97.00 FEET, NORTH 15° 51' 11" WEST 34.59 FEET, NORTH 13° 57' 19" EAST 64.00 FEET AND NORTH 70° 07' 00" WEST 340.00 FEET TO THE NORTHEAST CORNER OF SAID PLAT SAID POINT BEING ALSO THE INITIAL POINT FOR SAID PLAT AND RECORDED IN BOOK 39, PAGE 231, LANE COUNTY, OREGON PLAT RECORDS IN LANE COUNTY, OREGON; THENCE ALONG SAID EASTERLY BOUNDARY SOUTH 7° 33' 17" WEST 24.00 FEET TO THE MOST SOUTHERLY CORNER OF LOT 1, BLOCK 7 OF SAID PLAT; THENCE ALONG THE WESTERLY BOUNDARY OF SAID LOT 1, BLOCK 7 NORTH 25° 34' 53" WEST 88.82 FEET, AND ALONG THE ANGLE OF A 197.75 FOOT RADIUS AND NORTH 10° 18' 45" WEST SAID BOUNDARY TO THE WESTERLY BOUNDARY OF SAID LOT 1, BLOCK 7 OF SAID PLAT; THENCE NORTH 4° 18' 45" WEST 108.49 FEET TO THE WESTERLY BOUNDARY OF FIRST ADDITION TO OAK HILLS DEVELOPEMENT, AS PLATTED AND RECORDED IN BOOK 42, PAGE 29, LANE COUNTY, OREGON PLAT RECORDS IN LANE COUNTY, OREGON; THENCE ALONG SAID SOUTHERLY BOUNDARY SOUTH 71° 44' 13" EAST 99.14 FEET TO THE SOUTH WEST CORNER OF LOT 3, BLOCK 2 OF SAID PLAT; THENCE NORTH 90° 32' 00" EAST 27.00 FEET TO SAID LOT 3, BLOCK 2, AND NORTH 108.49 FEET AND NORTH 90° 32' 00" EAST 27.00 FEET TO THE SOUTH WEST CORNER OF SAID LOT 3, BLOCK 2, AND THENCE ALONG SAID NORTH SOUTH 33° 03' 20" EAST 104.47 FEET, ALONG THE ANGLE OF A 101.40 FOOT RADIUS AND SOUTH 50° 03' 20" EAST 190.31 FEET TO THE SOUTHERLY BOUNDARY OF SAID FIRST ADDITION TO OAK HILLS DEVELOPEMENT; THENCE ALONG SAID SOUTHERLY BOUNDARY SOUTH 71° 44' 13" EAST 27.00 FEET TO THE WESTERLY BOUNDARY OF SAID PLAT, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF FURNY ADDITION TO OAK HILLS DEVELOPEMENT, AS PLATTED AND RECORDED IN BOOK 38, PAGE 6, LANE COUNTY, OREGON PLAT RECORDS IN LANE COUNTY, OREGON; THENCE ALONG THE SOUTHWEST CORNER OF SAID PLAT SOUTH 65° 04' 46" EAST 328.65 FEET TO THE NORTHWEST CORNER OF LOT 6, BLOCK 3 OF SAID FIRST ADDITION TO VISTA VILLAS; THENCE ALONG THE WESTERLY BOUNDARY OF SAID PLAT SOUTH 45° 24' 49" WEST 102.50 FEET, NORTH 70° 07' 00" WEST 100.00 FEET AND SOUTH 84° 28' 27" WEST 134.58 FEET TO THE INITIAL POINT, ALL IN EUGENE, LANE COUNTY, OREGON.

FILED
AUG 11 1977
CLERK OF COUNTY
EUGENE, OREGON

STATE OF OREGON)
COUNTY OF LANE) SS
I, THOMAS F. POUCE, BEING FIRST ONLY SURVIVOR, DEPOSE AND SAY THAT THIS IS AN EXACT COPY OF THE FINAL PLAT AS SHOWN.

Thomas F. Pouce
9-16-80

DEDICATION
KNOW ALL MEN BY THESE PRESENTS, THAT KARE HARVEY AND LUMBER SERVICES, INC., AN OREGON CORPORATION, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND HEREBY DESCRIBED, THAT WE DO HEREBY SUBMITIVE AND PLAT THE SAME AS HEREBY SHOWN AND DO DEDICATE TO THE PUBLIC FOREVER ALL STREETS, AND ALL EASEMENTS FOR PURPOSES SHOWN.

KARE HARVEY
KARE HARVEY
E.H. ROBERTS, PRESIDENT
LUMBER SERVICES, INC.
DONALD E. FRISBIE, SECRETARY
LUMBER SERVICES, INC.

ACKNOWLEDGEMENT
STATE OF OREGON)
COUNTY OF LANE) SS

PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC IN AND FOR STATE AND COUNTY, HERON NAMED KARE HARVEY, KNOWN TO ME TO BE THE PERSON WHO, IN BEHALF OF SAID CORPORATION, VOLUNTARILY AND KNOWINGLY, AND THEY ACKNOWLEDGE THE SAME TO BE THEIR VOLUNTARY ACT AND DEED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL.

SUBSCRIBED AND SIGNED TO BEFORE ME THIS
DAY OF April, 1977.

Notary Seal for Donald E. Frisbie, Secretary, Lumber Services, Inc.

ACKNOWLEDGEMENT
STATE OF OREGON)
COUNTY OF LANE) SS
PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, HERON NAMED KARE HARVEY, KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE ABOVE SIGNED INSTRUMENT, AND HE ACKNOWLEDGES THE SAME TO BE HIS VOLUNTARY ACT AND DEED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL.

SUBSCRIBED AND SIGNED TO BEFORE ME THIS
DAY OF April, 1977.

Notary Seal for Thomas F. Pouce, Notary Public.

APPROVES
Notary Seal for Thomas F. Pouce
Notary Seal for Donald E. Frisbie
Notary Seal for James A. Rice
James A. Rice, Notary Public



APPROVAL FOR 38TH STREET (S 77-1)
March 22, 1977
Page 2

2. Developer should provide slope easements as required at the time construction takes place.
3. The construction of the paving for the cul-de-sac bulb is questionable across said bulb having a difference in elevation of ten feet.
4. Due to extensive cuts and fills, retaining walls may be required.
- * 5. Provide for future emergency access from the cul-de-sac bulb south to a future extension of 38th Avenue.

* } Land use contiguous to the subject proposal is existing single-family type lots, with some being developed or vacant property. The vacant property is contiguous along the south boundary. There is a potential of development occurring via the extension of East 38th Avenue. Therefore, access, either public or private, need not be extended and/or provided by the subject proposal except for the emergency vehicle access from the cul-de-sac bulb which is a part of the proposal.

* The Approved Eugene Planned Street and Right-of-Way Map does not indicate the need for additional right-of-way of streets contiguous to the subject proposal.

Action on this application for tentative plan approval is based upon the Planned Unit Development preliminary approval already granted and the fact that the subdivision must conform in all respects to the plans approved through Planned Unit Development process. The subdivision is granted tentative approval subject to the following conditions:

1. Submit to the Public Works Department as required a petition for improvements which will include, but not be limited to paving with curbs and gutters, sanitary sewers, storm sewers, and improvement of the emergency access.
2. Due to the difficulty of the description for easements as required by Public Works, the owner or his representative must contact said Department regarding needed easements.
3. As required by the Eugene Water and Electric Board, the panhandle lot drive serving lots 12, 13, 14, 15, and 16 shall be designated as a PUE and provide a 14-foot PUE between lots 1 and 2. The Eugene Water and Electric Board requires that "electrical distribution facilities shall be underground and subject to the policies and procedures of the Eugene Water and Electric Board now in existence or hereafter amended". The above phrase "requiring underground utilities" shall be recorded as a covenant running with the plat.
4. Prior to final subdivision approval, final Planned Unit Development plans must have been submitted to this Department, approved by the Eugene Planning Commission, and a contract between the City of Eugene and the developer executed and recorded.

440 18

August 9, 2007

Janice Jensen
3783 Pine Canyon Drive
Eugene, OR 97405

Rahul Deshpande
2034 Oxford Avenue
Cardiff-by-the-Sea, CA 92007

Lane County Board of Commissioners
125 East 8th Avenue
Eugene, OR 97401

Dear Honorable Commissioners:

Pine Canyon Drive is a quiet street ending in a cul de sac with our two properties. In addition, there is a narrow easement lot (15' x 30') designated for "bicycle, pedestrian, public utility, and emergency vehicle access." This lot is known as "Lot A" in the "38th Street PUD." Unfortunately, Lane County acquired Lot A due to non payment of property taxes. This lot is now the subject of our discussion.

Our understanding is that an offer has been made to acquire "Lot A" by the owner of property that is not in the "38th Street PUD." Our understanding, based on interaction with the offeror and county staff, is that the offeror (Mr. Bulliard), intends to build a road across this lot to his property below. Lot 2600, Mr. Bulliard's property, is already accessible via 38th Avenue.

Because a road or even a driveway will forever change the character and integrity of Pine Canyon Drive, and in particular, the cul de sac, we are now forced to make an offer to purchase this land. We are proposing to purchase this land on behalf of the "38th Street PUD", with the understanding the lot will be left as open space. If the "38th Street PUD" is unable to put the framework in place, to manage ownership, including payment of property taxes, our intent is to own the lot jointly.

The original design of the subdivision did not plan for a steep driveway at the end of the cul de sac. In fact, Mr. Bulliard's desired use violates current zoning. Additionally, it violates the intent when the "38th Street PUD" was subdivided and developed.

We have decided to make a higher offer than Mr. Bulliard because we believe so strongly in preserving the present quality of life on Pine Canyon Drive. However, our willingness to preserve the lot as open space provides the community with far greater value than just the monetary offer. We are convinced that a sale to Mr. Bulliard will irreparably damage the integrity of the neighborhood and the resident's quality of life.

We respectfully request your consideration and acceptance of our offer.

Sincerely,



Janice Jensen, Owner and Resident, 3783/85 Pine Canyon Drive



Rahul Deshpande, Owner, 3780/82 Pine Canyon Drive

8/13/07

Note:

- 1) A blank copy of the Letter & Signatures from the 38th Street PUD property owners is included
- 2) ALL of the tax Lots except one are represented with signatures.

The absent signature is due to the owner being unable to be contacted,

J.C.J.

August 9, 2007

Lane County Board of Commissioners
125 East 8th Avenue
Eugene, OR 97401

Dear Honorable Commissioners:

We, the residents and property owners, in the "38th Street PUD" support the offer by Ms. Jensen and Mr. Deshpande to purchase the "Lot A" within "38th Street PUD" on behalf of the "38th Street PUD".

If the "38th Street PUD" is unable to provide reasonable mechanisms to manage the property, "Lot A" can be held by Ms. Jensen and Mr. Deshpande and be maintained/managed by them.

It is critical to our community character that this "Lot A" be maintained as open space. In particular, the use of "Lot A" as a driveway or road is unacceptable. We believe selling of "Lot A" to a person who intends to place a road on it will damage our quality of life. Traffic will be increased and parking in the cul-de sac reduced, among other issues.

In addition, as this lot is currently zoned for "bicycle, pedestrian, public utility, and emergency vehicle access" we would vigorously oppose any attempt to allow a road, driveway, or make any changes that increase the intensity of use.

Name	Signature	Address

August 9, 2007

Lane County Board of Commissioners
 105 East 5th Avenue
 Eugene, OR 97401

Dear Honorable Commissioners:

We, the residents and property owners, in the "58th Street PUD" support the offer by Mr. Jensen and Mr. Deshpande to purchase the "Lot A" when "58th Street PUD" on behalf of the "58th Street PUD".

If the "58th Street PUD" is unable to provide reasonable mechanisms to manage the property, "Lot A" can be sold by Mr. Jensen and Mr. Deshpande and be maintained/managed by them.

It is critical to our community character that this "Lot A" be maintained as open space. In particular, the use of "Lot A" as a driveway or road is unacceptable. We believe selling of "Lot A" to a person who intends to place a road on it will damage our quality of life. Traffic will be increased and parking in the outside area reduced, among other issues.

In addition, we are currently petitioning for bicycle, pedestrian, public utility, and emergency vehicle access. We would vigorously oppose any attempt to allow a road, driveway, or make any changes that increase the intensity of use.

Name	Signature	Address	Tax Lot:
WILLIAM TEMES	<i>William Temes</i>	3775 Pine Canyon	OWN 2 lots 1500, 1300
Richard Beut	<i>Richard Beut</i>	3700 Pine Canyon Dr.	1800
Janice Jensen	<i>Janice Jensen</i>	3703/85 Pine Canyon	2400
DAVID TURET	<i>David Turet</i>	3774 PINE CANYON DRIVE	MMP & Tax Lots: 18-03-08-44-01700
RAHUL DESHPANDE	<i>Rahul Deshpande</i>	3782/84 Pine Canyon Drive	2300
Kathryn Temes	<i>Kathryn Ms. Temes</i>	3775 Pine Canyon Dr. Eugene, OR 97405	2 lots 1500 + 1300

July 2, 2007

Jeff Turk
Property Management Office
Department of Management Services

Re: Lane County Owned Property Adjoining Janice Jensen Property
Tax Lot 2500
Att: County commissioners care of Jeff Turk

Dear Jeff Turk/County Commissioners:

As per our conversation on the phone last week, the County has received an offer to purchase tax lot 2500 from Mr. Bulliard. This small piece of property has a designated use for bicycle, foot, emergency vehicles and utilities only.

Selling this property to an individual with the intent of using for access to a building site would drastically change the dynamics of the current existing cul de sac. The density of the area includes a duplex on either side of this tax lot. The cul de sac would not accommodate the necessary parking for the existing families if converted to a drive or other access for future development of the five acres, tax lot 2600, owned by Mr. Bulliard and is not a part of the 38th Street PUD. Mr. Bulliard's property has access at 38th St . If the CC&R's were to be changed in the future due to this sale, Pine Canyon Drive could become a shortcut from 30th Ave. to the neighborhoods of East Eugene and Amazon area.

I believe that it is important to all residents of the 38th Street PUD to limit the traffic to the Lane County's/City of Eugene's original approval of the PUD. I have owned tax lot 1800 for 27 years and purchased the lot and situated my home on the lot and in this neighborhood with the belief that the CC&R's would not be faced with future changes.

How was this lot offered for sale? What changes are possible to the use of tax lot 2500? The best use of the property is to sell it to someone within the existing PUD. I believe that the others property owners within the PUD should be notified.

Cordially
Richard Blunt
3780 Pine Canyon Dr.
Eugene, Or. 97405



TURK Jeff R

From: Janice C.Jensen [janice@kidpage.org]
Sent: Tuesday, August 14, 2007 4:45 PM
To: TURK Jeff R
Cc: Rahul Deshpande
Subject: Follow-up letter to Lane County Commissioners

August 14, 2007

Dear Lane County Board of Commissioners,

A call to Jeff Turk this afternoon revealed that he informed the other offeror to buy "Lot A," Philip Bulliard, of our 38th Street PUD offer.

Mr. Turk indicated that Mr. Bulliard is willing to increase his offer and has sent a letter stating this.

Since we are a group of property owners, with two owners living outside the state, we cannot agree to instantly increase our offer. However, we want the option to alter our offer should you decide an auction of the property is appropriate.

We continue to believe our offer provides the community with far greater value.

Sincerely,

Janice C. Jensen on behalf of the 38th Street PUD property owners

Via fax 682-4290

August 14, 2007

Mr. Jeff Turk
Lane County
Dept. of mgmt. Services
Property mgmt. Division
125 E 8TH Ave.
Eugene, OR. 97401

Re: offer to Purchase
TAX LOT NO. 18-03-08-44-0290

Dear Mr. Turk:

I understand that you have received an offer from others to purchase the above referenced lot for \$1,300.

This is to advise that I remain interested in purchasing the lot and am willing to exceed your \$1,300 present offer.

I can revise my present offer to \$1,400 or perhaps suggest an open auction among the interested parties so that this matter can be finalized.

Dagord
Philip Bulliard

7775160

kind or description to any building or structure shall be located beneath the surface of the ground on all lots in the subdivision. Normal utility owned on-ground distribution facilities are exempt from this restriction.

H. OIL AND MINING OPERATIONS.

No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted on any lot.

I. GARBAGE AND REFUSE DISPOSAL.

No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Such material shall not be kept except in sanitary containers; all incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

J. SIGNS.

No signs or other advertising device shall be erected or maintained upon any part of the said property, except that a sign not larger than 18 inches by 24 inches advertising the property for sale or rent, may be erected and maintained. Declarants may erect and maintain on such property such signs, buildings and advertising devices as they deem necessary and proper in connection with the conduct of its operations for the development, improvement, subdivision and sale of such property.

K. ANIMALS.

No livestock, poultry, rabbits or any kind of animals other than domestic pets shall be kept on any part of the above-described property, with the exception that the owner of Lot 1 shall be allowed to have a horse. No dogs, cats or other household pets shall be kept, used or maintained for any commercial purposes.

L. EASEMENTS.

Easement for installation and maintenance of pedestrian walkway, non-building areas, utilities and drainage facilities are reserved as shown on the recorded plat.

M. WATER SUPPLY.

No individual water supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards and recommendations of the Lane County Health Department. Approval of such systems as installed shall be obtained from such authority.

N. DESIGN, COLOR AND USE OF MATERIALS.

1. The external design of the residences are expected to



LANE COUNTY

HUMAN RESOURCES DEPARTMENT / 125 East 8th Ave. / Eugene, OR 97401
Phone: (541) 682-3665 / Fax: (541) 682-4290

W. 15.a.

AGENDA COVER MEMO

Memorandum Date: September 19, 2007
Order Date: October 8, 2007
24

TO: Board of County Commissioners

DEPARTMENT: Human Resources/County Administration

PRESENTED BY: Bill Van Vactor, County Administrator
Greta Utecht, Human Resources Director

AGENDA ITEM TITLE: ORDER/IN THE MATTER OF AMENDING CHAPTER 3 OF LANE MANUAL TO CREATE THE LANE COUNTY COMMISSION FOR THE ADVANCEMENT OF HUMAN RIGHTS AND ELIMINATING THE LANE COUNTY HUMAN RIGHTS ADVISORY COMMITTEE

I. MOTION

MOVE APPROVAL OF ORDER 07 -- _____ IN THE MATTER OF Creating the Lane County Commission for the Advancement of Human Rights and Eliminating the Lane County Human Rights Advisory Committee.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve recommendations prepared by the Human Rights Task Force regarding the future of the Lane County Human Rights program.

A task force was created to make recommendations to the County Administrator as to the County's Human Rights Advisory Committee and its role, duties, reporting relationship and staffing. (For a list of task force members, please see Attachment A.) In July 2006, several vacancies had rendered the committee unable to function without a quorum, and the committee's history indicated that the County has had difficulty filling vacancies and fulfilling its charge. The task force completed its work on April 10 which resulted in a number of guiding principals and recommendations.

The task force believes strongly that the protection of human rights is a primary responsibility of the County, based on the inalienable rights and inherent worth of

all people. Human rights abuses do occur in this county and can hinder access to County services and community participation for vulnerable individuals. Therefore, the task force recommends that the advisory committee be reconstituted to support and oversee the advancement of human rights in Lane County.

The human rights advisory committee should have a fundamental role in County government, being highly visible, easily accessible and centrally located, in order to best advise the commissioners, educate the public and effectively address complaints. In addition, in order to emphasize the value of human rights to the organization, human rights criteria should be applied to all budget decisions. Care should be taken in the recruitment and maintenance of the committee so that it can effectively represent the diversity and geography of the county, be highly effective as an advisory body to the Lane County Board of Commissioners and foster the advancement of human rights in our communities.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In July of 2006, the Board ordered the County Administrator to evaluate and bring a recommendation to the Board regarding the Lane County Human Rights Advisory Committee and its role, duties, reporting relationship and staffing. The Board ordered the committee to be placed on break until the County Administrator's recommendations could be presented the Board and until the Board can make decisions regarding the future of the committee.

The County Administrator convened a task force to review the Lane County Human Rights Advisory Committee's status and that group met monthly from September 2006 through April 2007 to develop the recommendations summarized in this report.

B. Policy Issues

Section 3.540 of the Lane Manual establishes the Lane County Human Rights Advisory Committee as a non-mandated committee charged with advising the BCC and County departments on human rights issues, to provide human rights education and outreach to the community, to report on the progress and condition of human rights in Lane County, and to develop a system to assist persons with human rights complaints.

Section 2.390 of the Lane Manual defines the Diversity Policy of Lane County, stating that the County values diversity, respect and understanding of the integrity and worth of all cultures, peoples and lifestyles, and

embraces these principles as good business policy and necessary to function in an increasingly competitive and diverse environment. The County is committed to ensuring that disabilities and/or cultural differences do not restrict community access to County services and employment.

Other relevant policies include: Lane Code 6.800 defining unlawful public accommodation practice within the community as restrictions based on race, color, religion, sex, national origin, physical handicap or marital status; and the Administrative Procedures Manual Ch. 3.60, defining discrimination or harassment as discriminatory or harassing conduct directed toward another person based upon their race, national origin, gender, age, religion, disability or other characteristic as defined by federal, state or local ordinances.

The recommendations herein are intended to support the County with accomplishing the objectives written into these policies.

C. Board Goals

The strategic plan states accessibility as one of the County's 10 guiding principles: "All citizens and employees, regardless of abilities, will have ready access to our services and facilities. Language and culture will not be barriers. Our processes will be open and fair to all."

Diversity is another guiding principle, stating: "We will treat all people with dignity and respect. We will demonstrate through our actions an understanding and appreciation for cultural diversity and individual differences. We absolutely will not tolerate sexual, religious, racial harassment or discrimination."

D. Financial and/or Resource Considerations

Last year (FY 06-07), the Board added a .5 FTE office assistant position dedicated to supporting the Human Rights Advisory Committee after years of no dedicated staff support. The task force regards the lack of dedicated staff support and budget as having contributed to the difficulties that past human rights advisory committees have experienced, and believes that such supports are important for volunteers to effectively function and fulfill their charge. This position remains funded but unfilled and is still assigned to Human Resources.

E. Analysis

The task force members reviewed information from other agencies, counties and jurisdictions as part of their preliminary work. (See attachment B, ***Highlighted U.S. County Human Rights Programs.***) They also held

a meeting with past and current members of the Human Rights Advisory Committee to get input as to what worked and what needed to change, and they met with the Board of Commissioners to hear the board members' thoughts on how the Human Rights Advisory Committee might continue in the future. Based on their review of information, comment received and their analysis and discussion, the members of the task force unanimously recommend that an advisory committee be reconstituted to support and oversee the advancement of human rights in Lane County and that the Lane Manual language establishing the new committee have this language as its preamble paragraph.

“The protection of human rights is a primary responsibility of the County, based on the inalienable rights and inherent worth of all people.’

With sufficient supports, structure and initiative, the Lane County Commission for the Advancement of Human Rights can positively affect the outcome of these goals, supporting the Board in putting these principles into practice.

Other recommendations follow:

1. **Name:** The task force recommends that the Lane County Human Rights Advisory Committee be renamed to *The Lane County Commission for the Advancement of Human Rights (LCCAHR)*. Therefore, throughout this report, this title will be used to refer to the Task Force’s proposal versus the current Lane County Human Rights Advisory Committee
2. **Appointments/Structure:**
 - a. Each Lane County commissioner should appoint one member to this commission to represent their district.
 - 1) Commissioner appointees should reside within their commissioner’s district.
 - 2) Commissioners should send out a request for nominees within their districts to city officials, including mayors, as well as other community members.
 - 3) Commissioner appointees should report back to their commissioner to help keep the lines of communication open between the Board and the commission.
 - b. The commission should consist of 11 members: 5 commissioner appointees and 6 at-large appointees.
 - c. Commissioners should make every effort to attend commission meetings held in their district.
 - d. There should be 1 commissioner liaison attending all commission meetings, perhaps on a rotating basis.

- e. The County should provide video-conferencing when transportation is not possible, to ensure county-wide involvement.
 - f. Criteria for members should include:
 - 1) Agreement with the mission
 - 2) Ability to attend the meetings
 - 3) Experience and expertise in human rights and/or community relations
 - 4) Group process and conflict resolution training, skills and experience
 - 5) Special sensitivity to marginalized groups
 - 6) Preference given to candidates who represent minority communities, protected classes or other groups subject to human rights abuses
 - g. There should be a careful screening process for all applicants.
 - 1) Applications should include a supplemental application
 - 2) References should be checked
 - h. Associate members should be recruited to increase representation from as many groups as possible.
 - i. There should be no more than two Lane County employee members on the commission.
 - j. Current members of the Lane County Human Rights Advisory Committee should be released from their positions on the committee. A letter should be sent to each member thanking them for their service, explaining the new appointment process, and inviting them to apply again.
 - k. If the BCC accepts the Task Forces's recommendations contained in this report, the County Administrator will request that a sub group of the task force be asked to work on implementing the new process, creating a supplemental questionnaire, and screening and interviewing applicants.
- 3. Staffing:** There should be dedicated staff to support the commission. The role of staff should include:
- a. To take and track complaints, and report back to the commission on the nature and statistics of the complaints coming in.
 - b. To provide administrative support to the commission, including performing research and analysis of issues, events and changes to law that have potential impact on the human rights program.
 - c. To act as a liaison to the County, ensuring key personnel within the County organization are aware of significant actions and positions the commission has taken.
 - d. To support and oversee grant writing and monitoring efforts.
 - e. To support and oversee the work of interns.
 - f. Based on items a-e above, the office assistant classification is not the appropriate level of position needed to meet the responsibilities

described. Staff support to the commission should be at an analyst level, particularly to perform items b and d.

- g. Currently, the Lane County Human Rights Advisory Committee is staffed by Human Resources, an internal, central service department. The task force recommends that the newly constituted commission be transferred to County Administration to increase the commission's visibility and importance in the organization. In addition, the commission should develop collaborations with:
 - 1) The Human Resources Department for alignment with the Diversity Action Plan and the Diversity Action Commission.
 - 2) The Department of Children & Families for support in community-building and grant funding.
 - 3) There should be prominent signage at the front counter of the Commissioners' Office informing visitors of the location of human rights staff.
 - 4) Particular attention should be paid to building relationships between the commissioners, human rights commission members and support staff.

4. Budget:

- a. The commission should make efforts to obtain funding through outside grants, with the support of staff.
- b. Funds should be made available for:
 - 1) Transportation reimbursements
 - 2) Training and orientation
 - 3) Advertising the help line
 - 4) Copies and other miscellaneous costs
 - 5) Donations to other organizations, after the newly constituted commission is able to identify overall strategies, goals and criteria that will be used to determine which causes to support and to what extent.

5. Removal of Members

- a. There should be a County-wide policy and procedure for the removal of disruptive and dysfunctional members.
- b. Commissioners should be responsible for disciplinary actions and decisions regarding the removal of members, rather than volunteer commission members and volunteer commission chairs taking on that responsibility.

6. Complaints

- a. There must be a qualified staff person assigned to take and track community complaints, and to support commission members with complaints.

- b. The nature and statistics of complaints coming in should be reported to the commission for analysis and to determine if broader action is needed.
- c. The commission should make efforts to promote awareness of the complaint helpline, especially in rural and non-metro areas of the county.
- d. If commission members want to handle complaint-taking, they should receive sufficient training beforehand.
- e. To improve the complaints process, the commission should partner with other organizations, such as Community Mediation Services and Eugene Human Rights Commission:
 - 1) Becoming knowledgeable about each service
 - 2) Clearly defining relationships and a clear sequence for referrals, with Lane County being the first response in human rights cases outside of Eugene
 - 3) The commission should take advantage of trainings offered by other agencies.

7. Advocacy

- a. The commission should be given the power to:
 - 1) Take positions on human rights issues as a commission, and to speak to the public solely on behalf of the commission. They should not take positions on behalf of the County. Positions can be distinguished by a clarifying comment on all written statements and a signature by the chair. All such written statements must be carbon copied to County counsel. This change should be reflected in the commission bylaws and the Lane Manual.
 - 2) Advise the Board on human rights issues.
 - 3) Respond to the needs of the community when human rights are an issue, with limits defined by the Board and the Lane Manual.
 - 4) Assist individuals with human rights concerns by providing referrals and support.
 - 5) Receive the support they need to function effectively as volunteers.
- b. The commission should encourage buy-in from the communities through outreach and education.

8. Rural/Non-metro Outreach

- a. Rural outreach needs to be a major objective for HRAC
- b. HRAC should help communities set up their own instruments to address specific community needs.
- c. HRAC needs to tap rural community members who have key relevant historical knowledge of their communities.

- d. Utilize resources such as the University of Oregon's Public Policy and Planning program, their Community Planning Workshops, and/or interns to assist with rural outreach

9. Implementation

- a. Once the commission has been reconvened, the members will need to define the scope of their human rights work in a way that will help ensure success. The definition of human rights can be narrow or broad, and the resources of the commission will be impacted by what the commission decides. For example, a fairly narrow definition would be focused on protected class discrimination and hate crimes. A broad definition would utilize the Universal Declaration of Human Rights to define the scope of human rights issues to be taken on by the commission.
- b. In addition, the commission will need to clarify the members' duties and expectations and how responsibility will be limited and/or expanded.

10. Alternatives/Options

The task force recognizes the need to explore multiple options should budget limitations restrict the implementation of these recommendations.

IV. TIMING/IMPLEMENTATION

A number of Task Force members have volunteered to form a subcommittee to assist the County in implementing the above recommendations, and particularly in the selection of new members. Recommended implementation steps and target dates follow:

- Assuming that the Board adopts these recommendations, the subcommittee can be convened to begin its work immediately following the approval of the recommendations.
- Staff position to be relocated to County Administration.
- Subcommittee presents report to County Administrator detailing the selection process and supplemental application materials.
- Current Lane County Human Rights Advisory Committee members released from their positions and invited to apply again.
- Applications available by January 1, 2008.
- Commissioners begin selecting their appointments.
- February 2008: Screening process begins.
- March 2008: New commission convened and no later than three months after first meeting, presents a work plan to the Board.

V. RECOMMENDATION

The County Administrator supports all the recommendations of the Human Rights Task Forces detailed above except for number five (5). The BCC recently considered a similar recommendation that was not adopted. so the County Administrator does not recommend a process that the Board does not presently support. Hence, the attached proposed changes to the Lane Manual do not reflect recommendation #5 either.

VI. FOLLOW-UP

Announcements will go out to all interested parties, members from task force who indicated their willingness to participate in creating selection process and application materials will be contacted. Current committee members will be notified of changes in the committee membership.

VII. ATTACHMENTS

Board Order

Attachment A: Task Force Members

Attachment B: Highlighted U.S. Human Rights County Programs

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 3 OF LANE MANUAL TO CREATE THE LANE COUNTY COMMISSION FOR THE ADVANCEMENT OF HUMAN RIGHTS (LCCAHR) AND ELIMINATING THE HUMAN RIGHTS ADVISORY COMMITTEE (LM 3.540)

WHEREAS, the County Administrator was directed to evaluate and bring back a recommendation to the Board regarding the Human Rights Advisory Committee and its role, duties, reporting relationship and staffing, and

WHEREAS, a task force was appointed and convened by the County Administrator to provide him with recommendations as to the future of the Human Rights Advisory committee, and

WHEREAS, the task force has recommended a refocused effort regarding human rights through the establishment of a commission that has a higher profile with the County government, achieved partly through a different makeup and a methodology of appointment, and

WHEREAS, the task force recommendations endorsed by the County Administrator are contained in the attached changes to the Lane Manual, and

WHEREAS, the Board of County Commissioners concurs with a refocused effort through establishment of a higher profile commission, now, therefore,

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 3 is hereby amended by removing, substituting and adding the following section:

REMOVE THIS SECTION

Table of Lane County Committees
as located on pages 3-35 through 3-36
(a total of 2 pages)

3.540
as located on page 3-41
(a total of 1 page)

INSERT THIS SECTION

Table of Lane County Committees
as located on pages 3-35 through 3-36
(a total of 2 pages)

3.540
as located on pages 3-41 through 3-42
(a total of 2 pages)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to create the Lane County Commission for the Advancement of Human Rights, and to update the committees table (LM 3.540). And it is further

ORDERED that the Human Rights Advisory Committee be eliminated and the members be released from further service, with the thanks and appreciation for the services they have delivered to Lane County.

Adopted this _____ day of _____ 2007.

Chair, Lane County Board of Commissioners

- (b) Membership.
- (i) Two members of the Board of Commissioners.
 - (ii) Three department directors (or designees), representative of the largest users of the services of the Department of Information Services.
 - (iii) One department director not included in (ii) above.
 - (iv) The Director of the Department of Information Services.
 - (v) The County Administrator.
- (c) Other Non-Voting Participants.
- (i) Interested department managers. Computer Services Managers with the consent of the committee. *(Revised by Order No. 01-10-31-4; Effective 10.31.01; 03-11-12-6, 11.12.03; 07-5-23-2, 5.23.07)*

LANE COUNTY COMMITTEES
MANDATED ADVISORY COMMITTEES

<u>Committee</u>	<u>Responsible Department</u>	<u>Mandate</u>	<u>LM#</u>
1. Building Appeals and Advisory Board	PW/LMD	UBC 105	3.520
2. Commission on Children and Families	C&F	ORS 417.760	3.521
3. Public Safety Coordinating Council	CAO	ORS 423.560	3.522
4. Community Mental Health Advisory Committee	H&HS	ORS 430.342 ORS 430.630(8) OAR 309-14-020(2)	3.524
5. Farm Review Board	A&T	ORS 308A.095	3.526
6. Historic Resources Committee (Lane County)	PW/LMD	Goal 5	3.528
7. Community Action Advisory Committee	H&HS	ORS 458.505	3.530
8. Community Health Centers Advisory Council	H&HS	Section 330 of the Public Health Service Act	3.534

NONMANDATED ADVISORY COMMITTEES

9. Community Health Advisory Committee	H&HS		3.538
10. Lane County Commission for the Advancement of Human Rights	CAO		3.540
11. Law Library Advisory Committee	Legal Counsel		3.542
12. Parks Advisory Committee	PW/Parks		3.544
13. Resource Recovery Advisory Committee	PW/W. Mgmt.		3.546

3.520	Lane Manual		3.520
14.	Roads Advisory Committee	PW	3.548
15.	Rural Community Improvement Council	CAO	3.549
16.	Tourism Council (Lane County)	PW/Parks	3.550
17.	Vegetation Management Committee	PW	3.552

MANDATED SPECIAL COMMITTEES/BOARDS

18.	Board of Property Tax Appeals	MS	ORS 309.020	3.554
19.	Budget Committee	MS	ORS 294.336	3.556
20.	Fair Board (Lane County)	FAIR BOARD	ORS 565.210	3.558
21.	Metropolitan Wastewater Service District Budget Committee	CAO	ORS 294.336	3.560
22.	Planning Commission	PW/LMD	ORS 215.030	3.510

LANE COUNTY COMMITTEES/MULTI-JURISDICTIONAL COMMITTEES

23.	Eugene-Springfield Metropolitan Partnership Board of Directors	City of Eugene		3.566
24.	Human Services Committee	H&HS		3.568
25.	Lane Workforce Partnership Advisory Committee	WFP	20 CFR 628.410; ORS 258A.458	3.570
26.	Metropolitan Wastewater Management Commission	City of Eugene		3.572

OTHER APPOINTED COMMITTEES

27.	Elected Officials Compensation Board	MS		3.600
-----	--------------------------------------	----	--	-------

(Revised by Order No. 00-8-16-1; Effective 8.17.00)

ADVISORY COMMITTEES/MANDATED COMMITTEES

3.520 Building Appeals & Advisory Board.

Advises on building construction, suitability of alternate materials, methods of construction, and provides interpretations of building code. Serves as Board of Appeals in connection with administration of Structural and Mechanical Specialty Codes and Fire and Life Safety Regulations, Plumbing Specialty Code and Uniform Code for the Abatement of Dangerous Buildings.

STAFFING: Land Management Division

MEETS: As needed

MANDATED: UBC 105

MEMBERSHIP: (7) Consists of representatives of the building construction industry.

TERM: 4 years, ending June 30 *(Revised by Order No. 00-8-16-1; Effective 8.17.00)*

NONMANDATED

MEMBERSHIP: (12) Consists of seven at-large representatives and five members from the health professions including physicians, dentists, nutritionists and health educators.

TERM: 4 years, ending August 31 (*Revised by Order No. 00-8-16-1; Effective 8.17.00*)

3.540 Lane County Commission for the Advancement of Human Rights (LCCAHR).

The protection of human rights is a primary responsibility of the County, based on the inalienable rights and inherent worth of all people. In light of that recognition, the LCCAHR shall:

Advise the Board of County Commissioners on the status of civil and human rights in the County, and provide the Board of County Commissioners and County departments community input and feedback regarding human rights and affirmative action; provide community education and outreach concerning human rights programs within Lane County; recommend, support, and assist in development of programs and seminars on human rights, cultural diversity, equal opportunity, and affirmative action; develop and publicize a system to assist persons in seeking resolution of harassment and discrimination complaints and recommend appropriate action; recommend policies and actions to improve access to County services and employment opportunities, and for overcoming cultural, linguistic and physical barriers which limit accessibility; provide an annual report to the Board of County Commissioners on the progress and condition of human rights in Lane County (including past activities, future goals and the number, type, and resolution of complaints); hold at least three (3) Committee meetings outside the Eugene/Springfield area utilizing city council meetings, community forums, and joint meetings with the Commissioner of the District in which the meetings are held; develop a work plan annually for the upcoming year; affirm, encourage, and promote programs and services designed to effectuate the spirit and intent of laws prohibiting discrimination and that recognize and value the cultural diversity of Lane County.

The LCCAHR may take positions on human rights issues as a committee and speak to the public solely on behalf of the LCCAHR. The members should not take positions on behalf of the County. Positions can be distinguished by a clarifying comment on all written statements and a signature by the chair. All such written statements must be copied to County Counsel.

STAFFING: County Administration, with collaborations with the Human Resources Department, and Department of Children and Families. The Board recognizes that dedicated staff is necessary to support the LCCAHR, track and report on complaints, act as liaison within the County organization, oversee grant writing, monitoring, and interns, and otherwise assist and provide administrative support to the LCCAHR.

MEETS: Monthly, with Commissioners attending committee meetings held in their district. In any case, one (1) Commissioner liaison should attend all committee meetings. Video-conferencing should be made available as possible to ensure county-wide involvement.

NONMANDATED

MEMBERSHIP: (11): Consists of 11 members comprised of five (5) commissioner appointees and six (6) at-large appointees, selected based on the criteria listed below and after a careful screening process involving applications and reference checking.

For Commissioner appointees: After requesting nominees from within their respective districts to city officials, including mayors and other community members,

each County Commissioner appoints one member to represent the Commissioner's district, with that appointee residing within the Commissioner's district. Each Commissioner appointee is expected to report back to the appointing Commissioner to help keep lines of communication open between the Board and the LCCAHR.

Criteria for all appointments:

- (a) Agreement with the mission of the LCCAHR
- (b) Ability to attend the meetings
- (c) Experience and expertise in human rights and/or community relations
- (d) Group process and conflict resolution training, skills and experience
- (e) Special sensitivity to marginalized groups
- (f) Preference given to candidates who represent minority communities, protected classes or other groups subject to human rights abuses

Associate Members (non-voting) should be recruited to increase representation from as many groups as possible.

No more than two (2) County employees may serve on the Committee.

TERM: Up to 4 years, from date of appointment.

(Revised by Order No. 00-8-16-1, Effective 8.17.00; 02-8-28-15, 8.28.02; 05-10-12-3, 10.12.05; 06-11-29-4, 11.29.06)

At right margin indicates changes
 Bold indicates material being added
 Strikethrough indicates material being deleted
 3.520 Lane Manual

LEGISLATIVE
 FORMAT
 3.520

- (b) Membership.
 - (i) Two members of the Board of Commissioners.
 - (ii) Three department directors (or designees), representative of the largest users of the services of the Department of Information Services.
 - (iii) One department director not included in (ii) above.
 - (iv) The Director of the Department of Information Services.
 - (v) The County Administrator.
- (c) Other Non-Voting Participants.
 - (i) Interested department managers. Computer Services Managers with the consent of the committee. *(Revised by Order No. 01-10-31-4; Effective 10.31.01; 03-11-12-6, 11.12.03; 07-5-23-2, 5.23.07)*

LANE COUNTY COMMITTEES
MANDATED ADVISORY COMMITTEES

<u>Committee</u>	<u>Responsible Department</u>	<u>Mandate</u>	<u>LM#</u>
1. Building Appeals and Advisory Board	PW/LMD	UBC 105	3.520
2. Commission on Children and Families	C&F	ORS 417.760	3.521
3. Public Safety Coordinating Council	LEOG CAO	ORS 423.560	3.522
4. Community Mental Health Advisory Committee	H&HS	ORS 430.342 ORS 430.630(8) OAR 309-14-020(2)	3.524
5. Farm Review Board	A&T	ORS 308A.095	3.526
6. Historic Resources Committee (Lane County)	PW/LMD	Goal 5	3.528
7. Community Action Advisory Committee	H&HS	ORS 184.802 458.505	3.530
8. Public Welfare Board (Lane County) (Inactive) Community Health Centers Advisory Council	H&HS	ORS 411.145 Section 330 of the Public Health Service Act	3.534

NONMANDATED ADVISORY COMMITTEES

9. Community Health Advisory Committee	H&HS		3.538
10. Human Rights Advisory Committee Lane County Commission for the Advancement of Human Rights	M SCAO		3.540
11. Law Library Advisory Committee	Legal Counsel		3.542

At right margin indicates changes
Bold indicates material being added
Strikethrough indicates material being deleted

	Lane Manual	LEGISLATIVE FORMAT
3.520		3.520
12. Parks Advisory Committee	PW/Parks	3.544
13. Resource Recovery Advisory Committee	PW/W. Mgmt.	3.546
14. Roads Advisory Committee	PW	3.548
15. Rural Community Improvement Council	CAO	3.549
16. Tourism Council (Lane County)	PW/Parks	3.550
17. Vegetation Management Committee	PW	3.552

MANDATED SPECIAL COMMITTEES/BOARDS

18. Board of Property Tax Appeals	MS	ORS 309.020	3.554
19. Budget Committee	MS	ORS 294.336	3.556
20. Fair Board (Lane County)	FAIR BOARD	ORS 565.210	3.558
21. Metropolitan Wastewater Service District Budget Committee	CAO	ORS 294.336	3.560
22. Planning Commission	PW/LMD	ORS 215.030	3.510

LANE COUNTY COMMITTEES/MULTI-JURISDICTIONAL COMMITTEES

23. Eugene-Springfield Metropolitan Partnership Board of Directors	CAO City of Eugene		3.566
24. Human Services Committee	H&HS		3.568
25. Lane Workforce Partnership Advisory Committee	WFP	Workforce Investment Act of 1998 20 CFR 628.410; ORS 258A.458	3.570
26. Metropolitan Wastewater Management Commission	MS City of Eugene		3.572

OTHER APPOINTED COMMITTEES

27. Elected Officials Compensation Board	CAO OMS		3.600
--	---------------------------	--	-------

(Revised by Order No. 00-8-16-1; Effective 8.17.00)

ADVISORY COMMITTEES/MANDATED COMMITTEES

3.520 Building Appeals & Advisory Board.

Advises on building construction, suitability of alternate materials, methods of construction, and provides interpretations of building code. Serves as Board of Appeals

At right margin indicates changes
Bold indicates material being added
Strikethrough indicates material being deleted
3.538 Lane Manual

LEGISLATIVE
FORMAT
3.540

managed care, social services, and government are some examples of the areas of expertise to be considered. No more than half of the non-consumer representatives may derive their annual income from the health care industry. No Council member shall be an employee of the health center or an immediate family member of an employee.

TERM: 3 years, ending June 30 (*Revised by Order No. 03-11-25-8, Effective 11.25.03*)

NONMANDATED COMMITTEES

3.538 Community Health Advisory Committee.

Makes recommendations to the Health Administrator and advises the Board of Health and Board of Commissioners on matters of public health, planning, policy development, control measures, funding, public education and advocacy; and, acts in a community liaison capacity to provide a link between the community and the Health Division.

STAFFING: Department of Health and Human Services

MEETS: Monthly

NONMANDATED

MEMBERSHIP: (12) Consists of seven at-large representatives and five members from the health professions including physicians, dentists, nutritionists and health educators.

TERM: 4 years, ending August 31 (*Revised by Order No. 00-8-16-1; Effective 8.17.00*)

3.540 ~~Human Rights Advisory Committee.~~ Lane County Commission for the Advancement of Human Rights (LCCAHR).

The protection of human rights is a primary responsibility of the County, based on the inalienable rights and inherent worth of all people. In light of that recognition, the LCCAHR shall:

Advises the Board of County Commissioners on the status of civil and human rights in the County, and provides the Board of County Commissioners and County departments community input and feedback regarding human rights and affirmative action; provides community education and outreach concerning human rights programs within Lane County; recommends, supports, and assists in development of programs and seminars on human rights, cultural diversity, equal opportunity, and affirmative action; develops and publicizes a system to assist persons in seeking resolution of harassment and discrimination complaints and recommends appropriate action; recommends policies and actions to improve access to County services and employment opportunities, and for overcoming cultural, linguistic and physical barriers which limit accessibility; provides an annual report to the Board of County Commissioners on the progress and condition of human rights in Lane County (including past activities, future goals and the number, type, and resolution of complaints); holds at least three (3) Committee meetings outside the Eugene/Springfield area utilizing city council meetings, community forums, and joint meetings with the Commissioner of the District in which the meetings are held; develops a work plan annually for the upcoming year; affirms, encourages, and promotes programs and services designed to effectuate the spirit and intent of laws prohibiting discrimination and that recognize and value the cultural diversity of Lane County.

The LCCAHR may take positions on human rights issues as a committee and speak to the public solely on behalf of the LCCAHR. The members should not take positions on behalf of the County. Positions can be distinguished by a clarifying

comment on all written statements and a signature by the chair. All such written statements must be copied to County Counsel.

STAFFING: ~~Department of Human Resources~~ County Administration, with collaborations with the Human Resources Department, and Department of Children and Families. The Board recognizes that dedicated staff is necessary to support the LCCAHR, track and report on complaints, act as liaison within the County organization, oversee grant writing, monitoring, and interns, and otherwise assist and provide administrative support to the LCCAHR.

MEETS: Monthly, with Commissioners attending committee meetings held in their district. In any case, one (1) Commissioner liaison should attend all committee meetings. Video-conferencing should be made available as possible to ensure county-wide involvement.

NONMANDATED

MEMBERSHIP: ~~(14) Consists of up to 14 citizens, to include representation from among the protected classes of women, youth, older workers, disabled persons and African Americans, Latinos, Asian Americans and Native Americans. Notwithstanding LM 3.506(2)(j), County employees may apply, and be appointed, to serve on off duty hours.~~**(11):** Consists of 11 members comprised of five (5) commissioner appointees and six (6) at-large appointees, selected based on the criteria listed below and after a careful screening process involving applications and reference checking.

For Commissioner appointees: After requesting nominees from within their respective districts to city officials, including mayors and other community members, each County Commissioner appoints one member to represent the Commissioner's district, with that appointee residing within the Commissioner's district. Each Commissioner appointee is expected to report back to the appointing Commissioner to help keep lines of communication open between the Board and the LCCAHR.

Criteria for all appointments:

- (a) Agreement with the mission of the LCCAHR
- (b) Ability to attend the meetings
- (c) Experience and expertise in human rights and/or community relations
- (d) Group process and conflict resolution training, skills and experience
- (e) Special sensitivity to marginalized groups
- (f) Preference given to candidates who represent minority communities, protected classes or other groups subject to human rights abuses

Associate Members (non-voting) should be recruited to increase representation from as many groups as possible.

No more than two (2) County employees may serve on the Committee.

~~NOTE:~~ Up to 3 Lane County employees allowed.

TERM: Up to 4 years, from date of appointment.

(Revised by Order No. 00-8-16-1, Effective 8.17.00; 02-8-28-15, 8.28.02; 05-10-12-3, 10.12.05; 06-11-29-4, 11.29.06)

Attachment A

Lane County Human Rights Task Force

Sarita Black –Prior HRAC member
Sascha Cosio
Carla Gary
YungSoona Geil-Walker
Bobby Green – HRAC Commissioner Liaison
Zelda Haro
Karen Kennedy
Guadalupe Quinn
Ken Neubeck
Bob Weiss – Prior HRAC Member
Kate Wallace
Tina Schmich -- Facilitator
Eve Terran – Staff support
Greta Utecht – Ex-officio
Bill Van Vactor –Ex-officio

U.S. County Human Rights Programs

The following overviews summarize the characteristics of a sampling of county human rights programs within the United States. This work was requested by the Lane County Commissioners in order to examine county models from other parts of the country. A small sample of state programs is included, as well as one city/county combined program. Also included is a chart highlighting programs by key characteristics and demographics shared by Lane County.

Notable features:

- Commissioner's terms were typically 2-4 years, with the number of commissioners ranging from 7 to 18 per commission.
- Rural Representation: Consistently, county human rights commissioners are appointed by each county district supervisor or commissioner to represent their district. Some of the larger counties had ongoing vacancies in their rural seats due to the long distances and/or political differences among districts.
- Most put some focus on creating and strengthening local community programs.
 - Study circles in affected neighborhoods or between human rights commissioners and the sheriff's department personnel
 - Awards program
 - Sponsoring conferences, festivals and tabling events
- Most programs are focused on and authorized by their local human rights ordinances. Some programs are law focused, policy focused, community relations focused, or combinations.
- Some county programs are certified to receive federal funds in order to process complaints for HUD and/or EEOC. Some of these programs coordinate their services with city and state certified human rights programs such that citizens may take their complaints to the agency most convenient for them. Of the programs that are certified with federal agencies, some also consider their focus to be community education, training and outreach, as well as mediation. Others do not have resources for activities outside of processing complaints.
- Some programs do not take complaints, but only work on policy, advising and community education. Other programs take and investigate complaints with the full authority of the law, some use mediation, some offer support and referrals, and others respond with community action programs.

Attachment B

- Orange County, CA: when their county funding dropped they created a non-profit where they could seek grants to fund program services, as well as collect membership fees from cities.
- Many are monitoring the state of human rights and hate crimes in their county and producing an annual report. Regions with active Human Rights commissions appear to have higher rates of reporting for hate crimes.
- Some conduct police and corporate training in discrimination law, federal hate-crime reporting and diversity. (The FBI website has a free manual to download for training police on mandatory reporting of hate crimes).
- Some programs use the name “Human Relations” instead of “Human Rights” though the programs are identical in purpose and scope. The word “relations” may be better language for facilitating understanding and collaboration, and allow for a broader focus of human rights work. The word “rights” can be problematic to reaching mutual understanding. The term is not eliminated from the programs however; only from the name.
- There were programs that had nearly dissolved due to internal disputes relating to race and leadership issues. These issues were resolved in various ways, from making changes to bylaws and procedures, to leaders taking a stronger role in maintaining order. Some programs have mechanisms for the removal of disruptive members, some require mandatory ethics and/or conflict resolution training, and others have more stringent qualifications, particularly for those holding Chair positions.
- There were many county programs that coordinated with city programs within their jurisdiction, as well as state programs. Many of the strongest county programs had state programs as well that offer support and services to the local commissions.
 - Reasons for having a county program when a city program exists:
 - Assist those outside the city limits
 - Collaborate with the city to expand program services
 - Offer services/programs the city does not provide
 - Reasons for having a county program when a state program exists:
 - Quicker processing time for complaints
 - More localized and personal, with greater input and involvement from the community
 - Local laws are more specific and need to be enforced

Highlighted U.S. County Human Rights Programs

Listed below are program features that are of interest, and the counties that share those features

Area greater than 1200 sq mi with rural communities in jurisdiction	Humboldt, CA; Los Angeles, CA; Santa Barbara, CA; Santa Clara, CA; Sonoma, CA; Kern, CA; King, WA; Broward, FL
Similar ethnic diversity	Humboldt, CA; Santa Clara, CA; Sonoma, CA; Olmstead, MN; Clinton, NY; Erie, PA; Lancaster, PA; York, PA
Strong city program exists within county program	Alameda, CA; Contra Costa, CA; Los Angeles, CA; Orange, CA; Santa Clara, CA; King, WA; Cook, IL; Lancaster, PA; York, PA (under consideration)
Regional Representation Required	Alameda, CA; Contra Costa, CA; Humboldt, CA; Santa Barbara, CA; Santa Clara, CA; Sonoma, CA; Orange, CA; King, WA; Broward, FL; Cook, IL; Barnstable, MA; Crow Wing, MN; Orange, NC
Programs with Notable Features	Orange County, CA (partner non-profit, creative fund-raising; great overall model) Barnstable, MA (In addition to a commission, local 15-member town councils meet quarterly and commissioners bring back reports from their town council). Los Angeles (great model overall) San Francisco (Creative, out-of-the-box work) Cook, IL; King, WA (Broad Authority)
Certified with HUD or EEOC/Quasi-judicial	Orange, NC; York, PA; Lancaster, PA; Erie, PA; Fairfax, VA; Broward, FL; Howard, MD; Cook, IL;
Commission on Women also exists in county	Alameda, CA; San Francisco, CA; Santa Barbara, CA; Santa Clara, CA; Sonoma, CA; Cook, IL Orange, NC;
Use the name "Human Relations"	Alameda, CA; Contra Costa, CA; Kern, CA; Los Angeles, CA; Orange, CA; Santa Barbara, CA; Santa Clara, CA; Orange, NC; York, PA; Lancaster, PA; Erie, PA
Contracts with local mediation services to process complaints and collect data	Olmstead, MN