

W. G. B.

AGENDA COVER MEMO

AGENDA DATE: July 30, 2008
Memorandum Date: July 15, 2008

TO: LANE COUNTY BOARD OF COMMISSIONERS
DEPARTMENT: LANE COUNTY OFFICE OF LEGAL COUNSEL
PRESENTED BY: Stephen Vorhes, Assistant County Counsel
AGENDA ITEM TITLE: In the Matter of Amending Chapter 3 of the Lane Manual to Revise Provisions for Recognition of Watershed Councils by the Board

I. MOTION

I MOVE TO APPROVE CHANGES TO THE LANE MANUAL REGARDING THE RECOGNITION OF WATERSHED COUNCILS BY THE BOARD.

II. AGENDA ITEM SUMMARY

The Board is asked to approve provisions allowing recognition of watershed councils previously recognized by the governing body of the county where most of the watershed area is located when that watershed includes areas in Lane County. A request from Alsea Watershed Council for recognition necessitates consideration of this Lane Manual change.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History The Board established the provisions of Lane Manual addressing watershed councils by Order No. 97-4-2-1 in compliance with state statutes. The provisions of LM 3.508 identify only five (5) river basins located entirely within Lane County. They do not address recognition of watershed councils representing areas located primarily in adjacent counties. In previous discussion with the Board about a request from the Alsea Watershed Council for recognition by Lane County, staff was directed to return with Lane Manual revisions.

B. Policy Issues The main policy issue here is whether the Board should recognize watershed councils representing the entirety of a river basin watershed that is located mostly in an adjoining county but covers an area in Lane County only after that watershed council has been recognized by the adjoining county governing body.

C. Board Goals Utilizing adjoining county watershed recognition processes for watershed councils that cover watersheds with only a small portion of the area located in Lane County provides efficiencies and avoids duplication of effort for Lane County.

D. Financial and/or Resource Considerations Minimal financial or resource considerations will be involved with a process that utilizes adjoining county processes.

E. Analysis The Board has received a request to recognize the Alsea Watershed Council which received recognition by the Lincoln County Board of Commissioners in Resolution No. 07-05-12-A, dated December 5, 2007. Adoption of the revised provisions for recognition of watershed councils would avoid unnecessary duplication of the recognition process previously conducted by Lincoln County and enable recognition by Lane County. The criteria of Lane Manual continue to address the membership, representational and assurance of citizen involvement requirements without utilizing a local government group to make a recommendation on recognition before Board action. An adjoining county governing body can perform that function when recognizing a watershed council for a watershed area located primarily in its county. Under the change to Lane Manual, the Board can rely on the findings and decision of that governing body to screen requests for recognition and honor the choice of the adjoining county.

F. Alternatives/Options

1. Approve the Order;
2. Do not approve the Order.

IV. TIMING/IMPLEMENTATION

Effective immediately.

V. RECOMMENDATION

Approve the Order.

VI. ATTACHMENTS

Board Order with LM pages attached

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 3 OF
THE LANE MANUAL TO REVISE PROVISIONS FOR
RECOGNITION OF WATERSHED COUNCILS BY
THE BOARD (LM 3.505 AND 3.508)

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

Lane Manual Chapter 3 is hereby amended by deleting, substituting, and adding the following sections:

DELETE THIS SECTION

3.505
as located on page 3-41
(a total of 1 page)

3.508
as located on pages 3-44 through 3-45
(a total of 2 pages)

INSERT THIS SECTION

3.505
as located on page 3-41
(a total of 1 page)

3.508
as located on page 3-45
(a total of 1 page)

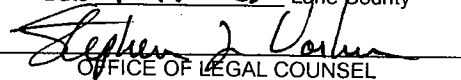
Said sections are attached hereto and incorporated herein by this reference. The purpose of this substitution and addition is to revise provisions for recognition of a watershed council by the Board (LM 3.505 and 3.508).

Adopted this _____ day of _____ 2008.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 7-15-2008 Lane County


OFFICE OF LEGAL COUNSEL

COMMITTEES AND OTHER ADVISORY BODIES

3.505 General.

(1) In addition to the Department structure presented in this chapter, a number of committees, boards, task forces and other advisory bodies may be required and established pursuant to certain statutory provisions, Charter, and LC 2.010.

(2) Pursuant to LC 2.010, the Board may further create boards, commissions, committees, task forces and other advisory bodies as deemed necessary by order of the Board. The Board may also describe and establish the responsibilities of its created advisory bodies by separate Board order, which shall be included within this Manual below.

(3) All advisory bodies created by the Board shall report their concerns and recommendations to the Board rather than taking action or policy positions on behalf of the County upon their own initiative.

(4) The Board delegates authority to the County Administrator to implement the advisory committee policy. This advisory committee policy applies to all advisory committees, unless the Board chooses to make an exception. A request for an exception to this policy shall be filed in written form and filed with the County Administration Office, identifying the unique and special reasons related to the functioning responsibilities of the committee submitting the request.

(5) Definitions

(a) **Community Organization.** A recognized group of residents in a defined area charged with advising County government on matters affecting the community.

(b) **Mandated Committee.** An advisory body to the Board of Commissioners, appointed by the Board. The existence charge and sometimes the composition of the committee is controlled by the enabling legislation.

(c) **Mandated Special Committee/Board.** A group of citizens appointed pursuant to statute and charged with certain independent decision-making and other responsibilities over a certain area of County Government.

(d) **Multi-Jurisdictional Committee.** A group of citizens appointed by a variety of governments and charged through an intergovernmental agreement with certain duties (some advisory, some independent decision-making) with respect to defined matters of mutual concern to the appointing governments.

(e) **Nonmandated Committee.** An advisory body to the Board of Commissioners appointed and charged by the Board with advising on certain areas of County government. The existence of the committee is controlled by the Board, and the members serve at the pleasure of the Board.

(f) **Standing Committee.** A group of two Board members and other County officials charged with studying issues and making recommendations in certain defined areas to the full Board.

(g) **Task Force.** A group created by the Board or County Administrator for a limited term to advise on a specific issue.

(h) **Watershed Council.** A voluntary local organization designated by a local government group convened by Lane County or a governing body of an adjoining county to address the goal of sustaining natural resource and watershed protection and enhancement within a watershed, per ORS 541.351 to 541.396. *(Revised by Order No. 97-4-2-1; Effective 4.2.97)*

3.506 Lane County Advisory Committee Policy.

(1) Formation & Dissolution of Committees

WATERSHED COUNCILS

3.508 Watershed Council.

(1) Creation.

(a) The Board will consider officially recognizing a watershed council when it meets the criteria described in LM 3.508(2) below, and upon completion of the following process.

(b) When a group believes it meets the criteria of LM 3.508(2) and it desires formal recognition, it shall request recognition and the Board may convene a local government group comprised of elected officials of interested cities, counties, water supply districts and sewer districts.

(c) The purpose of convening the local government group is to consider whether the requestor group is comprised of a sufficient balance of interested and affected stakeholders in the watershed, and whether it assures a high level of citizen involvement in the watershed action program. If so, the local government group shall designate the requestor group as a recommended watershed council to the Board.

(d) The Board may, but is not required to, use the services of the Lane Council of Governments as the local government group.

(2) Criteria.

(a) Watersheds. The Board has recognized five (5) river basins located primarily in Lane County: the McKenzie, the Middle Fork of the Willamette, the Coast Fork of the Willamette, the Long Tom and the Siuslaw. To be a recognized watershed council, the group must represent interests covering the entirety of one of these five basins. Other watershed councils representing interests covering the entirety of another river basin watershed that includes areas in Lane County must be recognized by the governing body of the county where most of the watershed area is located before the Board will consider recognition. If so, the Board may choose to recognize the council without convening a local government group in Lane County if the group seeking recognition meets the membership criteria in LM 3.508(2)(b).

(b) Membership. The group seeking to be a recognized watershed council must be comprised of a balance of interested and affected stakeholders in the watershed, and it must meet the representational requirements of ORS 541.388(2). The Board must also be appropriately assured that the group will be able to sustain a high level of citizen involvement in the development and implementation of a watershed action program.

(3) Purpose. Recognized watershed councils are formed and recognized for the purpose of addressing the goal of sustaining natural resource and watershed protection and enhancement, in accordance with 541.395. The councils are recognized as voluntary local organizations.

(a) Councils are encouraged to seek monetary and staff resources through partnerships or grants. Lane County recognition does not mean the County can or will provide such resources.

(b) Councils shall periodically report on their activities to the Board, not less often than once per year. *(Revised by Order No. 97-4-2-1; Effective 4.2.97)*

COMMITTEES AND OTHER ADVISORY BODIES

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(Revised by Order No. 97-4-2-1; Effective 4.2.97)

additional charges are given to the task force, then they will operate according to the above-established guidelines.

(c) In cases where the County Administrator creates the task force, he or she will designate membership as well as the chairperson. A charge and date of completion for task force activities will be determined by the County Administrator who will have discretion as to when the task force is disbanded or extended. Progress reports will be presented to the County Administrator as needed and prior to the scheduled date of completion. *(Revised by Order No. 93-3-31-7; Effective 3.31.93)*

WATERSHED COUNCILS

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

**LEGISLATIVE
FORMAT**

~~3.5083.505~~

Lane Manual

~~3.5083.505~~

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