

**BOARD OF COMMISSIONERS'
REGULAR MEETING**

July 12, 2011

Following HACSA

Commissioners' Conference Room

Commissioner Faye Stewart presided with Commissioners Jay Bozievich, Rob Handy, Sid Leiken and Pete Sorenson present. Acting County Administrator Alicia Hays, County Counsel Stephen Vorhes and Recording Secretary Melissa Zimmer were also present.

1. **ADJUSTMENTS TO THE AGENDA**

Handy asked to pull item 5.B.1. from the Consent Calendar. Sorenson pulled item 5.D.1.

2. **PUBLIC COMMENTS**

None.

3. **COMMISSIONERS' RESPONSE TO PUBLIC COMMENTS AND/OR OTHER ISSUES AND REMONSTRANCE**

Leiken reported that yesterday he spent time with Mark Frohnmayer and his group at Archimoto. He added that Frohnmayer is also a member of the Oregon Transportation Commission.

4. **EMERGENCY BUSINESS**

None.

5. **CONSENT CALENDAR**

A. Approval of Minutes
May 4, 2011, Regular Meeting, following Board of Health
May 18, 2011, Regular Meeting, following HACSA

B. County Administration

- 1) ORDER 11-7-12-1/In the Matter of Approving a \$150,000 Loan from the Overnight Stay Development Loan Fund to Economic Development Projects Operational Contingency. (Glenda Poling, Acting Community and Economic Development Manager)

C. Health and Human Services

- 1) ORDER 11-7-12-2/In the Matter of Awarding Contracts in the Department of Health & Human Services (Rob Rockstroh, Director)

D. Public Works

- 1) ORDER 11-7-12-3/In The Matter of Setting a Public Hearing for the Proposed Vacation of Portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), Located in the Southwest One Quarter (SW1/4) of Section 31, Township 17 South, Range 3 West and The Southeast One Quarter (SE1/4) of Section 36, Township 17 South, Range 4 West of The Willamette Meridian, in Lane County, Oregon (17-03-31-30 & 17-04-36-40)
- 2) ORDER 11-7-12-4/In the Matter of Authorizing Temporary Closure of Portions of Jasper Road, County Road No. 49, for up to a Total of 75 Days in Connection with the City of Springfield's Jasper Trunk Sewer - Phase 1 Project.

MOTION: to approve the balance of the Consent Calendar.

Leiken MOVED, Bozievich SECONDED.

VOTE: 5-0.

5.B.1.

Glenda Poling, Economic Development, reported there was \$250,000 put into an overnight stay revolving loan fund for the Village Green. She noted that the money was returned because they were not able to use the money. She added that out of the \$150,000 that came from video lottery funds, they are asking at this time they replenish their contingency fund by the \$150,000 and take it back. She indicated there is \$175,000 remaining in the overnight stay revolving loan fund. She said they would leave \$25,000 in fund. She noted that \$75,000 went to St. Vincent de Paul for a project in Oakridge.

Stewart indicated that the order talked about a loan. He heard that it was a transfer.

Poling recalled that they initially proposed it as a loan and at a time when an overnight stay project would come about, Legal Counsel had said instead of making a loan, to ask for a transfer, as it would be a cleaner maneuver.

Handy asked if the Economic Development Standing Committee had worked on this.

Poling recalled that they talked to them about it.

Handy asked for a report back on the status for the hiring of the two positions in Economic Development that recently came open.

Stewart was grateful the organization created this overnight stay development loan fund. He commented that it was a key component even though it wasn't used to help keep the Village Green a resort in Cottage Grove. He added it has been successful in helping with a project in Oakridge. He indicated the development loan fund will still be in existence, it will just have less money and at a future date if they have extra resources it could be placed back in the fund.

MOTION: to approve ORDER 11-7-12-1.

Leiken MOVED, Bozievich SECONDED.

VOTE: 4-1 (Handy dissenting).

5.D.1.

Mike Jackson, Surveyor, heard the Board had issues with the proposed placement of the gates. He distributed bicycle maps. (Copy in file). He indicated that the gates did not hinder bicycle traffic at all.

Sorenson asked if there was a map of the unvacated roads located on the Fairgrounds property.

Jackson noted that there are still some County roads that are not vacated.

Sorenson asked to have an overlay of the map that was distributed to them today for the next meeting.

MOTION: to approve ORDER 11-7-12-3.

Bozievich MOVED, Leiken SECONDED.

VOTE: 5-0.

6. **PUBLIC WORKS**

a. REPORT BACK/ADA Bus Stop Request on Scenic Drive.

Bill Morgan, Public Works, indicated that this is a report back on an issue raised in public testimony during the Board's annual CIP. He recalled the testimony started back in March and this item went through the Roads Advisory Committee, came to the Board and Ms. Ashwill presented public testimony during the CIP on May 10. He said the issue was through the Americans with Disability Act,

accessible bus stop on Scenic Drive. He reported that Scenic Drive is not built to urban standards as there are no curbs, gutters or sidewalks and it is not an isolated area in the River Road/Santa Clara area. He recalled at the Board's May 10 meeting, the Board directed them to look for any other solutions that Ashwill might have. He noted on Page 2 of the report (copy in file) they went into an analysis. He said they looked for low cost solutions that would meet design standards and safety. He noted that the issue is safety for the other traveling public. He proposed that they go out and pave an additional shoulder landing area. He said staff went out on June 3 and spoke with Ashwill to see if it would accommodate her. He added based on the input at the site, she indicated that it would not accommodate her because she needs a raised platform in order to properly board the LTD bus. He indicated an alternative design was looked at raising and providing a pad. He added that any time they have a raised pad; it does not meet their design standards or ASHTOS standards and has maintenance concerns. He said they went back to LTD to ask if there was any way they could rearrange the bus service and they thought there was no good solutions. He said even if they built a pad, LTD might not be able to have the correct bus. He said when they spoke with LTD; they felt they met the ADA requirements by offering Ashwill the opportunity to use Ride Source, a regional source program door to door. He added the cost is \$3.00 to ride, but they felt they met their need for ADA by providing Ride Source and they also provided that to the Roads Advisory Committee.

Morgan said some of the mitigating factors for the Board are that there are other bus stops within the service area that are not ADA accessible. He said if they pull this one, he asked what they do with the other non-compliant ADA bus stops. He said they think the best solution from an engineering standpoint would be that the road have the curb and gutter and continuous sidewalk to provide the ADA accessibility from point to point. He added in this case even if they built a pad or series of elevated areas, it will not connect with anything and that is a concern they have. He said the best solution is for the whole Santa Clara/River Road area to have curb, gutter, sidewalks ADA ramps, but the community stated that they don't want full urban standards, they are happy with a rural component. He said they have tried hard to come up with a solution. He reported they have put in over \$5,000 in staff time on this issue to find the solution. He said they have found no solution and their recommendation was the same with the Roads Advisory Committee and the CIP packet, that they cannot accommodate Ashwill's request for an ADA accessible bus stop. He said their recommendation is to do nothing.

Stewart commented that with the County's financial constraints and the CIP, it is financially not prudent to upgrade all those streets in River Road and he didn't think it was what a majority of the citizens would want to see happen. He said that LTD is the one providing the service and they have the obligation to meet the ADA requirement.

Bozievich thought staff did a great job researching this. He indicated that it points out the difficulty in meeting ADA requirements. He agreed that this was an LTD issue because it is their service.

7. **COMMISSIONERS' BUSINESS**

- a. ORDER 11-7-12-5/In the Matter of recognizing Tom Dahlen, PW Fleet Services a S.A.V.E. Award of 12 hours of TM.

MOTION: to approve ORDER 11-7-12-5.

Bozievich MOVED, Leiken SECONDED.

VOTE: 5-0.

8. **ASSESSMENT AND TAXATION**

- a. REPORT BACK/Tax Appeals.

Anette Spickard, Assessor, gave a report on tax appeals. (Copy in file).

Handy asked what policy issues the Board of Commissioners might consider at a policy level.

Spickard said there has been informal discussion among assessors in the large counties and the taxpayer representatives they deal with whether the timing and scheduling of BOPTA is working in today's reality with the volume of appeals that are taking place. She noted the start and stop times for the BOPTA window are set in statutes and the County Clerk has to convene it by the first part of February and they have to be completed by April 15. She noted that Deschutes County has the largest number of property tax appeals being filed and they are a smaller county. She indicated the legislature in the last session past a number of bills related to appeals.

Stewart said he gets constituent calls with questions about their tax statements and activities. He thanked Spickard for the incredible service she provides in helping him answer questions.

Spickard asked if the Board wanted her to report back to the Board annually about appeals related to the tax system. She stated that she would be happy to do it.

Stewart thought that was an excellent idea.

9. **MANAGEMENT SERVICES**

- a. REPORT BACK/DISCUSSION/Process to Review Population Densities of Each Commissioner District and Modify Boundaries Where Necessary.

Cheryl Betschart, Elections, indicated that she is reporting back as a follow up from the April 27 meeting in which they discussed the process to handle the reapportionment. She was asked at that time to complete a survey of the counties to find out what type of software they were utilizing for the redistricting process at the County level. She said in completing the survey they had 16 counties that responded that are currently using the Arc View GIS Software that includes Lane County in prior redistricting processes. She added that two counties didn't use any software and there were other counties that did not respond. She noted of the counties that responded, they were using the same type of software. She wanted direction from the Board on the process to move forward with the task force the Board previously appointed. She reported that County Administration has purchased the Moonshadow software.

Stewart asked if the task force scheduled the first meeting.

Betschart said that Judy Williams is handling that piece and the last correspondence she received is that the meeting is tentatively scheduled for July 28.

Stewart thought for the first meeting of the task force that they can make recommendations on the other two task force committee members.

MOTION: to move approval of Step One, Option 2, using LCOG staff to host interacting sessions using the ARC View GIS software to view results as boundaries are altered as directed by the task force and development of scenarios and maps for the Board's final boundary decision.

Sorenson MOVED, Handy SECONDED.

Bozievich said he would be voting against the motion. He said a question that could have been asked on the survey was what the counties used before ARC View GIS for the redistricting. He asked if they do utilize LCOG staff interactive sessions, how many iterations of the mapping will they be able to do for \$2,500 to \$3,500 versus how many iterations of the mapping would the task force be able to do with the Moonshadows software.

Betschart responded that they only have information they had in the prior ten and twenty years and based on that it seemed it was workable for the task force in what they had to consider. She recalled they met two to three times during the months they met and there wasn't any indication in the written documentation that there were any concerns on what was to be presented to the Board for consideration. She believed the task force in the prior ten years offered four

options to the Board of Commissioners with the maps, tables and distribution of population by district and those were analyzed by the Board. She thought LCOG would go by what the task force wants in making their decision. She indicated there is a time limit the task force has to work under. She stated that they want to get the job completed to the best of their ability with the distributions of the population changes and census. She asked if the task force should work independently. She added the task force will still have to work together to make four or five recommendations for the Board's consideration. She didn't know if all task force members would be able to work independently.

Bozievich commented that ARC View is a step up when it came into being and the ability to get data back. He indicated that Moonshadow takes that even further. He stated that part of what redistricting is trying to do is to make sure they get a fair representation of the citizenry. He indicated that the more iterations they can do that are available for the committee to look at and make recommendations from, the better job they can do. He commented that limiting them to 20 year old technology so they can only look at a limited number of scenarios seems to be limiting their ability to get to the best four or five recommended scenarios to the Board. He noted they own Moonshadow software so there is no cost. He said they can then export Moonshadow software to give to LCOG to make the final maps. He added that LCOG can be the keepers of record of the redistricting. He asked if there was a limitation to the ARC View system.

Vorhes said they are trying to set up a meeting with the task force to get them an opportunity to see what LCOG can do interactively. He thought they should wait on the decision until they have done that. He commented that the later they wait, the more they get crunched at the other end. He thought the task force could use Moonshadow and LCOG. He indicated that whether the task force uses, that they do have in-house capabilities to produce two or three map options to provide the same data at a comparable cost. He noted the LCOG contract is for the early stages and the production of the maps for the Board to look at and the map and data at the end of the decision. He added Betschart will need to take the information adopted by the Board and consider that in coming up with precinct boundaries.

Leiken stated he was surprised by the motion on LCOG because given the fact that two years ago when the County worked on the population forecast, he thought there was a lack of confidence in LCOG and that was why \$250,000 was expended to work with Portland State instead. He wondered why all of a sudden LCOG was preferred. He said after communicating with his appointee and the demonstration, he looked at it from a non-partisan way, as he hopes all the members of the task force will look at it. He added that given the fact they are a non-partisan Board, he was comfortable with Moonshadow. He wants to make sure people feel that there is consistency. He said there was an article in the newspaper that one of the task force members was uncomfortable with Moonshadow because a member of the Eugene City Council was selling it. He

said if this is about transparency, the County Administrator bought the Moonshadow program and it is available. He asked what the best bang was for the buck. He added that based on his representative Dan Egan, he was very comfortable with Moonshadow. Leiken indicated that in the past he had been comfortable working with LCOG for outside work. He added that he heard rave reviews from members of the legislature for using Moonshadow, coming up with a workable document statewide. He asked if Sorenson was locked into using LCOG. He asked if they could look at a hybrid, where members of the task force have the ability to use Moonshadow to incorporate that work with LCOG. He wanted to make sure they are careful with their expenditures. He said he wanted to look at it as a hybrid, but based on the motion using LCOG, and LCOG only, he can't be supportive.

Sorenson said part of the reason he made the motion was the way Betschart laid it out as different options. He doesn't view this motion as stopping the committee or the Board from using Moonshadow. He said they already purchased it and they can always use it. He said what drives this motion is that the Moonshadow application does not produce maps of final scenarios. He said they are trying to get a citizen task force with the tools they need. He indicated that Elections needs final maps. He didn't view this in any way as stopping people from using Moonshadow. He said the problem is there is more to do than making the interactivity with Moonshadow. He said they need the same maps the other jurisdictions are using. He indicated that they already have a working agreement with LCOG on the precinct boundaries.

Leiken said if the members of the committee wish to use the Moonshadow program and bring more information as they move forward, that was important. He wanted to know what would make Betschart most comfortable.

Bozievich said the motion was to adopt Option 2 to Step One. He said Step One is about reviewing existing boundaries, comparing them with population changes from the 2010 Census and modify the boundary to equalize population within the district. He said that Option 2 is to completely utilize LCOG staff for that. He added it does not include drawing the maps or the final adoption of the new lines. He said the mapping issue is not relevant to this step. He said they have to define maps. He indicated that Moonshadow generates maps electronically. With regard to other boundaries, he noted that anything in the shape file format could be brought into Moonshadow and vice versa. He said they should use the most advanced tool they can to get to the best redistricting they can. He said unless there is an amendment to the motion that includes allowing a hybrid, he had no objection to having the Board spend an extra \$2,500 to \$3,500, for LCOG to be there for the task force to do scenarios. He added that was additional costs beyond Moonshadow software that they already own. He didn't know if that money included Steps 2 and 3.

Betschart responded that Attachment A has the task for LCOG broken down. She added it would be an additional \$600 for them to put the maps together.

Bozievich said the current motion is not explicitly allowing the use of Moonshadow. He said unless he hears an amendment to allow that, he will be voting no on the motion.

Vorhes said there is not an order. He thought part of the motion would be to direct staff to prepare an order that reflects what was described in terms of the previous motion. He said the motion speaks to Step One. He said the tasks outlined by LCOG in the proposed IGA doesn't comport to the steps that are outlined in the cover memo. He indicated the first three tasks are included in Step One. He added that Task 4 is Step 2 and 3. He said if direction to staff is to negotiate with and work out an IGA that doesn't make it exclusive as to the use and utilization of the LCOG software and it includes that Moonshadow will be a piece of this equation, it would be helpful to have the clarity for their relationship with LCOG so there is no confusion. He added they could leave open whether LCOG prepares the maps, or they do it in-house, as that would be the way to have a hybrid process that enables the task force to have as many tools as they see a need for.

Sorenson amended his motion to direct staff to come back with a draft IGA to allow the use of Moonshadow and implement Step One Option 2 and Step 2, Option 2 and to use any data available from the census bureau and Portland State University.

Handy SECONDED.

Stewart thought Moonshadow was an incredible tool. He wasn't overly concerned about process. He said what he proposes to be adopted has to be defended and has to come up with reasons. He said he would be highly suspect if someone brought in a scenario and there was no conversation about it and was adopted unanimously. He commented that with the makeup of the five committee members and the two at large, he will suspect that every line change that will take place will be discussed at great length. He doesn't have any problems with how they come up with scenarios and how it will be defensible. He is supportive and confident of Moonshadow. He was disappointed that they haven't researched what their capabilities are in Public Works. He indicated that GIS in Public Works has the same capacity as LCOG does. He thought they could do the whole process in-house. He said there was a member of the task force who called Moonshadow to find out how they were registered to vote and making criticisms. He stated that this is clearly a non-partisan process. He thought it was ludicrous about some of the comments behind the scenes that are taking place. He will be supportive of the motion as amended. He was not supportive of the motion as was originally stated.

Betschart commented that she contacted Melissa about the redistricting process and she did not know if she would be able to do it at that time and expressed no desire in going in that direction. Betschart said that Melissa is new to the process and they didn't know if the legislature would make a decision or not so she was looking at a tight window. She thought going with a more experienced LCOG was the best decision and that was how she based her recommendation. She thought for the tight time frame, LCOG already knows what they need and they have done it before.

VOTE: 5-0.

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

None.

There being no further business, Commissioner Stewart recessed the meeting at 11:40 a.m.

Melissa Zimmer
Recording Secretary