

**BOARD OF COMMISSIONERS'
REGULAR MEETING**

August 16, 2011

9:00 a.m.

Harris Hall Main Floor

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.

Charter Review Committee Present: Mike Tayloe, Chuck Spies, Kristy Cooper, Doug Bakke, Alan Leiman Shalyor Scalf, Ken Tollenaar

1. **ADJUSTMENTS TO THE AGENDA**

None.

2. **PUBLIC COMMENTS**

None.

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

None.

4. **COMMISSIONERS' BUSINESS**

a. WORK SESSION/Charter Review Task Force Recommendations.

Chuck Spies, Chair, Charter Review Task Force, noted in the Executive Summary of their report, the issues that were not recommended should have been under Paragraph 1.

Sorenson thought they should have a public hearing on the items being recommended to go out for a vote.

Spies indicated they sought input for two month on this from the public and they received little input. He said the items going forward are technical issues that don't have a great bearing on policy.

Bakke said they went through each issue. He indicated that a goal from the committee was to present to the Board of Commissioners the recommendations and for the Board to decide to bring it to the voters. He noted that there were some things the voters didn't need to look at.

Spies explained that Issue 1 was housekeeping and a standalone measure. He thought they could have Issue 1 and 3 to repeal Section 8. He said they saw a problem with Issue 6, to get a three vote majority from the Board of Commissioners. He asked the Board if there was a benefit to decrease the requirement of days in between reading of an ordinance. He said they didn't know the reaction of the Board and that was something that needed to be discussed. They also didn't know if it was a benefit to have a two year Chair. He said when the Charter was first adopted, the only thing of value was setting election dates for the positions. He said they are recommending that those are repealed, but they would have to amend certain positions that are elected in presidential years and other positions that are elected in non-presidential years. He thought a repeal of the income tax cap might be another that had voter support a couple of years ago but there was a companion bill that failed. He asked if they still needed it. He thought they might want voter input.

Bozievich asked how likely they would be able to group these into single ballot issues or if they have to be separate items. He added that would determine if there would be ballot fatigue.

Vorhes explained that it will be up to what the Board decides in each of the subject areas and if they should go forward. He noted the housekeeping and some of the repeal items could be viewed as a housekeeping type of change and might be able to be bundled. He indicated if they put one ballot issue with several items they could create confusion for the voters. He thought the cleaner they could do it in a subject area, the better off they would be. He added that all of the ones recommended don't lend themselves well to a combination with the exception of the housekeeping and the repeal issues. He thought they should keep the issues separated as it would be safer.

Bozievich asked about Issue 11, Section 23 regarding residency. He noted the filing date for the elections is two months ahead. He asked if someone could file for a position and then move into the district. He asked if it was the election rather than the filing date.

Spies indicated they had a conversation about residing versus residency.

Vorhes indicated that they didn't look at the timing issue from the legal perspective, it was how long. He thought it might be worth checking into. He added if the period is exactly two months, they couldn't be able to file and then move.

Handy asked about issue 7a and 11 and decreasing the days between ordinance readings from 13 to 6 days. He asked if it isn't broken why they are fixing it.

Leiman said they heard from city administrator types that it was giving the Board more efficiency.

Cooper commented the fact of electronic media makes everything so quick and comprehensive they thought it was a convenience issue for the Board.

Spies indicated this would give the Board the opportunity not to have to wait 13 days. He said the Board could set the readings at any timeframe they wish and this would allow them the opportunity to have a shorter period of time between the readings of the ordinance.

Bakke said it would make the Board's job easier.

Cooper thought as long as there was enough discussion at the First Reading they could make it clear to the public they are not being left out.

Handy asked about Issue 11 with the districting residing requirements.

Leiman said of the eight issues recommended for placement, three feel into ones that are substantive. He said they debated this and had an honest discussion and tried to remain nonpartisan. He didn't know what the intent was in the Charter for 60 days. He thought it might have been in there intentionally for the filing period. He wanted to know what the thinking was before changing it. He added the two year County resident requirement satisfies the stranger danger of someone moving to the County and deciding to be a County Commissioner. He didn't think it was broken and they didn't need to fix it.

Bakke thought the way the Charter now reads it was read as residency versus reside. He thought the voters deserve someone who has been residing in that district, knows the issues and has a full understanding of what is going on in the area before they should run. He thought if anyone was going to run for commissioner, they need to be connected to that area and one year takes care of that, not two months.

Tayloe said they need to make it as open a process as they can. He was happy with the two months because they have a County residency requirement.

Cooper thought if they could have things without a big process, a year or whatever term longer than two months would work for her. She thought they should clear up the definition of resides and residency instead of extending the period. She said the system isn't really broken.

Leiken didn't see the two month piece as a problem.

Bozievich didn't think they should extend the residency requirement but change the deadline date.

Tollenaar indicated there are two answers: one is if someone is running for office and the other is whether they are in office. He said if someone is in office the district considerations are not important, they are dealing with things that relate to the County's welfare as a whole.

Bakke wanted to make sure the description was reside, not residency. He thought they needed to put this into the housekeeping language and state they must reside in the district.

Spies thought they should examine the legal question regarding resident and residency before they move forward.

Sorenson asked about the two month requirement in the Lane County Charter. He noted since 1976 and the current Oregon Law, that there is a 70 day period between the filing deadline and the primary election.

Cooper thought it was a housekeeping issue to comply with the ORS and to bring a definition to the word. She stated as a taxpayer, she would rather see less of a hole that corruption could jump through and a tighter rein for requirements and then have an exception for the military or Peace Corps.

Bakke said they never discussed the two month requirement. He indicated they put this in front of the Board to have this discussion.

Leiken thought if they could match up the filing date 70 days prior would make a lot of sense. He agreed this was housekeeping.

Bozievich noted in looking at the Oregon Constitution in Article 4, Section 8 requirement for the legislature is to live one year in the district prior to election. He didn't think it was an unusual requirement of the residence period that is before the last filing day.

With regard to Item 1, Stewart indicated there were nine items recommended to be placed before the voters. He asked where there was majority of support. He said Item A contains various housekeeping amendments. He added that there was consensus to move Item A forward. He indicated that for Issue 3, (the repeal of Section 8) there was consensus to move the item forward.

Stewart noted that Item C, Issue 6, Section 17 is to require a majority of the Board of the incumbent Board members.

Sorenson wanted to know more about the process that would occur in the event that two commissioners were either deceased or resigned. He didn't want to use that commissioners were absent from the County. He wanted to tighten the conditions under which the Board could take action.

Spies recalled the recommendation was a majority of incumbent members to the Board of Commissioners. He indicated it would only apply if they got to two commissioners.

Handy commented that this is a complicated issue. He thought this shouldn't be at the top tier of things they send out to the voters unless they have some partners with facilitating the conversation with the community so there isn't confusion on what the impact of this would be.

Stewart thought this needed more discussion. He asked if they shouldn't pursue this any further.

Sorenson said they were under a deadline for an election later this year. He wanted to be careful about the ones they are recommending. He thought Issue 1 should go forward but he didn't want Issue 6 moving forward. He wanted to see more buy in before they send these.

Stewart noted that Issue 7a, Section 18 reduces the days of ordinance readings from 13 to 6.

Handy wanted to send this to a public hearing to see if they want to weigh in on it. He wanted to learn more about it.

Sorenson was impressed with the committee's discussion that this was added before the more publically available communications. He was in favor of having this go to a public hearing. He was interested in hearing more about this. He thought there was a financial cost associated with this. He thought it was bigger than what County staff had represented.

Stewart asked if all the items they have agreement on should go to a public hearing and after the hearing decide which items go before the voters. He recalled the committee stated that they have had public input throughout their process and they thought the public hearing will be the actual vote.

Sorenson asked if they could narrow the eight issues down to three ballot measures so they are not hitting voter fatigue.

Vorhes said if they move more than one issue to housekeeping, they might be able to get to three measures. He said they could put two or three measures on the ballot.

Bozievich thought Issues 1, 3 and 16 are housekeeping and technical changes to the Charter. He said the issue about majority vote and incumbent Board members might require additional discussion. He said the issue around spending limitation and income tax cap have policy implications and are not technical changes to the Charter and they will see a large public discussion about both of those items.

Sorenson wanted to move on Issues 1, 3 and 13. He said they should schedule a public hearing and ask Legal Counsel to write them up in the form the voters would see. He said after they have the first reading they could have the public hearing to see if there was any opposition. He thought with Issues 1 and 16 there would be no opposition, but with intergovernmental agreements, there is controversy and people have their own opinions on whether the power should be limited or narrowed. He thought once they get past the initial set, they could talk about the other issues that are controversial.

Leiken agreed on Issue 1 and 16 as housekeeping. He said Issue 3 for him was not a big deal, but it might be for other people in the County. He thought for the other issues they should go out for a Public Hearing. He thought they could look at these for different years out into the future.

MOTION: to have County Counsel prepare Charter Amendments for Issue 1, 3, 16 and once they are prepared, they will schedule a Public Hearing and then put them to a vote of the citizens. The remaining items will be brought back to an additional work session.

Sorenson MOVED, Leiken SECONDED.

VOTE: 5-0.

4. **EMERGENCY BUSINESS**

None.

5. **COMMISSIONERS' ANNOUNCEMENTS**

None.

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

None.

6. **OTHER BUSINESS**

None.

There being no further business, Commissioner Stewart recessed the meeting at 12:00 p.m.

Melissa Zimmer
Recording Secretary

