

**BOARD OF COMMISSIONERS'
SPECIAL MEETING**

September 8, 2011

2:00 p.m.

Harris Hall and

Board of Commissioners' Conference Room

Commissioner Faye Stewart presided with Commissioners Jay Bozievich, Sid Leiken and Pete Sorenson present. Rob Handy was present via speakerphone. County Administrator Liane Richardson, Acting County Administrator Alicia Hays, Acting County Counsel Dan Olsen and Recording Secretary Melissa Zimmer were also present.

THURSDAY, SEPTEMBER 8, 2011 – SPECIAL MEETING

2:00 p.m.

1. **EXECUTIVE SESSION as per ORS 192.660**
(Commissioners' Conference Room)

Per ORS 192.660 (2)(f) and (h) for the purpose of pending litigation.

Olsen indicated that they will be having an Executive Session. He indicated the subject for the Executive Session is potential litigation. He added the potential litigation involves the event that is allegedly to occur on Swamp Creek Road this weekend and they will be discussing the County's findings and the things they have discovered regarding the event and the legal standards with the Board. He noted people who are present today have had some involvement with the event.

2. **PUBLIC COMMENT**

John Skinner, Junction City, said he is the Executive Manager of Security Certified for Elite Security Services who was the security company contracted for this event. He added that they were also the security company last year. He recalled that last year they were contacted by Russell Gorman who owns Flair Promotions. Skinner indicated that Gorman contacted him about two months before the event to let him know there will be about 1,000 people. He added that Gorman only had about 300 pre-sold tickets. He contracted a small amount of people to do this. He recalled that last year was the tenth year they had put on the event and Gorman was basing the figures on the averages he had done in previous years. Skinner reported that last year there were lots of people and it exceeded the amounts that they were told. He stated they were understaffed and did the best that they could to make the event go as safely as possible. He indicated that to the best of their knowledge, nothing serious happened last year on their watch. He added that last year there was a lack of medical staff. He has written documentation that they had contacted Gorman in March when he said he was going to have another event and they told Gorman their demands if they were to contract with him again. He said before

they would participate in this event, they wanted to accept the contract offer. He said they asked for 45 to 50 guards and they settled on 42 guards. He indicated that they had asked for medical staff from 4 to 8 guards, tents and lighting. His staff was also in charge of parking last year. He recalled that last year there was a severe problem of the road being blocked. He indicated they would be taking over parking this year. He said they are willing to do everything they can as a company to make the event safe if it does happen in Blachly. He added that Gorman has been communicating with them as much as possible, saying that he is looking for other places because he knows about the problems at Swamp Creek Road and he was trying to get out of the County. He said that Gorman has presold 600 tickets. Skinner indicated that there is a Facebook sight saying there are 6,200 people coming. He reported that Elite had taken part in the Country Fair and the Reggae Festival in Marcola. He ran the traffic for parking and there were no lines for the people. He stated that they controlled that issue perfectly.

Brian Singer, Owner, Elite Security Services, Ohio, reported that John Skinner runs his branch in Oregon. Singer indicated that he has all documentation for Ohio and Oregon. He reported that he has been doing this for 26 years and last year they went in blind with Gorman and they made it work. He indicated that sent a letter to Gorman on March 24, 2011 stating what had to be done if they were to be hired as a company for a safe, successful event. He said if the event does happen, the issues that were a problem last year are being addressed by their staff.

Stewart asked how many people showed up last year.

Singer recalled around 3,700 people.

John Burgess, Eugene, said he is an Executive Manager, and has been doing security in Lane County since 1991. He said he was the supervisor for the Filbert Festival and on the Country Fair Board of Directors. He said that Gorman asked him to come today. He had worked with Gorman at other events in Eugene. He had done Rave's previously with Gorman where there were 75 people and where they had to move people out of the WOW Hall. He indicated that he had been to the site, but had never done this event. He said the numbers are between 600 to several thousand. He thought if the Board decided to go forward with this, that Elite Security will handle it. He indicated that he has worked with Officer Coombs on numerous occasions. He said he has a phone call in to get an onsite fire truck and a call to get some additional tankers for fire suppression. He didn't know about this meeting until 90 minutes ago. He asked the Board to let this go forward so they can do this professionally and they will work with the event to make sure they are more prepared in the future.

Bozievich asked if Gorman did anything to assure that there is a safe drinking water supply for the event attendees.

Skinner indicated that he spoke with Gorman this morning and they had a tent last year with unlimited water and orange juice. He recalled last year there were two booths

selling water for one dollar but then there was a booth for free water. He said their medical staff and security tent will also have several flats of water.

Bozievich asked if the vendors involved have been inspected by the Health Department. He also asked about sanitation and trash collection

Skinner didn't know about the vendors being inspected by the Health Department. He indicated the property owners have their own staff collecting trash at the beginning, during and after the event.

Bozievich asked if they have addressed everything in the State Fire Marshal's update for guidelines to fairs, trade shows and carnivals.

Skinner responded that Gorman told him he had.

Matt Chamberlin, Eugene, said he is the owner of Chamberlin Events Services. He said that Gorman contacted him about a week ago and asked if he knew about another venue or some way to get through the County issues this late in the game. He indicated that Gorman is 15 minutes away and he is planning on attending this meeting. He said that Gorman was looking for a lot of things, all of which he was not able to give him. He said they are aware it is hard at this late date to achieve what he is trying to achieve. He reported that Gorman has about 4,000 people looking for a place to gather on Swamp Creek. He indicated that if this event is not going to happen, the question then becomes how do you stop 4,000 people gathering out on Swamp Creek. He thought that could cost the County some money in overtime hours to ensure that the event doesn't happen. He added that the County has made exceptions to allow people to put on other events at late time applications and he has worked with the County to be able to get through the issues with the Health Department. He thought those issues could be held quickly to bring this event up to a standard of health and safety that would be acceptable to the County. He said that Elite Security is extremely capable to keep people off the road and give emergency vehicles proper access they need to get in. He believed the campgrounds could be set up so that they are safe. He believed it is just a phone call and a little more money to get port-a-potties out there. He noted a call has been put out to a clean water supplier who has worked with the County before. He indicated that vendors could be brought in to do health issues correctly. He said the County has to decide whether to take the risk of having this event and allow Gorman to bring up his standards the County needs, (including the fee schedule and the ability to pay off the County) as opposed to fighting the event.

Bozievich recalled that Gorman was fined over \$5,000 for holding this event last year and Gorman was informed at that time of the permit requirements. He indicated this event has been posted on Facebook for days that Gorman didn't have permits and it was possibly going to be closed down. Bozievich didn't think it was fair to the neighbors. He stated that Gorman has known for over a year that he needed permits and he didn't make any attempt to get those permits. He reported that they are coming into a red flag warning this weekend and that area is heavily timbered. He added there is a fire danger

for people. He indicated they just mowed the field and they are going to put cars with hot catalytic converters on top of the field.

Dawn Angelo, Springfield, said she was present on behalf of Gorman. She said they are going to cut it off at 2,900 people and that there will be on staff medical and port-a-potties. She said they will be doing the parking inside on the property so the roads will not be blocked.

3. **OTHER BUSINESS**

ORDER 11-9-8-1/In the Matter of Closing Swamp Creek Road, Jay Road and Rust Road from Friday September 9, 2011 through and including Sunday September 11, 2011 for the Safety of the Public.

(The following took place after Executive Session).

Stewart indicated they are back in regular session. They had a lengthy discussion in Executive Session. He said their discussion was about an event up Swamp Creek that has been advertised to take place on Friday, Saturday and Sunday. He indicated that this came to his attention two days ago. He recalled that there was an event that took place a year ago similar to this event that had between 3,200 to 4,000 people. He indicated last year there were issues that arose about not adequate security and several instances where people needed to be transported by ambulance. He had concerns about the previous event. He added because this event has not received authorization or a mass gathering permit for this specific activity, he has concerns about the life safety and health concerns of the attendees. He asked if they would have adequate fire protection at a time where they are headed to temperatures in the 90's. He wondered if the access was adequate to move people in and out. He heard from staff that there is an 18 foot wide road, but it acts as a road that permits one and a half vehicles in width so it is really a single lane road. He wasn't clear about adequate water or sanitation. He thought if this event went for a proper mass gathering permit things could be dealt with. He said for him personally, he supports events that have been properly permitted and meets all the life safety and health regulations to try to limit any potential problems.

Russell Gorman, Portland, said he wasn't present at 2:00 p.m. because there was a misunderstanding. He said when he called to find out about the meeting he was told Executive Session would be from 2:00 to 2:30 and Public Comment at 2:30. He stated that he was doing his best to produce this event with the greatest intentions. He added that safety is a big issue for him. He indicated that he has done everything in his power that he possible can by having a licensed and bonded security team, medics and the proper facilities. He indicated that they have a fire truck waiting to be present. He stated they have a large staff of people willing to show their support. He indicated there are 150 artists coming in from all over the country and many are already in town. His goal is to provide this event so everyone can have a great time and to be as safe as they can by taking extra precautions. He tried to get a permit a long time ago but there was some confusion. He learned about different rules with mass gatherings. He said if they get

permission to do this, he doesn't plan on having more than 3,000 people. He said he will cap it around 2,900. He didn't expect that many people to show up. He indicated there is a similar event going to take place where they have sold 15,000 tickets for a show. He reported he is only at 400 tickets pre-sold. He stated the money is not a big deal, he wants everyone to have a good time. He wanted to prove that he could do this successfully. He stated that he has 12 years of experience. He doesn't want his family to lose their house because they bailed him out. He stated that he has his reputation on the line nationally and his intentions are nothing but good. He wanted to keep this event in Lane County because it has become a staple in the community. He said it means a lot to him and a lot of people.

Sorenson asked if Gorman obtained any permits to hold this event.

Gorman responded that he tried to get a mass gathering permit, but it wasn't within reason and the amount of time. He was told that he didn't need a permit for 3,000 people or less. He hoped they can meet the expectation and cap the crowd. He said whatever the Board of Commissioners say goes. He didn't care about the money. He said what was important was everyone getting taken care of.

Leiken said he would like to give Gorman the benefit of the doubt, but his biggest challenge is that if Gorman had been involved in putting on events like this for a number of years, he should know the criteria of the place where they are going to place the event. Leiken's view is it is important that Gorman come in to the area jurisdiction where the event is first before he starts laying out his organization. Leiken stated that he is not opposed to Raves, but it is important to have guidelines in place for the protection not only for the landowners or the neighbors around the location, but for Gorman. He said this was where the ball was dropped. He thought Gorman could have had this in place and the event could have moved forward in a positive way.

Gorman said his purpose is to bring people together. He said there is music, art and enjoyment. He added it is not about the money. He stated that he currently does not have a job and this is his only source of income. He said there have been tickets sold under the table to generate upfront costs. He said besides his reputation on the line, he is worried about getting beaten up. He wanted to make the people happy who are coming in from out of town to show them that Lane County is an awesome place that supports the music industry and the positive movement they are doing. He said he has come in several times to try to make things happen. His original intention was not to host this event out in Swamp Creek. He wanted to change locations. He wants to come through this and he doesn't want his family to suffer because of this.

Leiken asked Chamberlin how his company was involved.

Chamberlin said if the Board allows this event to go forward, he committed his company to consult the event. He said Gorman has an adequate security company and a large number of volunteers. He thought there needed to be a better way of communication between the County with the traffic issues and the emergency vehicles going in and out.

He said he will make sure the campgrounds and parking area are in the correct fire lanes. He was willing to be on-site for this event and have his walkie-talkie radio. He indicated that there needs to be protocol because the event doesn't yet have it. He indicated that would be a complete emergency plan, fire issues and guest safety. He noted in his conversations with Gorman, that Gorman paid a fee for his issues. He said that the County told Gorman last year he shouldn't have the event. Chamberlin recalled that Gorman had the event and then he paid a fine of \$6,000. He indicated he had a conversation with Gorman and asked him what happens if he has to pay a fee this time. Gorman told Chamberlin that he thought he was paying a fee again this year after the event. Chamberlin told Gorman that was not how the County works. He said that Gorman should stop the event at 3,000 people. He said that Gorman said he wouldn't be able to pull something like this again in this County. Chamberlin indicated that if Gorman has this again next year, he will ask that he is involved. He said that next year it will be in a different location. He recommended the Board allow Gorman to complete the event this year and take it to another spot next year.

Bozievich commented that Gorman's 12 years experience doesn't give him much confidence. He said that Gorman had 11 years experience when he ran into the event last year and the problems they had. He added after that event Gorman was fined and was told exactly what he was fined for and what he needed to do to be in compliance with the law. He recalled they recently had a rock quarry change their plan of operation without permitting and they went to Court to stop them. He said they can't have people doing things in this County without permits. Bozievich asked what he tells the neighbors who are all objecting to this. He said that Gorman has known from when he was fined last year that when he paid off the fines that he needed to go through the mass gathering process and turning in his plans. Bozievich stated that he cannot trust anything he is hearing. He stated that he has to be consistent in their application of law. Gorman's intent originally was to have more than 3,000 people. He added that he wouldn't have posted it on the website if he was going to limit it to 2,900. He said it is not just Gorman, but the owner of the property has consistently violated land use laws and they can't allow the property owner to keep violating land use laws.

Stewart asked Jane Burgess about her conversations with Gorman about the special use permit.

Jane Burgess, Land Management, indicated that she and Gorman have been in constant contact for over the past year since the last event. She stated they had to negotiate when the fine was going to be paid. She said he was able to pay it in three installments. She added that they invited him and a colleague to meet with them and one of the planners for no fee. They sat down with Gorman and his representatives and explained the options. She said she has been in touch with him since January of this year to keep the dialogue going. She always stressed what his options were and the applications he needed to get. She felt confident that Land Management has conveyed the message of what was required to hold this event. She explained in the EFU Zone there is a special use permit requirement and it could take from 90 to 150 days to obtain. She added that after that is

secured and the special use permit is secured for a mass gathering, then Environmental Health is the body that issues the permit.

Stewart stated that there had been time for Gorman to have started the process.

MOTION: to move that the Board file a temporary restraining order to prevent this event from moving forward and if that restraining order is granted, that they declare Swamp Creek Road, Jay Road and Rust Road closed to only local traffic at Highway 36 for Friday, Saturday and Sunday.

Bozievich MOVED, Leiken SECONDED.

Olsen asked that it be closed with local access limited to ten vehicle trips per day per resident. He thought local access itself might not be sufficient technically.

Bozievich amended his motion to include that.

Leiken SECONDED.

Sorenson asked Burgess if the event going to take place this weekend is required to have permits for it to go forward.

Burgess recalled that Gorman told her in the past that there would be over 4,000 people. She said a mass gathering permit would be required for 4,000 people. She said because of an event that happened at the end of June this year, the landowner is not eligible to have another event for 90 days of any size.

Sorenson said his support of this is based on the fact that no permit was applied for. He agreed with the view expressed that they shouldn't have any hostility toward mass gatherings or any particular type of event.

Leiken asked what happens if the Judge chooses to deny.

Assistant County Counsel Marc Kardell said under the wording of the order, they would go back to fines. He said the Board has the right to close the roads without the Judge's say in this matter. He said they could separate the two and close the roads regardless of what the Judge does.

Bozievich stated that he has always been a strong supporter of private property rights, but property rights stop at the point of where they are endangering the public and neighbors. He felt Gorman's failure to supply adequate safety plans and to go through the proper permits is why he made the motion and while he will support it. He stated that Gorman had time to get all of the necessary permits and to make it a safe event. He thought the County had a liability if they don't stop this event and something happens. He said he doesn't want to be the County that has a fire event at an outdoor concert.

Leiken hoped this will be a good learning experience. He said that unfortunately Gorman was at the County too late. He said it is too late to grant something when it will take place in a day or two. He added that they have to have a consistent policy in place as a government body.

VOTE: 5-0.

Stewart shared the same comments as his colleagues. He wants to support activities in the County that are organized, done properly and have their permits in place. He understands the hardship this will place on Gorman but he thought what he heard from staff and his fine that Gorman needs to work with the authorities. He stated that without permits, a lot of things could go wrong.

There being no further business, Commissioner Stewart adjourned the meeting at 4:20 p.m.

Melissa Zimmer
Recording Secretary