

**BOARD OF COMMISSIONERS'
REGULAR MEETING**

September 14, 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.

1. **ADJUSTMENTS TO THE AGENDA**

Bozievich requested that item 5.B.1. be pulled from the Consent Calendar.

2. **PUBLIC COMMENTS**

Carol Dennis, Eugene, recalled that last year she was appointed to the Lane County Commission for the Advancement of Human Rights by Commissioner Stewart. She said they had never had a quorum or had an official meeting. She said in that time they had three referrals. She understood the County has funding problems and they are looking for places of money. She commented that with this time in Lane County with a growing minority population and the uptick of hate crimes across the nation, she questioned the timing of disbanding the Lane County Commission for the Advancement of Human Rights at this time. She thought by adding one more person whose seat is filled by someone who is an equity and diversity advisor, the work is being looked at through the eyes of someone who can see the impact for the underrepresented population. She commented that everything affects the entire community, even those people who are not represented on the committees.

Silver Mogart, Eugene, said he works with CALC and the diversity program. He advised against the Board disbanding the Commission for the Advancement of Human Rights. He noted there is an uptick in issues that pertain to racism and anti-Semitism. He indicated that if the Board disbands the commission, they will be doing that on the heels of a highly publicized Creswell incident.

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

Bozievich stated he pulled item 5.B.1. to look at the Commission for the Advancement of Human Rights. He indicated the County Administrator might have a way of keeping the commission functioning at almost no cost to the budget. He said it had nothing to do with the recent events in Creswell. He said right now one dollar they are spending on a committee is one dollar they are not spending on a service. With regard to the music festival that took place this weekend, he thanked the staff at Lane County for the quick response they made. He recalled that he was notified by local residents that that music festival was going to take place and their concern for the safety of their homes and the

people attending. He noted that other agencies were also involved. He stated that it restored his faith that government can actually do its basic function, which was to protect the public, especially during a red flag fire warning. He stated that the actions they took saved lives this past weekend and the extra effort a lot of County employees went through to do that was impressive and efficient. He said that everyone did an amazing job. He expressed his thanks to all the employees involved. He also thanked the Board for attending the meeting on a down week and voting for asking for a restraining order from the Judge.

Handy thought there was more work they have to do when it comes to intolerance and racism. He recalled the proclamation the Board passed on October 21, 2009 against hate speech and actions. He asked if elected officials are looking to abolish an organization addressing human rights, what message they are sending to the community. He said he will work with his colleagues and the community to say no to these types of activities.

Leiken wanted to find a solution with regard to the commission. He added that financially the County is in a tough situation. He noted the 10th Anniversary of 9-11.

Sorenson said they have had various commissions and committees. He thought it was important that the County government have some sort of Humans Rights function. He didn't know if they should rely solely on volunteers and advocacy groups in the community. He said they need a neutral group the Board appoints to look at these incidents.

Stewart thanked staff and everyone involved for the incredible effort at Swamp Creek. He reported that he witnessed Cycle Oregon in action. He said they stayed in Cottage Grove and he was taken aback by 2,600 people coming into the community. He stated that the community came alive. He noted that Cycle Oregon's mission is to promote and help rural communities.

4. **EMERGENCY BUSINESS**

None.

5. **CONSENT CALENDAR**

- A. Approval of Minutes
 - October 28, 2009, Regular Meeting, 1:30 p.m.
 - November 3, 2010, Regular Meeting, 1:30 p.m.
 - May 26, 2011, Joint Elected Officials Meeting, Noon
 - August 17, 2011, Regular Meeting, 9:00 a.m.
 - May 10, 2011, Regular Meeting, 9:00 a.m.
 - July 6, 2011, Regular Meeting, 9:00 a.m.
- B. County Administration

- 1) ORDER 11-9-14-1 In the Matter of Amending Chapter 3 of the Lane Manual on Standing Committees, Advisory/Mandated and Nonmandated Committees or Boards to Incorporate Changes to Member and Commissioner Involvement on each of those Committees and Consolidate or Eliminate Others (LM 3.515 – 3.552; LM 3.558).

C. Health & Human Services

- 1) ORDER 11-9-14-2/In the Matter of Appointing One Member and Reappointing One Member to the Mental Health Advisory/Local Alcohol and Drug Planning Committee.
- 2) ORDER 11-9-14-3/In The Matter Of Adding One Fulltime (1.0 FTE) Administrative Assistant to the Public Health Division and One Temporary (.5 FTE) Office Assistant 2 to the Family Mediation Program for FY 12 in Fund 286 Department of Health & Human Services.
- 3) ORDER 11-9-14-4/In the Matter of Appointing Two and Re-Appointing Two At-Large Members to the Public Health Advisory Committee and Re-Assigning One Member from At-Large to Licensed.

D. Management Services

- 1) ORDER 11-9-14-5/In the Matter of Award of Bid LCP 2011-07 for a Construction Contract for the Martin Luther King Education Center.

E. Public Safety

- 1) ORDER 11-9-14-6/In the Matter of Approving the 2011-2013 Lane County Community Corrections Plan and Delegating Authority to the County Administrator to Sign Intergovernmental Agreement #4548 Between the State of Oregon and Lane County.
- 2) ORDER 11-9-14-7/In the Matter of Accepting the Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant for Law Enforcement in the Amount of \$124,360 and Delegating Authority to the County Administrator to Execute all Related Grant Award Documents.

F. Public Works

- 1) ORDER 11-9-14-8/In the Matter of Approving Separate Intergovernmental Agreements with the State of Oregon, Department of Transportation, Regarding the Use of Glenwood Boulevard as a Temporary Detour Route, and with the City of Springfield Concerning the Surrender of Portions of Glenwood Boulevard, County Road No. 2114 and East 17th Avenue, County Road No. 1728 to the City of Springfield.

- 2) ORDER11-9-14-9/In the Matter of the Alteration of a Portion of Row River Road (County Road No. 1089 & 407) (21-01-32-4 & 22-01-05)

MOTION: to approve the balance of the Consent Calendar.

Leiken MOVED, Bozievich SECONDED.

VOTE: 5-0.

5.B.1.

Bozievich said his understanding through Liane Richardson is that she may have ideas for revising the Commission on Human Rights that would be different than what was proposed in the board order and would change the attached language. He recommended that the County Administrator bring this back in about a month after she has had the ability to review the options for keeping the Commission for Advancement of Human Rights as an active commission with a clear mission, purpose and a lower budget impact than what had previously been projected. He was in agreement with the rest of the board order.

Stewart said there is direction to bring this back in a month to focus on the Commission for the Advancement of Human Rights to allow Richardson the time to incorporate what she would like to propose as a cost savings and/or clear policy that can allow this commission to function properly. He said the reason he voted in favor of initially moving this forward to remove the commission is because he has been on the Board for six years and in the six years he has been here, he never thought the committee was able to do anything. He said there were times they couldn't get quorums. He added that in six years he didn't even know if they met enough times to fill a year of meetings in a six year period. He indicated the committee was allocated a substantial amount of staff time staffing the commission. He said they weren't able to address the needs in the community. He thought by the events taking place in Creswell and in other areas in the County is that there is a need. He said they need to address this by more than just talking about it. He thought this was an opportunity to do asset management where people could speak about these instances to help move forward to bring the communities together. He wanted to give Richardson the opportunity to bring something back that can be meaningful.

Handy said he spent his first two years working with the community and staff to make these changes. He said the reality is they haven't given the newly invested commission a chance to function. He wants Richardson to review the work of the task force and the things that are currently in code that haven't been given the chance to work.

Vorhes said if the Board wants to put off all of the changes in the manual now and bring it back as a package, they could do a motion that moves it to another time. He noted the other option is to direct staff to not include the proposed changes that relate to this committee and remove those from the order and leave the manual the way it currently expresses the function of this group. He recommended having the Board approve the board order without the changes to the Commission. He indicated that the manual would reflect the order pages they would attach to the order signed by the Board chair. He said it would leave the current version of the manual in place as it relates to this commission.

MOTION: to approve ORDER 11-9-14-1 to set aside the Lane County Advancement for Human Rights in Section 3.540 and bring it back in a month for further review.

Bozievich MOVED, Leiken SECONDED.

Vorhes indicated they will include in the listing on Page 3.64 the legislative format of the listing of non-mandated advisory committees.

Handy wanted to see what is brought to the Board. He said he will not support this motion today because he has not been supportive of eliminating the Vegetation Management Advisory Committee. He stated he was supportive of the Lane County Advancement for Human Rights Committee and the VMAC Committee. He said part of the committee's charge is to vet important policy issues in the community to bring together diverse viewpoints and interests and to hash out the important issues that would have gone to the Board of Commissioners.

Sorenson wanted to have a review of how to provide advice to the Board of Commissioners on all of the topics. He will be voting against eliminating the VMAC Committee. He noted that over the years that committee has provided a lot of advice to the Board regarding the issues of Vegetation Management along County roads. He thought these were a continuing set of issues. He said by eliminating VMAC, they will not be able to have a forum and they will see people coming directly to the Board and those issues won't be examined in any meaningful way. He thought it would be better to tell the public they value their concerns and they want them to take those concerns to the advisory committee. He commented that just because they don't have a forum to work out problems doesn't mean those problems will go away. He indicated the VMAC committee is paid for out of the road fund. He commented that the road fund dollars that are expended to VMAC is a good use of dollars. He said they will see some inefficiency in the way staff is drawn into controversies. He said to him eliminating VMAC is a bad idea and he hopes the Board will see it his way and he will be voting against the motion.

Bozievich stated that he will support the motion. He said VMAC is a duplicative function. He noted they have a Roads Advisory Committee and VMAC is but one function of road maintenance. He added to have a separate committee to deal with that at this point (when they have eliminated the use of chemicals in managing their vegetation) seems to be an unnecessary expense and the Roads Advisory Committee can deal with any issue dealing with vegetation management. He said the road fund is projected to run out of money in a couple of years and they have already eliminated almost all capital projects from the road fund and are in a maintenance mode at this point. He recalled the whole discussion about non-mandated committees started in early January and it revolved around the good governance board order and whether or not board members should participate in committees. He indicated that it was Sorenson who was advising the Board to be careful about how many committees they wanted to be involved in because they might overwork themselves. He added with the advice, they actually sent the non-mandated committees to the Policies and Procedures Committee to review to see if they needed all the committees. He recalled the board order they approved on January 12 did not include the Lane County Commission on the Advancement of Human Rights or VMAC because those were non-mandated committees that had been referred to the Policies and Procedures Committee. He did not previously approve and seek people on this committee. He said they postponed the decision to put people on the committee in January as part of the recommendation to move it to Policies and Procedures Committee. He believed the VMAC is an example of a committee that has served its purpose and has a duplicative committee that could do the same function. He added that it will be a cost savings to the road fund and to the County to eliminate the committee.

Leiken recalled they had just had a joint committee with the Roads Advisory Committee. He said this topic was discussed and he heard from the RAC members that they were enthusiastic about incorporating the vegetation management side of it in this discussion. He commented that they are going to have to look at things differently with the loss of the SRS funds. He wanted to know how efficient they are going to be with their dollars. He said besides the Roads Advisory Committee, the County's mission is to look at the County road system. He wanted to transfer the name of the committee from Roads Advisory to the Transportation Advisory from the County level. He recalled when they had the joint meeting with the Roads Advisory Committee they were enthusiastic about looking at the VMAC side and incorporating that into their mission. He stated that they have to look at how they can become much more efficient, effective and innovative.

Stewart was in support of the present motion. He noted that currently Lane County has and is honoring a moratorium on spraying. He indicated there is no spraying taking place in the management of their right of ways and that was the sole purpose of VMAC's work. He added when the County managed right of way with spray, VMAC did an incredible job in working on the Last Resort

Policy that was achieved and has been adopted. He said with the moratorium there is no spraying. He concurred with the comments that there is a great opportunity for citizens to comment on their concerns not only directly to the Board, but they have the ability to go to the Roads Advisory and Health Advisory Committees. He stated there is a funding situation and next year with the projected loss of the SRS, their budget for Public Works on the road side will be 50 percent of what it has been in the past and greatly reduced from what they have today. He added their reserves will be extinguished. He said they have to make sure they are prudent with their dollars and they are not duplicating services and costs. He said he had confidence in the members who have been appointed to the Roads Advisory Committee and their concerns. He recalled they had extensive conversations about vegetation management as a majority of the tour was watching roadside brushing and mowing and the complication in dealing with invasive species. He noted there is a place for people's comments and an ear to listen to people. He indicated that if some time in the future the Board changes the practice on the way they manage their rights of way and concerns looking at the Last Resort Policy and implementing herbicides and sprays, then he will ask to reconstitute the VMAC Committee in how they use the practice.

Handy said the initial intent to relook at how they might still incorporate the Commission for the Advancement of Human Rights functions into their Lane Manual is creative. He said with the VMAC Committee they have had different ideas where it might end up. He said they could be consistent with what they are asking the County Administrator to do, to hold off passing this and to do the same thing with the VMAC Committee. He said to give the County Administrator time to put this into Lane Manual to figure out which committee is going to pick up the responsibilities. He asked Stewart to find a middle ground and legislation policy that reflects their intent. He said there is a disconnect with the direction they are looking for. He commented that in order to do short and long term planning that they hold off in making this decision today and come back with the language and to find a home for both functions. He said it would be good policy and a lot less messy than what this is becoming.

VOTE: 3-2 (Handy, Sorenson dissenting).

6. **HEALTH AND HUMAN SERVICES**

a. DISCUSSION/Coordinated Care Organizations.

Karen Gaffney, and Dr. Pat Lutke discussed what health care will look like in the next biennium. (Copy in file).

MOTION: to support Health and Human Services to participate actively in the formation of a Coordinated Care Organization for Oregon Health Plan members in Lane County.

Handy MOVED, Sorenson SECONDED.

VOTE: 5-0.

7. **PUBLIC WORKS**

- a. FIRST READING AND SETTING THE SECOND READING AND PUBLIC HEARING/ORDINANCE NO. 7-11/ In the Matter of Amending Chapter 10 of Lane Code to Adopt Amendments to the Springfield Development Regulations for Application to Urbanizable Lands Within the Springfield Growth Area and Adopting Savings and Severability Clauses. (Second Reading and Public Hearing 10/5/11) (Applicant: City of Springfield)

MOTION: to approve a First Reading and Setting a Second Reading and Public Hearing for Ordinance No. 7-11 for October 5, 2011 at 1:30 p.m.

Leiken MOVED, Bozievich SECONDED.

Handy asked why this was important.

Mark Rust, Land Management, responded that the city of Springfield is cleaning up their ordinances relating to property line adjustments and replatting of property lines. He said Springfield is changing their ordinances to be more in line with similar provisions of Lane County and the city of Eugene to make it more of a streamlined process for residents and citizens to negotiate the complex land use system in Springfield. He indicated the provisions apply outside the city of Springfield city limits within their urban growth boundary.

VOTE: 5-0.

8. **COUNTY ADMINISTRATION**

- a. Announcements

None.

9. **COUNTY COUNSEL**

- a. Announcements

None.

10. **COMMISSIONERS' BUSINESS**

- a. PRESENTATION/Working for You Video: Human Resources and Lane Workforce Partnership.

11. **COMMISSIONERS' ANNOUNCEMENTS**

Leiken announced the special dedication ribbon cutting for the Williamalane Sports Center. He said it is the largest recreation type sport facility in the Northwest, just under 100,000 square feet.

Bozievich reported that he will be speaking to the Florence Chamber of Commerce tomorrow at Driftwood Shores.

Handy recalled the Board had a work session with Ross Penhallogen and the Extension Service. He said they were asking the Board to go to Facilities Committee. They wanted the Board to find space and a joint receptionist. He asked if that is on an upcoming agenda.

Stewart stated they had multiple conversations early on about space allocation. He said they have a list of space they are working through and people who have requested space. He added that there hadn't been anything specific to the Extension Service. He added their request is on the list of people interested in space in the future.

Handy wanted to put this on the board assignment to make sure this gets on the Facilities Committee agenda.

Stewart said he will bring it up at the next Facilities Meeting in two weeks. He announced that the Historical Society is celebrating their 60th Birthday at the Lane County Museum.

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

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

13. **OTHER BUSINESS**

None.

There being no further business, Commissioner Stewart recessed the meeting into Executive Session at 11: 20 a.m.

Melissa Zimmer
Recording Secretary