

BOARD OF COMMISSIONERS'
REGULAR MEETING
September 27, 2011
Following HACSA
Harris Hall Main Floor

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

1. **ADJUSTMENTS TO THE AGENDA**

Stewart indicated that he received a letter from the River Road Recreation District and a letter from the city of Eugene with regard to the Wayne Morse Free Speech Plaza. He noted those will be brought under County Administrator Announcements. He added item 6 c., is a request to waive the 15 minute time requirement for Land Management.

2. **PUBLIC COMMENTS**

Michael Randles, Eugene, distributed information to the Board. (Copy in file). He said he is a sailor and he teaches sailing. He noted that he was the deep throat that exposed the marina problem to the Register Guard about 18 months ago. He said the marina problem is just the tip of the iceberg. He met with one of the reporters and complained that money had disappeared from his slip fees and there was no record of his having a slip there last year. He stated that he has been a slip holder for 25 years and he has been paying his fees. He added that the fees have been doubled this year because of a \$40,000 to \$60,000 shortfall. He said there are safety issues. He stated the Corps of Engineers have been derelict in their duties in maintaining the shoreline of Orchard Point. He said it is a hazard to the community. He came up with a scheme as to what could be done to amplify the recreational capabilities of the Orchard Point and Richardson Marinas. He didn't know who was in charge of making decisions but tapping the Corps of Engineers in doing what needs to be done. He wanted to see the recreational capabilities of Fern Ridge grow, but presently it is in decline.

Sorenson asked Randles to e-mail the Board if he had any suggestions of what they could do.

Shayler Scalf, Junction City, distributed a letter to the Board. (Copy in file). He discussed the Lane Livability Consortium. He noted many counties throughout the United States are defeating it. He said the grant being applied for comes through HUD. He said in this time of the economy, money is important. He said when they apply for money for a grant from the federal government it might be free today but it might cost the taxpayers' money because they have to pay for it out of their taxes for the federal government. He encouraged the Board to vote no on the grant.

Bob Sowden Cottage Grove, discussed the MOU with Lane Livability Consortium and LCOG. He asked that it be rejected. He commented that with tight budgets, his concern is the matching funds from Lane County and the time required by County personnel. He thought the money should be used for vital services. He said the staff report from LCOG made a statement about grant money to encourage Lane County future revenue opportunities related to grants. He stated it is not free money or revenue, it is expected that work will be reimbursed for the grant at \$100 per hour with matching in-kind funding provided at a one-to-one ratio. He noted when Lane Livability first came to his attention the first thing brought up were the state planning goals of 1973. He asked why there was a push throughout the United States to bring this on. He thought this was a tax for consumer on energy that is a drag on the nation's economy.

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

Bozievich attended the Looking Glass Agency's breakfast and last week he attended the Relief Nursery Breakfast. He commented that there are great non profits in Lane County dealing with the needs of the County. He encouraged the citizens of Lane County to help the agencies out. He also attended the O & C Counties Association Meeting last week. He said they have a workable plan to get the County back to work in the O & C lands. He added that it would provide the funding they need to work in partnership with those agencies to provide the critical services they provide. He encouraged the citizens to contact their congressmen and senators and ask them to support the O & C County Association's plan to move forward. He explained the plan includes a loan to bridge the funding of the SRS payments until they can get up and running with the sustainable timber harvest from those lands. He indicated it was deficit neutral.

Leiken reported that ODOT plans on closing the ramp off I-5 coming into Eugene northbound for two years. He thought this was an opportunity for the Glenwood interchange to be looked at to develop into a full service interchange that will benefit Eugene and Springfield.

Sorenson announced that Saturday was the Lane County 2011 Stand Down at the National Guard Armory in Springfield.

Handy indicated Lane County Veterans Services told him that they have the need for another staff person to process Veterans' benefits. He said it helps the Veterans in Lane County and brings money into the community. He thought Randles should go to the Parks Advisory Committee with his concerns.

Stewart attended a stakeholders meeting at Odell Lake. He said last fall the Forest Service went in and removed a weir used to regulate the water level. He added it was removed illegally and because bull trout is listed in the area, it is almost impossible to put that regulating device back in. He asked for congressmen and senators to get involved. He indicated the election results came in from the recall in Oakridge. He encouraged the citizens to work together and put aside their differences to improve their community. He gave his condolences to the family and friends of Michelle Portman who was a bicyclist

killed in an accident on Row River Trail. He stated that she will be deeply missed in the community. He thanked staff for going ahead to see if they can work on that crossing.

4. **EMERGENCY BUSINESS**

None.

5. **RESOLUTIONS**

- a. ORDER/RESOLUTION 11-9-27-1/In the Matter of Endorsing the Housing America Campaign.

Stewart commented that he knows that proclamations and resolutions will be in front of the Policies and Procedures Committee this month and these two items were submitted from outside agencies. He thought until they have clear direction for change, they would still honor the request until they get a report back from the Policies and Procedures Committee.

Larry Abel, HACSA, reported that October is Housing America Month. He thought it was important to have Lane County endorse the campaign.

Sorenson asked what the cost was to prepare this resolution.

Abel said it took him less than an hour.

Richardson added if they are talking about the total cost of the resolution, there are also the County's costs.

Sorenson said the minor amount of time to put the resolution together should not take away the importance of having a resolution they will get behind. He said there are some diverse organizations that have members in the County and in his district and they are supportive of the goal of getting decent homes and suitable living environments for all Americans. He thought it was well worth it to take the time of the Board of Commissioners to re-educate them to a goal that is a significant.

MOTION: to approve ORDER/RESOLUTION 11-9-27-1.

Sorenson MOVED, Handy SECONDED.

Bozievich understood this resolution had to be reviewed by legal, and printed as part of a packet. He said they have three County staff present as this meeting as they are discussing this plus other staff waiting for their agenda item to come up. He wanted to know the costs involved beyond the one hour from the outside agency.

Richardson explained that the way they have the process now is once a staff member receives a request to put a resolution on the agenda, they have to coordinate with the outside entity to get it into the proper format, coordinating the days and time and the discussion at agenda setting. She added there is also photocopying and putting it on the website. She said there is also review by counsel and review by budget and the time spent in the meeting. She indicated when they look at all the resources, it is costly. She stated they have to have the conversation whether it is worth the cost. She indicated that there are a lot of steps the outside entities don't understand regard the way they process documents. She tried to move to not having packets anymore. She added that would reduce some of the costs, but she doesn't have approval of the Board to do that. She indicated that some still want paper packets. She made recommendations to the Policies and Procedures Committee that could reduce some of the costs and still allow the Board to do resolutions.

Bozievich asked where the time is being charged for this resolution.

Richardson said she didn't know what Legal Counsel was now doing. She recalled in the past, usually a request from an outside entity would get charged to either County Administration or to the Board of Commissioners as agenda item review and then it is charged back to all of the departments as an indirect cost.

Bozievich stated he stands by his previous statements that as they are currently formatted to approve resolutions and proclamations, there is a cost to the County for each one. He said the actual proclamation doesn't house a single person and the next one will not pay for a single piece of artwork or contribute to the culture of Oregon, yet all of their agencies have varying costs. He said he will be voting no on this. He is concerned about the process and cost. He urged the Policies and Procedures Committee to do something about it. He said The Register Guard made a point about it on their Editorial Page to figure it out and get it done. He added until they figure it out, he will be voting no.

VOTE: 4-1 (Bozievich dissenting).

- b. ORDER/RESOLUTION 11-9-27-2/In the Matter of Proclaiming October 1-8, 2011 as Oregon's Days of Culture in Lane County.

Stewart read the resolution into the record.

MOTION: to approve the Order/Resolution 11-9-27-2.

Sorenson MOVED, Handy SECONDED.

Sorenson stated that he attended the 60th Anniversary of the Lane County Historical Museum. He said that is one of many examples of arts and cultural organizations in the community that are great. He noted the term culture is a broad topic and it is part of their state and community. He thought part of the

reason they should be supporting culture is because of the financial benefit to their community. He thought this resolution was relevant to give recognition to the importance of culture as a vital part of their society.

Bozievich commented that the use of the term culture could also be a bad thing. He indicated that this proclamation didn't distinguish between that. He stated that he was not happy with government having a Ministry of Culture. He commented that involving the government and culture is a dangerous thing. He recalled Sorenson's previous colleagues referred to it as tax expenditure. He said it removes tax dollars from the legislature's ability to allocate it to its highest priorities. He said as they see cuts in community corrections and other vital functions of the County, they should think twice about culture always meaning something good. He thought it was a dangerous direction to go.

MOTION: to end debate.

3-2 (Sorenson, Handy dissenting).

VOTE: 4-1 (Bozievich dissenting).

Sorenson said there was a comment that this costs a lot of money. He didn't think there were any representation costs and he thought it was minor and didn't affect his vote.

6. **COMMISSIONERS' BUSINESS**

a. REPORT/Travel Lane County Semi-Annual Report.

Kari Westlund, Travel Lane County, gave her semi-annual report. (Copy in file).

b. REPORT BACK/Redistricting Task Force.

Dan Egan, Redistricting Committee. Reported that every ten years they have to review the districts due to the census data. He reported that a committee was chosen, made up of five members, each one appointed by a commissioner and then the committee chose two others at the first meeting. He indicated he missed that meeting and was appointed Chair of the Redistricting Committee. He encouraged the Board to read the minutes as they were extensive. He thought staff did a good job in capturing the substance and tone of the discussion.

Egan thanked Bill Van Vactor and Diane Wiley for writing the report and other members of the committee and Bill Clingman from LCOG. He noted that communities of common interest was a major topic they discussed in creating the scenarios. He noted there are five scenarios forwarded to the Board. He noted one scenario is to have the districts as they currently are today. He said they were advised the population deviation and the districts after the last census still falls

within the legal limits if the Board did nothing. He noted the other scenarios are based on changes made to district boundaries.

Egan noted the County Clerk's discretion is important because in all of the boundaries there are parts with adjustments and they wanted to make sure she had the discretion to make those small changes.

Egan indicated they didn't have any recommendation for any one scenario. He recalled they looked at 17 scenarios and at the last meeting they had seven recommended to move forward, but they pared it down to five to forward to the Board. He noted the reason there is not one recommendation for any of the scenarios is evident in reading the minutes. He didn't think there would be one that could be unanimously supported.

Egan indicated they have the As is Scenario. He recalled by majority of the committee there was a desire to look at scenarios that would change the districts in the ways that would make sense since the last census. He said the major issue involved Glenwood and the Harlow Road area. He added the changes precipitated looking at how the other districts would be constituted. He noted with metro and non-metro districts, there is not enough population in the non-metro districts that can totally make up the equality of population required by law. He added that each of the districts have to reach into the metro area at some point to garner the population to meet the criteria of equally represented by population. He stated the committee did an honest and good job.

Stewart understood that these scenarios could become ordinances at a first reading and public hearing.

Egan indicated the committee agreed to meet for another meeting if the Board wanted to direct them to work on more scenarios.

Vorhes explained that if the Board is going to make any changes to the boundaries, it is something that has to happen through an ordinance that adopts the change with an attached map. He indicated the latest date for action is November 12. He said they have to have a public hearing before that date because under the charter any change needs to be made at least 180 days before the election at which one of the commissioners would be elected. He recalled ten years ago the Board had three draft ordinances and zeroed in on what the Board wanted to do for a formal action. He said if they want the task force to narrow the options or any changes reviewed and addressed by the task force, they are willing to do that.

Sorenson asked if the committee should meet again to reduce the number of scenarios to three as opposed to five.

Egan said if that was the assignment, they would work hard to do that. He said there was sentiment to pass on all seven scenarios. He said they didn't find consensus around any one scenario.

Sorenson asked what the law was for deviation in terms of population.

Vorhes explained federal law (that some people view is applicable to this) allows for a five percent plus or minus deviation. He indicated the Secretary of State's direction and test they use is zero deviation, but they allow for plus or minus one percent. He said it is well within an acceptable level of deviation.

Sorenson asked if they did nothing if Scenario One would be in effect without action of the Board. He asked if they had to enact a different scenario because the one they have is fully compliant.

Vorhes said the language of the charter states that it is to be reviewed every ten years and changed as necessary. He said it is a discretionary decision of the Board each ten years based on what they evaluate for change. He said it would take no action of the Board to leave the district boundaries where they are. He said if they don't change anything, they could adopt an order without having to have an ordinance.

Sorenson asked what the partisan voter registration is within each of the scenarios.

Egan didn't know.

Sorenson asked if they could be provided with the voter registration of each scenario so they would know if there were any substantial changes in the voter registration.

Egan said they could. He said it was not necessarily part of the criteria. He said the choice was given to the committee members to do that.

Sorenson thought a community of interest is how someone votes. He asked what the reluctance was to provide that information.

Egan said that could be an opinion. He said when they said common interest, they looked at neighborhoods. He added that whether they were a Republican or Democrat didn't matter to the group.

Sorenson noted the Secretary of State's directions said no district shall be drawn for the purpose of favoring any political party, incumbent elected official or other person. He asked how they would know the districts favored one political party or not if they weren't given the information about voter's registration. He

wanted to know how the committee took care to avoid favoring or not favoring a political party unless they had the voter registration data.

Egan noted that people have been moving in and out of districts. He said whether Democrats or Republicans living in Glenwood was not the first thing they thought about. He indicated they thought about the next ten years where Glenwood becomes much more a part of Springfield. He said that was a higher calling. He said they looked at I-5 as a dividing line and geographic lines to try to make sense. He didn't remember a time where they wanted to see what they could do to certain commissioner's district. He thought the commissions will take time to see what changes have implications in their own districts. He indicated the committee looked at the constituents and what makes sense in their district.

Sorenson believed for the five scenarios that they have to get the current voter registration materials. He said he wanted specifically to be able to respond to the comments in the Secretary of State's memo that no district shall be drawn for the purpose of favoring any political party. He said once they obtain the information, they would know that no district was drawn for the benefit or to the harm of any political party. He wanted data in the record to show that they did not.

Egan said moving Glenwood into Springfield will be a shift of 1700 people. He said they shifted voter registration slightly by making those changes. He thought the Board has to make up what is the higher calling. He said there will be shifts as they are unavoidable. He stated that they explicitly did not set out to find out voter registration information. He said they worked on the communities of interest.

Sorenson asked why they forwarded Scenario 4 to the Board of Commissioners.

Egan said it is a scenario that takes in Glenwood, Harlow and Jasper Natron and makes the shifts. He said the current configuration of the non-metro districts incorporate large parts of the metro district as it is today. He said the rationalization is to have the Springfield District incorporate Glenwood, but lose people out of Harlow and Jasper Natron into Springfield. He said they didn't add up to enough people so they had to go up the valley.

Sorenson asked who originated the 17 scenarios.

Egan said Clingman was present for every meeting, and Bozievich presented some scenarios. He said the committee asked Clingman and Bozievich to change scenarios. He added they all had practice on Moonshadow. He noted the 17 scenarios were iterations to recognize changes that have happened in the past ten years. He noted that all of the scenarios were the committee's scenarios. He said the final product was the request by the committee to have staff develop the scenarios on what they want to see changed and it is their work.

Leiken stated that Egan and the committee had done exactly what they asked. He was not expecting a "recommendation." He thought the different scenarios were more in line. He stated that ultimately the decision is made at the Board level. He didn't care what people's political affiliations are. He knows what the breakdown is in Springfield and if it was based on political affiliation, he shouldn't be on the Board. He said as a non-partisan position what they are looking for is what the Secretary of State's office has presented. He said they received an e-mail from a person associated with the River Road/Santa Clara area asking if those two areas could be represented by one commissioner, not two. He added with these maps, it looks like the areas are still being represented by two commissioners and not one. He asked if they could put the areas together.

Egan said some people said Santa Clara/River Road was an area that could be represented by one commissioner. He said a couple of the scenarios have a majority of the area to be included in one commissioner's district.. He noted that one or two of the past scenarios had all of Santa Clara/River Road in it. He added that it has implications in other places.

Leiken said when he looks at communities of interest, he did see Santa Clara/River Road together. He appreciated the work the committee had done.

Egan said if they read the minutes carefully, Cornacchia mentioned when you squeeze one place, it bulges out in another place. He predicts the scenarios will be imperfect. He said people will have to agree this was the best work they could provide. He commented that if there is a perfect scenario, they didn't discover it because it was a difficult assignment.

Stewart thought the minutes were revealing. He recalled in the minutes it was important they keep Santa Clara/River Road under one commissioner district but they are presented with five scenarios that don't do that. He noted there were other scenarios that did. He said for the past six years he had heard about the concerns of the citizens in Santa Clara/River Road and how nice it would be for one commissioner to represent that area. He said if they follow the Secretary of State's direction, it is not only the communities of interest, but also geographical boundaries. He noted under Scenario 1, he didn't see one geographic boundary being used to draw the boundaries. He didn't see a river boundary or I-5 and the splitting of the urban growth boundaries. He stated that he represents a lot of communities with different interests; not only six incorporated cities, but unincorporated communities. He didn't believe it was appropriate to be analyzing the political affiliation of the people they represent in a non-partisan race. He could see the direction in configuring boundaries for the house and senate races. He said this race is non-partisan and there is no criteria that states that they have to know about partisan voters. He understood why they have the five scenarios in front of the Board after reading the minutes but he wanted to see public comment on a couple of the other scenarios that hold River Road/Santa Clara as one district. He said they have heard from Mr. Finnigan that he wanted to have one

commissioner represent the Santa Clara/River Road area. Stewart wanted to see a couple more scenarios be added into the mix and then set a public hearing. He said if they have to tweak something, it would give them time to recraft the ordinance and forward it for additional public hearings to meet the deadline.

Handy asked Cheryl Betschart, Elections, about the criteria and how she is going to reconcile the data to know if it is defensible or not. He asked what discretion she had. He wanted to make sure they follow the guidelines.

Betschart didn't believe the clerk in prior times redistricting had looked at whether the criteria was met 100 percent. She believes the guidelines the task force used with the scenario recommendations were followed. She said the task force complied and that included not looking at voter registration. She stated that was not listed in prior redistricting processes as one of the criteria.

Handy asked how they have addressed the Secretary of State criteria or not about no district shall be drawn for diluting the voting strength or language or ethnic minority group.

Betschart said they would get the breakdown by the demographic group and that information has been provided to the commissioners in prior redistricting processes. She thought that breakdown could be provided.

Handy asked if they should have this information if they are moving on a fast track.

Vorhes responded that it is the Board's choice. He said from his perspective with the task force deliberation and information they have considered, they have not been drawing lines for the purposes listed. He said they have been looking at some geographic and political boundaries, communities of common interest and transportation links. He said under the charter, equal population is one of the reasons for the decision. He said the charter considerations are the mandatory ones for the Board: equal population and the subsets of different populations whether it is political parties or ethnic minority language. He noted the description of the boundaries is laid out in the memo from the redistricting task force.

Handy asked what was within Betschart discretion to make small changes.

Betschart replied that it was included by the recommendation of the task force. She indicated that it was to line up the commissioner lines with the representative lines that have already been redrawn to minimize the splits that will occur for the voters during the election process.

Handy stated the standard philosophy in redistricting is to change as little as possible from current districts in order to resist the temptation to gerrymander.

He said there is value in maintaining consistent representation. He noted the 2011 Legislature used that principle.

Bozievich recalled one of the purposes they assigned the task force was to look at redistricting. He noted at the beginning the population does balance closely within the limits they could defend under a lawsuit. He said they want the best product and the best work they can. He wanted input from the public on a sufficiently divergent number of options so they can hear what the public believes is the best product. He believed what they received from the committee was three versions from one of the existing scenarios and two versions of another option. He thought there were a couple of scenarios that would help address the president of the Santa Clara/ River Road's concerns about splitting up their community of interest. He thought they should reintroduce Trial 6 Jasper Natron that was a trial altered at the request of Egan to look at including Jasper Natron in the Springfield District as part of the UGB for Springfield. He added that Trial 6, JN Whitaker 1, was altered to bring the Whitaker Neighborhood back into the North Eugene Committee district at the request of Scott Bartlett. Bozievich stated that he acted as staff to the committee. He indicated that he played around with Moonshadow and developed five different scenarios that played with the option of getting the Springfield District east of I-5 and to put Glenwood into Springfield. He gave the committee the scenarios with no recommendation as to what was good or bad. He edited them and provided six additional versions that were edits of the community's request. He noted by following census blocks, it allows them to utilize all of the demographic data in the census, including race. He indicated the question for him was how to get those areas where it doesn't spilt up communities of interest. He stated that currently he represents Santa Clara, a small portion of the River Road neighborhood and the Churchill High School neighborhood. He didn't know what the Churchill High School area had as a community of interest with Santa Clara. He wanted to ultimately have a single neighborhood to represent and there are several options that do that as well as keeping the Santa Clara/River Road area together. He noted the five options they have been presented with split River Road and Santa Clara up. He added that three scenarios actually split the River Road neighborhood, giving it to the West Lane District as it dips below Beltline. He added that two scenarios actually divide Santa Clara in half diagonally. He wanted to see the addition of a couple options the public could comment on that include moving them to one district.

With regard to addressing the issue of partisan registration districts, Bozievich indicated the Secretary of State's criteria is one of many criteria. He asked if anyone ever challenged a non-partisan redistricting on the basis of partisan registration.

Vorhes wasn't aware of a challenge on that basis.

Bozievich indicated that Betschart job is to execute what they approve. He said they as the Board are responsible for meeting the criteria and they need to decide

what is important. He said that they need to hear from the public and get input on some diverse options.

MOTION: to move forward the five options the committee put together adding in Trial 6, Japsner Natron; Trial 6, JN Whitaker 1 so they have options to forward to a public hearing.

Bozievich MOVED, Leiken SECONDED.

Leiken asked if those scenarios are on the website with regard to redistricting.

Bozievich said they are on the website.

Vorhes stated that all of the scenarios are posted on the website for anyone to look at. He added the Board has access to Moonshadow and can look at the ones that were developed on Moonshadow.

Sorenson asked why they want to forward the two scenarios that were not forwarded by the group.

Bozievich noted that one of the two he is recommending was a finalist of the seven. He added the other is an option that was specifically requested by one of the committee members and it is an interim step between what the committee has recommended. He commented that gives a diverse range of options and it provides the public with a diverse group to pick from.

Sorenson asked if this was a general public hearing or if it would require staff work to convert the other scenarios into ordinance language.

Vorhes said the ordinance language is less complicated and difficult than having the maps in a similar format, which is what was done for the task force as they worked through their final report. He thought there would be a little bit of staff work to put them into the same format. He said the Board could choose to publicize the hearing for the public to comment on the described scenarios as long as there is enough identification to let people know what they are being asked to talk about. He added that drafting an ordinance could wait until they have heard from people and then select what they want to process as an ordinance.

Bozievich stated the intent of the motion will be an informational hearing in getting the public input and then the Board would choose the scenario they would want to move forward with and then draft the ordinance specifically to one scenario.

Sorenson stated he was interested in an informational hearing but he wondered if all of the scenarios from the committee could be on the County website instead of the five they are discussing.

Vorhes indicated all scenarios are on the County website now.

Sorenson stated he would support having an information hearing as long as the public could make their own suggestions at the hearing.

Stewart said the motion doesn't preclude having a public hearing and scenarios that people would recommend. He said it is a hearing open to everything.

Vorhes recommended having the public hearing at next week's meeting. He said they could get the comments from the public and they could get an ordinance prepared.

Stewart reiterated the motion is to have a hearing on October 5 at 1:30 p.m. to submit the seven scenarios, but not limited to just those seven.

VOTE: 5-0.

Egan thanked the Board on behalf of the committee. He said if the Board finds there is something else they want the committee to do, to let them know. He thought if the committee could reach a decision on a scenario to give to the Board, it would be a great gift, but it was not out there. He said they recognized keeping Santa Clara/River Road together had some value. He commented that as a Chair, he feels good that they didn't embark on discovering if any of their recommendations resulted in any harm or advantage to a commissioner today or going forward. He said they left that alone because it wasn't part of their charge.

7. **CONSENT CALENDAR**

A. Approval of Minutes

May 10, 2011, Regular Meeting, 1:30 p.m.
July 12, 2011, Regular Meeting, Following HACSA
July 12, 2011, Regular Meeting, 1:30 p.m.
August 8, 2011, Special Meeting, 1:30 p.m.
August 17, 2011, Regular Meeting, 1:30 p.m.
September 8, 2011, Special Meeting, 2:00 p.m.

B. County Counsel

- 1) ORDER 11-9-27-3/In the Matter of Settling a County Enforcement Action Concerning Property Located at Assessor's Map and Tax Lot #18 03 24 00200.
- 2) ORDER 11-9-27-4/In the Matter of Authorizing the Filing of a Complaint for Injunctive Relief.

C. District Attorney

- 1) ORDER 11-9-27-5/In the Matter of Approving an Application from Lane County to Oregon Department of Justice for a Restitution Pilot Program Grant for \$164,038 and Delegating Authority to the County Administrator to Execute Grant Documents.

D. Management Services

- 1) ORDER 11-9-27-6/In the Matter of Appointing Two Pools of Board Members who may be Selected by the County Clerk to sit on the Board of Property Tax Appeals.

E. Public Safety

- 1) ORDER 11-9-27-7/In the Matter of Accepting a Grant Award in the Amount of \$147,078.65 from Oregon Criminal Justice Commission for Drug Court Implementation and Enhancement and Delegating Authority to the County Administrator to Sign Grant-Related Documents.
- 2) ORDER 11-9-27-8/In the Matter of Accepting a Grant Award in the Amount of \$750,000 from the Department of Justice, Bureau of Justice Assistance Second Chance Act, Adding 1.0 FTE, and Appropriating Revenue and Expense in Fund 260.
- 3) ORDER 11-9-27-9/In the Matter of Delegating Authority to the County Administrator to Execute a \$187,000 Contract with Emergence, Inc. to Provide Drug Treatment Services and Housing Assistance Funded by a Department of Justice/Bureau of Justice Assistance Grant.

F. Public Works

- 1) ORDER 11-9-14-10/In the Matter of In the Matter of Re-appointing One Member (Lisa Arkin) to the Lane County Planning Commission.

MOTION: to approve the Consent Calendar.

Handy MOVED, Leiken SECONDED.

VOTE: 5-0.

8. **COUNTY ADMINISTRATION**

a. Announcements

Stewart reported that he received two pieces of correspondence: one request from the city of Eugene on the Wayne Morse Plaza and the other a request from the River Road Parks and Recreation District.

Richardson indicated that they received a request from John Ruiz from the city of Eugene asking the Board to consider allowing the Saturday Market to have complete control over the Wayne Morse Free Speech Plaza on the Saturdays they are having a market. She didn't know if there was interest in the Board having a conversation and if so, if they want the Saturday Market to come in to make a presentation. She indicated one question has arisen on whether they would still allow free speech on the Plaza on Saturdays or would they modify it. She stated that she didn't know the answer because the letter came from Ruiz. She asked if there was Board interest.

Sorenson thought it would be helpful to have the Saturday Market come in. He thought they would be in a better position to give assurances that the free speech components would continue. He noted illegal activity is taking place on the County property. He thought Saturday Market would be in the best position to help them.

Stewart concurred.

Handy thought they should also invite the Lane County Farmers Market. He wanted to have a representative from the ACLU present.

Bozievich also favored having a discussion. He also wanted the background on the creation document and rules for the plaza.

Richardson said she will work with the agenda team to get that on the agenda.

Richardson reported the second letter was from the River Road Recreation District and Lane Rural Fire asking the Board and the County to help convene a meeting between their districts and the city of Eugene.. She spoke with Ruiz and he asked that the County not get into detailed conversations until next week because he feels he can provide some information by next week.

Stewart recalled the Board gave direction to send a letter to Ruiz about that concern. He asked about the status of the letter.

Richardson responded that she has a draft of the letter but she hadn't received all the concerns to put in the letter. She told Ruiz she was directed by the Board to send a letter and to expect the letter will be coming.

Richardson reported that as part of her budget presentation to the Board, one of the recommendations was to decrease the sobering contract that they funded this year for \$300,000. She recommended decreasing the funding by \$100,000. She indicated that HHS staff has been finding ways to fill the gap for the rest of this year and they have. She stated the city of Eugene has pledged to fill any gap that is leftover. She noted they will be using \$50,000 of unallocated alcohol and tobacco monies and they are still working with other partners including the hospitals and the University of Oregon to get as much funding as possible. She added the city's funding could help go into next fiscal year. She indicated that they have a stop gap for that for the rest of this year for the sobering contract.

Richardson said the Board has been asked to revisit the Public Records Policy regarding how they are charging fees. She said her direction is that they recoup all costs. She said they don't have the staff to work on public records for free. She stated they get a lot of public records requests and they are fairly extensive. She indicated that policy from one of the prior Boards was to always recoup costs. She didn't know how they could process public records requests if they didn't recoup the costs. She said if people wish to have a waiver, they can appeal their decision to the District Attorney who can revisit that.

Stewart was supportive of continuing to maintain the cost recovery needs. He asked if they could have a computer available to the public with the commissioners' e-mail accounts so someone could come in to review what the Board has been doing.

Richardson said she is asking the Director of Information Services to see what the cost would be and what other considerations there would be.

Sorenson asked how much money is being collected by Lane County government in response to public records requests. He didn't think it was much money. He thought the staff person should just give the requested information. He thought it would cost more money to process it.

Richardson said part of the policy is if the document is electronic and easily accessible, they are not requiring a public records request and they are just forwarding the information and not charging for it. She said if it is anything beyond that, they are requiring people to fill out the public record request document. She thought the fees have been between \$1,000 to \$5,000. She added that if they had a policy of not charging, they would be in the range of \$10,000 to \$50,000 from April to the present. She indicated that Tony Black will come back to the Board to report on the costs for a terminal.

Handy thought there needed to be a work session. He said there are different views on what the current Board policy is. He said they have to get on the same page as to what Board policy is and the direction around implementing it. He asked about public access. He believed the city of Eugene had a public terminal at one point and they might have information.

Richardson indicated it was Board direction to cover the costs. She said if the Board wanted to change the policy they can. She said at this point it is within her discretion to continue it. She said if the Board wants it changed, it could be changed.

Stewart stated he was not interested in changing the policy at this time. He wanted to have the work session.

Sorenson wanted a work session. He does not want to go into the discussion with the assumption that the policy needs to be changed. He likes the policy that if employees have information and it is easily acquired, they can forward an e-mail that takes less taxpayer dollars. He disagrees with the notion that all record requests costs will be recovered. He wanted to know what the costs are. He also thought there is a distinction between non-profits for the benefit of the public as opposed to corporations or people whose objective it is to make money from the information they requires He thought they should recognize the Federal Freedom of Information Act.

b. **REPORT BACK AND POSSIBLE DIRECTION/Sustainable Communities Regional Planning Grant.**

Alex Cuyler, Intergovernmental Relations Manager, reported that this is a program by HUD jointly funded through Housing and Urban Development, the Environmental Protection Agency and the Department of Transportation. He added it was an interagency cooperative formed in 2009 with the idea to bring those three agencies together because of the role they have for how local landscapes look. He indicated that they developed the Sustainable Communities Program and the County is getting money from a regional planning grant program. He explained the way HUD described it is it supports metropolitan and multijurisdictional planning efforts that integrate housing, land use, economic and work force development, transportation and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of: 1) economic competitiveness and revitalization, 2) social equity inclusion and access to opportunity; 3) energy use and climate change and 4) public health and environmental impact.

Cuyler recalled that LCOG initially applied for the grant in May 2010 and they were awarded \$1.45 million to establish the Lane Livability Consortium. He said the work was to result in the reform of the Metro Plan and other affiliated and non affiliated plans combined to form a so called Regional Plan for Sustainable

Development. He added that once that outcome was understood by Springfield and Lane County, it was clear that significant concerns existed from the elected officials on those bodies. He recalled that the Springfield City Council voted to not participate in the grant. He said after that action, Lane County staff undertook an effort to attempt a work plan change that could be acceptable to HUD, but also to the elected officials and to ODOT, as they are a major funder of the project. He indicated that is what is being presented today. He added they also presented it to HUD. He said they are uncertain whether HUD will accept the proposed changes. He indicated that the city of Springfield voted two weeks ago (4-1) to support the grant where they had previously opposed it. He said last night the Eugene City Council voted to support the grant (7-1).

Cuyler said that this continues to be a planning grant. He said it is not a traditional project. He indicated the tools that are developed will result in a catalytic project. He said the grant continues to strive to create a regional investment strategy. He noted that staff believes that this outcome will be beneficial. He indicated the regional investment strategy should identify where future dollars whether individually invested by the partner agency or collaboratively will result in better outcomes across a broad spectrum of community concerns and will be acceptable and supported by an informed and listened to community.

Cuyler reported that the differences from the beginning were the elimination of the work to move toward formal adoption of a regional plan as LCOG envisioned. He said in no way does it prescribe an outcome to be undertaken by local officials as it did previously. He added that it establishes no decision making body as the former work plan contemplated. He said it changes the work plan with regard to climate change. He said that one of the outcomes of this work will result in a reduction in vehicle miles traveled within the MPO boundary. He indicated the work plan now contains additional tools for examining how to create the result. He said they can be expecting a letter from ODOT indicating they have the money to start the dialog. He added this work will result in scenario planning and creating the collaborative environment necessary for that discussion to go smoothly.

Cuyler explained the work to take place under the climate change phase of the grant will involve the development of measurements and examination of existing plans and how they may be utilized with regard to climate change mitigation. He added what is new is that it integrates Lane County Public Health efforts in a more realistic manner than before.

Cuyler indicated that the project manager has changed and LCOG will no longer be the lead, it will be taken by Stephanie Jennings from the city of Eugene's Planning and Development Department. He added that LCOG still has to continue to be the fiduciary manager, as they were the ones who applied for the grant, but their role has changed. He indicated they could be hired to provide

certain reports and data development work. He noted the governance model they have created contains representatives from each of the elected bodies and senior staff. He said they have 37 pages of a work plan drawn out. He reported they would have received \$89,000 of grant funds initially by LCOG. He added a majority of the staff work fell to Economic Development. He said now the work for Economic Development is an equal partnership among Eugene, Springfield and Lane County in accordance with the regional economic strategies already adopted by joint elected officials. He reported they are now expecting to receive \$170,000 in grant funding. He added that Lane County staff is now ready to take on this work. He commented that participation in this grant means that they get a boost in scoring of future federal funds offered by HUD. He thought their attention to collaboration and the development of investment strategy will be an important tool for this Board or any future Boards.

MOTION: to approve a motion to direct the County Administrator to proceed to signing the MOU and implementing the work plan as rewritten and submitted to the Federal Department of Housing and Urban Development for approval.

Sorenson MOVED, Handy SECONDED.

Stewart asked if HUD doesn't approve the change to the work plan if they are still bound by the grant to move forward.

Cuyler thought they were under a deadline in mid-October to have this finalized. He added that they worked with HUD on a couple of deadlines to get to yes. He said they let HUD know they were working on a restructuring and gave them the dates they would go in front of the elected officials, but they have not heard back from HUD. He added that HUD is issuing another round of grants now so it is difficult to get in touch with them. He believes in having the action taken by all three of the general purpose governments at this time, given the documentation, will be easier to argue with them if they have concerns about the timelines being slow, or changes to the existing MOU or work plan. He thought significant changes would have to come back through the bodies.

Richardson indicated that the Board could change its mind if they don't agree with what HUD is requesting.

Leiken asked why Lane County was involved in this in the first place because when they go through the program, it is about urban services. He thought it had little to do with Lane County and it didn't make sense to him.

Celia Barry, Public Works, explained that the goals of the grant are to maximize the synergy of the various services, many that are provided through County agencies to urban residents.

Leiken noted the Springfield City Council had a meeting on this and approved it. He met with Mayor Lundberg about this. He said he will vote accordingly.

Bozievich thought the contract was fatally flawed. He noted in the MOU paragraph 4 of Section 4, the ability to terminate is not typical termination for a contract and it doesn't describe the County's responsibilities upon termination. He said it leaves it up to someone else to decide how much grant funding the County would have to pay back. He asked if one of the other consortium members could sue the County for withdrawing from the grant based on the fact they disagreed with the County's reason for withdrawing.

Vorhes thought anyone could file a lawsuit, but the likelihood of that succeeding would be slim. He said the consequences will depend on the other agreements in place.

Bozievich asked what the required match was for the \$170,000 coming to Lane County.

Cuyler responded that there is no required match whatsoever from Lane County. He said as the collaborative, they are working on creating the match.

Bozievich asked if they accept the \$170,000 if it would mean they are committing \$170,000 in staff time.

Richardson said they envisioned from Land Management portions of their work plan the Board had already approved. She added with Economic Development, they are forwarding work that they had already been doing.

Cuyler reported his job as project manager for Lane County would be mostly a match.

Bozievich asked by agreeing to the acceptance of this grant and signing the MOU and the contract with HUD, what the policy implications are that Lane County is agreeing to as part of the MOU and grant.

Cuyler wasn't contemplating a policy decision the County would have to be faced with as a result of the grant.

Bozievich was concerned about what they are agreeing to and the fact that HUD hasn't agreed to what the County is agreeing to yet. He was also concerned about the LCOG role. He commented that this whole process has made him rethink the role of LCOG. He is concerned about the County's match as it could be two Sheriff's Deputies for a year. He didn't think the product coming out of this is useful to Lane County as a whole and he is afraid it will commit them to additional work and additional policy implications they are not addressing including their ability to be competitive with Economic Development or

withdrawing from the contract. He stated that he has not received one piece of public input in support of this. He heard more from people asking the Board not to enter into this consortium and he can't support moving forward with this at the current time.

Cuyler commented there were missteps in the past but they are attempting to repair them. He added that Bozievich had described the downside of accepting the dollars. Cuyler thought the most important federal priority for Lane County is the reauthorization of Secure Rural Schools funding or some way to return to a federal management role. He cannot in good conscience say to the Board not to accept this. He commented that the perception will be that they have refused federal money with the left hand while begging for federal money on the right hand. He thought that would put the County in a greater degree of jeopardy than moving forward to try to address all the flaws that staff saw in the process as it unfolded. He feared the consequences for rejecting this will resonate in Salem and Washington, D.C.

Barry recalled that LCOG thought they were coordinating with the prior Economic Development staff that is no longer here.

Handy said it is important to bring together all of the public policy issues in making regional investments. He thought there was promise to this program. He also liked the food security issues.

Stewart appreciated the effort that had gone into this. He said he already sees the region working together, so when he is told they are going to be able to collaborate later at the end of the grant, he was not sure how much better they can collaborate than they already do. He said the project stands on its own and when it has been developed far enough and has the commitment and the match and it is there, it will get funding. He said they don't have transportation projects that are far enough along. He added that they are successful in getting environmental funding to do analysis and they are successful in getting planning, but they struggle to get projects that are actually funded. He said he knows this is important to individuals. He thought Cuyler did an incredible job on this. He wished they would have put this much effort and collaboration on addressing the issues they have currently with the organization. He said they are looking at an \$11.5 million budget shortfall. He added that they listened today to Larry Abel and heard how his budget has to be cut through Section 8 of HUD funding. He said then they look at this grant application and the money that HUD has available for this type of a process and they are being told they have to reduce their Section 8 funding. He stated he is struggling with the priorities. He said as in individual commissioner, he has to be focused on this organization, what they are facing and putting as much energy on what they are solving locally. He thought if supporting this grant application would get them to yes to solve the problems and find a way to deal with the shortfalls in public safety or the other departments, he would sign on immediately. He doesn't think it gets them there.

Cuyler commented that collaboration is something they all have to work toward and all this does is to ensure it for the next couple of years. He said they will develop relationships but they won't know where the relationships will take them, but without this they don't sit at the table. He said this gives the Board a better way to power the County's 1500 employees because they are better able to help as they talk about the challenges they face.

Bozievich commented that he thinks the consortium is ahead of the Envision Eugene process. He said there has been no agreement in the Eugene community on how much they want to grow. He said the fatal flaw for him is the based assumption around the Livable Communities Act that funds this around smart growth. He commented that it means they can dictate to people what kind of housing they are going to choose in a free market. He said they are looking to do things with land use, transportation and housing funds to encourage walk or bike, but people vote with their dollars and they will not buy into the zoning. He commented that the market will dictate how they grow. He thought they should be thinking about trying to provide the most flexible set of standards to grow with. He said they should be resolving some of their current issues around traffic. He added there are already plans on the books, but they are going through a \$1.45 million grant to talk together about small growth.

Leiken said he will support this and hold his nose doing it. He said the only reason he will vote for this is because of his conversations with Mayor Lundberg. Leiken indicated the Springfield City Council wants to do this. He thought the outlay to the County is minimal. He said from the market standpoint it doesn't work. He stated that it really is a Eugene Springfield urban issue.

Richardson recalled when she first saw the grant she was not a supporter. She asked staff to work on this to get the changes done because they are trying to work on their relationships with their partner cities. She said it looks like it is going forward whether Lane County agrees to participate or not. She said given that, it is always better to be sitting at the table and have a say in the matter. She didn't think they do as good a job working with each other as they think they do. She said because of the work they are going to be putting into it, she thinks it is worthwhile for all of those reasons for Lane County to participate.

VOTE 3-2 (Bozievich, Stewart dissenting).

c. 15 Minute Rule

Stewart asked the Board to allow for the waiver of the 15 Minute Rule. He wanted to be able to go to Land Management with Bozievich to get an understanding of some of the things they struggle with as rural commissioners including noise ordinances, compliance actions and solid waste, overlay zones and the challenges

that exist with Chapter 10 and Chapter 16 in their land use code. He said they would attend some planning meetings and it would allow them to learn the processes. He said he could bring back concerns they might have after they see if something could be done to address them. He asked that consideration be granted of the 15 minute rule in that regard.

MOTION: to waive the 15 minute rule so Stewart and he can interact with Land Management Staff for greater than 15 minutes to look into some of the issues around rural land use and permitting to come to some conclusions.

Bozievich MOVED, Stewart SECONDED.

Handy asked for a report back on what Stewart and Bozievich have learned.

Leiken also wanted a report back on dealing with the some of the rural issues on the land use side.

VOTE: 5-0.

9. **PUBLIC WORKS**

- a. ORDER11-9-27-11/In the Matter of Electing to Hold a Hearing on the Record or Declining to Further Review the Appeal of a Measure 49 Partition and Dwelling Approval. (File PA 10-5929 & PA 10-5930/Bottem)

Mark Rust, Land Management, reported that administratively they issued a decision to approve this application on May 17. He said that decision was appealed to the Hearings Officer. He indicated they held a hearing on July 21 and the Hearings Officer issued an approval upholding their director approval on August 24. He noted there is a minor change to one of the conditions. He said they received an appeal of that Hearings Officer's decision before the Board today. He noted the appellants are the opposition in this case and they have requested for the Board of Commissioners to not hear the appeal so it can be sent to LUBA. He added that is also staff's recommendation.

Rust noted September 30 is the end of the 150 day timeline the County is required to make a final land use decision. He said even if the County wanted to hear it, they don't have time to and it is one of the criteria to decide whether to hear or not hear. He indicated that it is for a Measure 49 partition to create one additional lot from a large parent EFU zoned property to resolve an ongoing compliance case where it has been determined there was an illegal dwelling on the adjacent property that was not involved with this. He said the new two acre parcel for Measure 49 will allow that illegal dwelling to be put on the two acre parcel to resolve the compliance case.

MOTION: to approve ORDER 11-9-27-11.

Sorenson MOVED, Bozievich SECONDED.

VOTE: 5-0.

10. **COUNTY COUNSEL**

a. Announcements

None.

11. **COMMISSIONERS' ANNOUNCEMENTS**

Leiken reminded everyone that the Lane County Homebuilders Association has a new home on 1065 River Road and they are having an open house on Thursday.

Stewart said he read in the newspaper today about Springfield establishing a year round Farmers Market. He believed in having a year round Farmers Market.

Bozievich announced that tomorrow at 4:00 p.m. in Junction City Rep. Val Hoyle will be hosting a town hall about the new state hospital and prison. He added that Governor Kitzhaber will also be there as part of the panel.

Stewart said that tomorrow he will be present at the University of Oregon with Governor Kitzhaber. He was invited to attend as he is an advisor to the Regional Solutions Team.

Sorenson announced that Planned Parenthood of Southwest Oregon is opening their new facility in Glenwood tomorrow.

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

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

13. **OTHER BUSINESS**

None.

There being no further business, Commissioner Stewart recessed the meeting into Executive Session at 3:20 p.m.

Melissa Zimmer
Recording Secretary