

**BOARD OF COMMISSIONERS'
REGULAR MEETING**

October 12, 2011

11:00 a.m.

Board of Commissioners' Conference Room

Commissioner Faye Stewart presided with Commissioners 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. **COMMISSIONERS BUSINESS**

- a. **FIRST READING AND SETTING THE SECOND READING / PUBLIC HEARING/Ordinance No. 8-11/In the Matter of Reviewing and Modifying the District Boundaries for Election of County Commissioners (Scenario 3) (Second Reading and Public Hearing 10/26/2011) .**

Vorhes explained there are two ordinances in front of the Board that reflect the two scenarios that were directed to be forwarded to the Board last week. He noted the ordinance language is the same for both of them with the exception of the ordinance number and the scenario that is identified as the actual map included as part of that particular scenario. He indicated that the maps have been prepared by LCOG and are ordinance ready.

Vorhes recalled what they discussed last week was the interest they might have in making minor modifications to one or all of the scenarios to reflect a variety of things including how the proposed commissioner boundaries or the As Is Scenario boundaries align with the boundaries of the districts that were established by the legislature for senate and representative districts and whether it would be sensible to include or move the proposed commissioner boundaries to those boundaries. He asked the Board if they want them to make the map boundaries in the district area as close to the same as possible. He added that they haven't been able to identify and make those changes. He indicated what is in front of the Board are the true maps that were in front of the Board last week except in a black and white format and attached to the ordinances. He said there are two ordinances in front of the Board, but the As Is Scenario wouldn't require an ordinance. He added if the Board wanted to make any minor tweaks, they would need to adopt by ordinance. He prepared an ordinance for that scenario as well.

Sorenson asked about the maps attached to proposed Ordinance 8-11. He noted there were two ordinance maps attached. He asked which map was correct.

Vorhes responded that both are the real maps. He said the countywide map shows the whole County and it has the notation that states see more detail in the map of

the Eugene Springfield area. He added the original ordinances will have the maps in 11” by 17” format. He said there are no differences between the lines on either maps.

Sorenson asked if those are the lines being proposed for the Public Hearing and if there can be changes that can be made between now and the Public Hearing.

Vorhes responded that no changes will be made to them unless the Board directs some modifications that the ordinance maps include modifications to align senate or representative districts with the new commissioner districts. He said if there is direction to do that then more refined maps will show those changes. He said these maps and the data file that produced them could be produced for the Board. He indicated that they have been locked in to what was in front of the Board last week. He added what is attached to the original ordinance is 11” by 17” maps that reflects the scale on the maps.

Bozievich said with regard to the Ordinance 9-11 maps, he had requested the line as it comes down City View that follows census lines be straightened out to better follow the neighborhood line. He added that there are minor differences between the existing boundaries and what Moonshadow drew up on the north side as it follows the Willamette River up to the confluence. He asked as the ordinance is currently written, if the clerk has the ability to straighten the lines out in the next series of maps before the next reading.

Vorhes recalled the direction from the Board was clear to simply present these maps as they were presented to the Board last week and considered. He said it would take direction from the Board to incorporate those kinds of changes and include that in the First Reading and they can produce the map that reflects that change for the Board to include in the Second Reading and Public Hearing. He said they hadn't done that because that was one thing the Board did not give direction to do at the same time.

Bozievich indicated that he walked away from last week's meeting with a different understanding. He thought that change was going to be made to Scenario 8 to straighten those areas out because they were brought up. He asked if as part of the approval that this map be amended to make those two minor corrections.

Vorhes responded that would be the way to include any of the minor tweaking to this map and to Ordinance 8-11, and if they want to adopt the As Is maps and include changes to those they can. He said they included in their motion to make it part of the First Reading and it will get them moving in that direction.

Bozievich asked if there was a way to include in the ordinance language the ability for the clerk to make minor changes relative to the state legislative districts.

Vorhes recommended the Board do that as part of the motion to approve the First Reading and Setting the Second Reading, to give the direction to make those changes to align the districts so it is clear that will be reflected in the map. He was hesitant to include in the ordinance itself a provision that delegates the Board's authority to adopt boundaries by ordinance to someone else in the future to refine.

Cheryl Betschart, Elections, explained that Bill Clingman, LCOG and she started looking at some of the boundaries, representative and precinct lines. She said it is something they can continue to do with the Board's direction. She said they wanted to make sure that was the direction the Board wanted to go.

Sorenson asked if they have to have any reference to the Charter provision that describes the districts. He asked if the references Vorhes has in describing the districts is accurate.

Vorhes said the names are taken directly out of the Charter in terms of the names of the district. He added the position number came later in the Charter. He said they could change the delineation. He didn't think that changes the ordinance substantively. He said if they want a better description of the title and the position number they could do that. He indicated it was the language that was used by the last two actions of the Board.

Handy said he heard the messages loud and clear from the people at the hearing last week and from his colleagues at the Board after the meeting. He said he has heard people's opinions in the intervening week on the three options before them. He said there have been consistent messages to the Board to leave the boundaries alone unless there is a compelling reason to change them. He asked to listen to the wishes of the people in the neighborhoods about what communities of interest they belong to and to keep neighborhoods whole. He said he heard from his colleagues on the Board that population percentage is not the most important factor, that communities of common interest are more important criteria. He heard his colleagues move Glenwood into Springfield and Harlow into Eugene and to make I-5 the commission district boundary between Springfield and the Eugene districts. He believes there are no compelling reasons to make major changes to the commission districts as they are. He believed the Secretary of State was clear with him that they are not compelled to make any such changes. He stated that it is clear to him that three of his colleagues on the Board have some minimum changes they feel are necessary to make. He said those changes can be made without the major shifts suggested in the last minute Scenario 8 known as the Bethel Santa Clara swap. He said speaking for his district, they cannot and will not support Scenario 8 because it still cuts Bethel into two parts, it removes Whitaker from its community of common interest, along the river and the rail yard and it cuts the Churchill neighborhood in two. He said they are all unnecessary changes to the status quo. He said in responses to the messages at the hearing, and in response to the clear messages to three of his colleagues on the Board, he is proposing to do exactly what they said they would do at the special meeting, which is to take the feedback they

heard and make some revisions to the scenarios before them. He rejected Scenario 8 categorically. He said they had the Redistricting Task Force meet to forward their best thinking to them and he believed these options were the fair ones to consider, not the Bozievich last minute developed behind the scenes option. He proposed a revision of Scenario 3 that gets where they all want to go. He said it moves Harlow to Eugene, moves the east west boundary to I-5, moves Glenwood into Springfield and makes the smallest adjustments possible to the other boundaries. He said where it does make changes; it does a better job of keeping neighborhoods and communities of common interest whole. He indicated that Bethel Danebo remains intact, as it is in the current district lines. He noted that Whitaker remains intact in North Eugene, as it is in the current district lines. He said the Churchill district remains as intact as it has ever been. He added Downtown remains intact and moves in its entirety to South Eugene and the newly formed North East Neighborhood north of Beltline moves in its entirety into East Lane. He said the population variance changes but it keeps around the one percent margin or less for each district.

MOTION: to accept the modification amendments to Scenario 3 as seen on the map to forward to the Public Hearing.

Handy MOVED, Leiken SECONDED.

Bozievich asked if this was being moved in place of the maps attached to Ordinance 8-11.

Handy indicated that was correct.

Bozievich asked if this motion covers the tweaks to the proposed amended map that would be reflected in the ordinance and that would become the new Scenario 3 and that new map would replace the other map..

Vorhes explained if the motion effectively swaps out the maps and the Board moves the First Reading and sets a Second Reading and Public Hearing on Ordinance 8-11 with the map as part of the ordinance, it would accomplish that purpose. He said it would leave open how those lines relate to redistricting that the legislature did and should any additional minor tweaks be made to it and included in the map. He said if the motion is approved, the Board will read the ordinance with the new map as part of the ordinance. He said they would set it for a Second Reading on the new map.

Stewart asked if they could proceed with a Second Reading.

Vorhes said this is a change that if they make it part of the First Reading and it is clear that is part of the ordinance, then they don't have to make the changes at the Second Reading.

Sorenson asked if this motion could include a countywide map comparable to what was prepared for the public like Scenario 3.

Vorhes said it would but making it clear that is their intention would help to prepare the official map for the ordinance.

Sorenson wanted to have an amendment to call for the formal language included in Ordinance 8-11 with both the metro map that has been handed out as Scenario 3 RH edits to become Scenario 3 on this map, but also to have the countywide map.

Vorhes said he read the motion to take this as the basis for creating a map comparable to what is now attached to the ordinance that reflects this alternative as opposed to the one currently reflected on the maps in both cases. He thought the motion was adequate to direct staff to include as part of the ordinance and the reading that level of map showing the changes to the commissioner boundaries. He didn't think they needed an amendment. He said the most important thing is for the Board to articulate and describe what the substance of the ordinance is going to be. He said doing so with a map of this detail and clearly indicating that the rest of the countywide map doesn't change, gets them there.

Stewart said there was a request to put in the exact maps so they can be viewed exactly like they are being viewed now on their website. He indicated that Sorenson responded to the request that this should be a Board decision. Stewart said if they want to make this consideration that whatever is moved forward to a Second Reading and Public Hearing could be loaded so people can see the details of the proposals.

Bozievich did not hear as part of the motion giving the clerk and staff the opportunity to make minor adjustments to match the legislative lines or other adjustments. He asked the maker of the motion if he would entertain an amendment to do so to be consistent.

Handy said the spirit of Bozievich's request is noted and from his view that after the modification has passed, they could make one bulk motion to move the three different scenarios to the Public Hearing that that would be part of the direction for each of the maps.

Vorhes recommended they adopt a motion for the First Reading and setting a Second Reading and Public Hearing for each ordinance individually instead of a doing a single motion for all three ordinances.

Bozievich clarified the motion on the table that it is not to approve a First Reading, but it is to substitute the maps into the ordinance.

Vorhes stated that was correct.

Bozievich said he is willing to support Handy's motion to change the maps. He commended Handy for utilizing the neighborhood designations, as it was something Bozievich attempted to do with all of the maps he drew. He thought it was interesting they were concerned about communities that are against the river, having railroads running through them but they are moving Downtown, that is against the river and has a railroad running through it back in the south and it isn't an issue. He clarified that the Churchill neighborhood is held whole in Scenario 8, it is not split like Handy mentioned. He noted that Scenario 3 now splits the Churchill district between three commissioners. He did not say that population was less important than other things, he said it was to be balanced with other issues. He indicated that the scenario he put forward last week does a better job of balancing population than the As Is Scenario that was put forth out of the task force process when it was adopted ten years ago.

VOTE TO REPLACE SCENARIO 3 MAP WITH SCENARIO 3, HANDY EDITS: 5-0.

MOTION: to approve a First Reading and Setting a Second Reading and Public Hearing for Ordinance 8-11 that states Scenario 3 RD Edits for October 26, 2011 at 1:30 p.m. with the amended maps and potential language to give the clerk the authority to match precincts and legislative boundaries. Under 1E, it is changed to the East Lane County District

Bozievich MOVED, Leiken SECONDED.

Sorenson asked if this motion contains two maps as was proposed by the materials handed out: a metro map and countywide map so the public would be informed about both. With regard to the discretion being given to the Board for the proposed changes between now and the beginning of the Public Hearing, he wanted to know if a population change in excess of 0.5 percent population would be major or minor.

Betschart would go by direction of the Board. She indicated that when she looks at the lines, she would look at the rep lines and any precincts that are split in half. She indicated they just received proposals of new school lines and city boundaries. She said if something is off by a small percentage, then she would make an adjustment. She said she could be given a certain population number that she could stay within. She said she would give that information to the Board and if they think it is too much as a group, they could let her know. She said it is up to the Board's discretion.

Sorenson asked if the Board approves this scenario to set a Public Hearing and changes are made between now and then, what notice the public gets for the Public Hearing. He asked if it is done at the time of the Public Hearing.

Vorhes said if the motion is passed, they would get the maps with the changes on line to the Board and make them available for people as far as advanced as

possible. He said if they get to the hearing and meeting and the Board sees changes they want to make, they will have to deal with it at that time as they do with any other ordinance and give their best advice as whether it is a substantive change that needs an additional reading. He indicated the Board has flexibility to describe changes, make them part of the ordinance and set another reading and deliberation and action prior to the November 12 deadline for action under the Charter.

VOTE: 5-0.

- b. FIRST READING AND SETTING THE SECOND READING / PUBLIC HEARING/Ordinance No. 9-11/In the Matter of Reviewing and Modifying the District Boundaries for Election of County Commissioners (Scenario 8) (Second Reading and Public Hearing 10/26/2011).

MOTION: to approve a First Reading and Setting a Second Reading and Public Hearing on Ordinance No. 9-11 for October 26, 2011 at 1:30 p.m. with the minor edit to the ordinance to be East Lane County District in 1E, and also giving direction to the county clerk and staff to make minor edits to match the district lines up as close as possible with the legislative districts and to make the minor corrections to the boundary along the Churchill and Crest neighbors where the census blocks do not match up to the neighborhood lines and along the Willamette River north of Beltline where the census blocks do not match up with the Willamette River.

Bozievich MOVED, Leiken SECONDED.

Sorenson stated that he will not support the motion. He said at the time this scenario was distributed after the Public Hearing last week, he looked closer into the issues connected with Scenario 8, and he felt they needed to be more clear with what they are doing. He brought to the Board's attention some of the flaws associated with the proposal. He thinks the public will give them an earful on this. He noted the Charter of Lane County envisions three metro districts and two rural districts. He said this proposal takes unincorporated areas out of the East Lane District, far to the north of the Springfield District and far to the East of the Springfield District and far to the South of the Springfield District; it removes the southwest Eugene population from the South Eugene District and moves it into East Lane District. He didn't know the Board could enact an ordinance that would put the area of southwest Eugene in the urbanized area of southwest Eugene. He said it urbanizes East Lane County District, it takes areas unconnected in Eugene, (the Whitaker area) and puts it into the South Eugene District when the past 40 years it has been in the North Eugene District. He agreed that what has been noted in the newspaper that there appears to be some partisan gerrymandering implications of Scenario 8 that seems to be driving why these massive changes are being proposed. He doesn't favor moving Scenario 8

to a Public Hearing. He requested the Board hold the Public Hearing on Scenarios 1 and 3.

Leiken said he will support Scenario 8. He stated he has meetings set up next week with people in the city of Springfield looking at Scenario 8 as it goes along the Springfield School District lines. He wants to hear from Team Springfield to get their opinion. He stated that part of a representative democracy is to get as many opinions as possible. He added it doesn't mean he will support Scenario 8, but it is important to get people's opinions. He said Sorenson might think it is ridiculous to look at Scenario 8, but he thought it was ridiculous ten years ago when Glenwood wasn't included in the Springfield District or the Jasper Natron area.

Stewart said he was supportive in moving Scenario 8 forward. He said he found it interesting that it is unacceptable to take population out of Eugene in the Churchill area but it is fully acceptable to take population from Eugene in the Chad Drive/Delta area. He didn't understand the logic in that comment. He said they supported moving Scenario 3 forward to the public, but the comment was it takes entirely too much rural out of District 5 in Scenario 8. He added that it appears that if they wanted to move a scenario with only a minor change of keeping the Springfield District the same as Scenario 3 and Scenario 8, there would be a matter of 400 people in population changed. He said it was hard to understand the significance of that conversation. He also didn't understand urbanizing East Lane County when he currently represents almost the same number of metro Eugene/Springfield residents. He added that because of the population, it is almost impossible to come up with enough rural residents to satisfy the East Lane District. He didn't find that connection in that comment.

Bozievich said he put Scenario 8 forward with a couple objectives in mind. He said one was to deal with HB3337 and the separation of Springfield and Eugene's UGB's and the clear geographical and political boundary that is I-5. He stated that it successfully does that. He added that he attempted to figure out a way to balance the population of the rural districts without giving bits and pieces of the Eugene Springfield metro area that are not in relation to each other so it makes it difficult to represent all the various areas well. He said currently the As Is Scenario has him representing three different Eugene neighborhoods, and Commissioner Stewart representing part of North Eugene, different portions of incorporated Springfield (because the previous boundaries used the city limits as they were in 2001) and everything that has been annexed since then is in his district. He added that it also has Stewart representing Glenwood and a piece of the backside of Hendricks Hill, part of the Laurel Hill Valley neighborhood. He said in order to do that, they had to take the East Lane District out to Walton in West Lane County. He noted if they look at the overall County map, both the As Is Scenario and Scenario 3 don't have a good north side divide between East and West Lane Districts as described in the Charter. He said that Scenario 8 resolves all those issues while at the same time doing what Handy attempted to do in his

revisions to Scenario 3, to follow neighborhood boundaries. He added that it keeps 18 of the 22 recognized neighborhoods together, where the As Is Scenario keeps only 12 whole and Scenario 3 only keeps 11 neighborhoods whole, even with the edits. He thought Scenario 8 is worth going to a Public Hearing. He said it follows the Charter well and the Secretary of State said they need to balance populations and there is no way to balance population of the rural districts without utilizing metro areas. He said the question is how they can do that without breaking up communities of interest. He thought Scenario 8 did that the best. He stated he will vote to move this forward to a Public Hearing.

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

- c. **FIRST READING AND SETTING THE SECOND READING / PUBLIC HEARING/Ordinance No. 10-11/In the Matter of Reviewing and Modifying the District Boundaries for Election of County Commissioners (Scenario 1) (Second Reading and Public Hearing 10/26/2011).**

Bozievich asked to have a First Reading on the As Is Scenario because if they are going to make any changes to the As Is Scenario, it has to be adopted by ordinance.

Vorhes said his initial reaction was that the Board didn't need to do anything with the ordinance, to leave the districts as they are. His opinion is that is still true, but if they want to still have the same type of review and minor tweaking, it would require an ordinance to adopt those minimal changes to the existing boundaries to realign the commissioner districts to the newly drawn legislative districts and the same discretion they have given the clerk to incorporate into the maps for the other two ordinance. He added that if they want to have that review to happen with the As Is Scenario, then this ordinance will set that in motion. He said it will set it for a Public Hearing on October 26 and give them the opportunity to notice the changes and include them in the maps attached to the ordinance and then they can have it ready for action.

MOTION: to approve a First Reading and Setting a Second Reading and Public Hearing for Ordinance No. 10-11 for October 26 at 1:30 p.m. to make the change to the ordinance to reflect the East Lane County District and to include direction for staff to prepare the maps with the modifications necessary to align commissioner districts with the legislative districts, the ward boundaries and other precinct adjustments as necessary to get them as close to the same as possible.

Bozievich MOVED, Leiken SECONDED.

VOTE: 5-0.

Stewart indicated that there was a request by Richardson to give her the authority to place these three scenarios on the website with the ability to zoom in to get to the street level and then back out, similar to the state legislature.

Richardson heard today and at the last meeting concerns expressed by Sorenson and others agreed that it would be nice for the residents to be able to tell exactly where the boundary is and to zoom out to see how it impacts their entire community. She stated that the state legislature used Moonshadow to help work through different districts. She said the cost would be about \$2,000 to put the maps on the website so anyone can go to the internet and they can see exactly what the impact would be on a street or community. She thought it was well worth it given how much interest there is with redistricting.

There was a majority of the Board who supported her moving forward with this.

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

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

3. **OTHER BUSINESS**

None.

There being no further business, Commissioner Stewart recessed the meeting into Executive Session at 12:10 p.m.

Melissa Zimmer
Recording Secretary