

(Approved 12/7/11)

**BOARD OF COMMISSIONERS'
REGULAR MEETING**

October 19, 2011

9:00 a.m.

Harris Hall

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. **ADJUSTMENTS TO THE AGENDA**

Stewart pulled item 6H10 from the Consent Calendar.

2. **PUBLIC HEARING**

- a. PUBLIC HEARING/ORDER 11-10-19-1/In the Matter of Adopting the FY 2011-2012 Supplemental Budget #1, and Making, Reducing and Transferring Appropriations.

Christine Moody, Budget and Financial Planning Manager, recalled a few months ago some things happened and they needed to do a Supplemental Budget earlier. She said there were costs that needed to be added back into the Budget and they were hoping for more savings for health care to be achieved. She added that they needed to add COLA's for previously bargained unions. She indicated that they found out the BLM had made an error in their calculations in their payment to the County by \$1.2 million. She said it required service changes in the general fund and the end result is about \$800,000. She noted in the order there is an attachment on how each department is making those changes.

With regard to Justice Courts, Moody said due to the change in patrol in the Sheriff's Office, they are needed to pull more officers off of traffic into high priority calls and it is decreasing their ability to write citations. She said the Justice Courts is seeing a revenue decrease. She said they have started to address that in this supplemental by reducing more staff at Central and Florence Justice Courts.

Moody reported for the Sheriff's Office they are planning to contract out for food services and medical services in the Jail. They thought they could start that by October 1 but it could not occur that fast. She indicated that the Sheriff had already made service reductions. She added they had departments add back any state funding they were aware of after adoption. She reported that Youth Services, the District Attorney and the Sheriff's Department all had increases in their state funding and it helped reduce the general fun usage.

Commissioner Stewart opened the Public Hearing. There being no one signed up to speak, he closed the Public Hearing.

MOTION: to approve ORDER 11-10-19-1.

Leiken MOVED, Bozievich SECONDED.

VOTE: 5-0.

3. **PUBLIC COMMENTS**

Silver Mogart, said he was witness to a meeting that took place in Creswell that was ugly. He said Rob Handy was also a witness. Mogart stated that he has taken part in the Occupy Eugene activities. With regard to the occupation, he said that people are fed up, they don't see the two party system working for them anymore. He added they don't see the elected officials truly representing their values.

Scott Bartlett, Eugene, said he is on the Redistricting Committee. He said today was when Cheryl Betschart had originally said the committee was supposed to give the report to the Board. He stated they are several weeks earlier than the original schedule stated and that they still have time to do this right. He said Scenario 8 is an overreach. He thought Scenario 3 would be okay. He noted that Pat Farr was in the district but Mike Clark was inadvertently left out of Scenario 3. He said this wasn't done by Handy, it was done by Bill Clingman of LCOG and he thought it could be fixed. He asked for someone to step up and provide independent leadership. He said there are flaws the Board might want to consider. He asked the Board to just make deminimis changes to Scenario 3.

Bhati Ansari, New Mexico, read a letter into the record. She said her grandson was the one who was attacked in Creswell. She thanked Handy for being there.

Paulette Ansari, Eugene, reported the meeting at Creswell was unusual. She stated she had never been asked to leave or put out of a public meeting before. She indicated they are still fighting racism to make it a better country for everyone.

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

Bozievich commented that the Board passes the Consent Calendar but that people don't realize how much work goes into the Consent Calendars. He said that today's Consent Calendar includes a contract for privatizing food service at the jail that will save the County about \$500,000 per year annually. He commended the employees for agreeing to allow them to do it. He noted the Consent Calendar also contains work being done at a wayside near Deadwood. He added it also contains \$2.8 million in grant applications for Health and Human Services. He stated that he appreciates the employees at the County for everything they do.

Leiken thanked Paulette Ansari for coming to the Board.

Handy commented that with Occupy Eugene and others people are feeling a lot of hurt and are discouraged. He said there is anger and despair. He said they need to reform their economic system and financial markets. He added that they need to prioritize education. He said there is the need to find reconciliation while having conversations that are important to everyone.

Sorenson said with redistricting, it is a matter of public record that City Councilor Mike Clark filed a prospective petition to run for North Eugene Commissioner and his address was known throughout the entire process. Sorenson stated that individuals couldn't be taken into consideration. He said the Board voted for sending Scenarios 1, 3 and 8 to a public hearing next week and the suggestion to look for a compromise is a good one. He hopes they can find it. With regard to Creswell, he thought it was a good idea for Handy to have gone there. He knew when the Mayor ordered the people out of the room without recessing the meeting, it brings into question whether they followed the law or not and that concerned him.

Stewart thanked people for coming in to testify. He thanked the employees around the Sheriff's Department and the effort to try to reduce costs. He said they did an incredible job and it would not have been possible to move forward without the support of the employees and the great work staff did. Stewart indicated that Bill Dwyer reminded him that they have an obligation under the Freedom of Information Act as elected officials to keep two year records of their e-mails and correspondence. He said in response to Bartlett, he is in the process of trying to determine how many urban people he represents at the present time and what the change will be.

5. **EMERGENCY BUSINESS**

None.

6. **CONSENT CALENDAR**

A. Approval of Minutes

B. County Administration

- 1) ORDER 11-10-19-2/In the Matter of a Letter in Support of Port of Coos Bay TIGER III Application.

C. Children and Families

- 1) ORDER 11-10-19-3/In the Matter of Appointing Members to the Lane County Commission on Children and Families Advisory Board.

D. Health & Human Services

- 1) ORDER 11-10-19-4/In the Matter of Adding Two Fulltime (2.0 FTE) Patient Care Coordinator Positions Effective November 1, 2011 in Fund 286 Department of Health & Human Services.
- 2) ORDER 11-10-19-5/In the Matter of Applying for and Approving US Department of Housing and Urban Development (HUD) Continuum of Care Grant in the Amount of \$2,355,070.
- 3) ORDER 11-10-19-6/In the Matter of Ratifying the Administrator's Decision to Submit an Application for a Grant in the Amount of \$500,000 from the U.S. Department of Health and Human Services for Supplemental Funding to Support Facilities Improvement of the Lane County Behavioral Health Primary Care and Child and Adolescent Behavioral Health Program Areas.

E. Human Resources

- 1) ORDER 11-10-19-7/In the Matter of Establishing Data System Architect, Applications System Architect, System/Network Architect, Database Administrator, Information Technology Specialist 2 and Information Technology Specialist 1 Classifications and Salary Ranges.

F. Management Services

- 1) ORDER 11-10-19-8/In the Matter of Authorizing the Sale of Surplus County Owned Real Property Pursuant to a Land Sales Contract for \$17,000 to Mark A. Swinehart, Former Owner of Record, (Map No. 17-03-26-24-02900, 1928 N. 5th, Springfield).
- 2) ORDER 11-10-19-9/In the Matter of Cancellation and Forfeiture of a Land Sale Contract Pursuant to ORS 275.220 and ORS Chapter 93 with Clayton James Richardson for the Purchase of County Owned Real Property (Map No. 19-01-06-00-02900, 37891 Wheeler Rd., Dexter).

G. Public Safety

- 1) ORDER 11-10-19-10/In the Matter of Delegating Authority to the County Administrator to Execute a Two Year Contract with ABL Management, Inc. to Provide Food Services at the Lane County Adult Corrections Facility.

H. Public Works

- 1) ORDER 11-10-19-11/In the Matter of Revising the Current Load Posting on Belknap Covered Bridge (State Bridge ID No. 39C123) Located at MP 0.02 on West King Road to an 11-Ton Weight Limit for All Vehicles.
- 2) ORDER 11-10-19-12/In the Matter of Authorizing the County Administrator to Sign the Acceptance of a Quitclaim Deed from the State of Oregon, Department of Fish and Wildlife, Conveying its Rights to the Schindler Landing Wayside and Boat Landing Site.
- 3) ORDER 11-10-19-13/In the Matter of Authorizing the County Administrator to Sign an Oregon Department of Transportation (ODOT) Flexible Funds Grant Application to Provide Pedestrian Improvements at the Bob Straub Parkway/Mount Vernon Avenue Intersection.
- 4) ORDER 11-10-19-14/In the Matter of Entering into an Oregon Public Works Emergency Response Cooperative Assistance Agreement with Participating Oregon Governmental Agencies.
- 5) ORDER 11-10-19-15 /In the Matter of Accepting a Dedication of Land to be Used as a Public Road Easement for Lynette Lane, a Public Road (17-05-29-2).
- 6) ORDER 11-10-19-16/In the Matter of Accepting Deeds for Strips of Land to be Used for County Road Purposes for Danstrom Road (County Road Number 518 & 937) (19-02-07).
- 7) ORDER 11-10-19-17 /In the Matter of Accepting Deeds for Strips of Land to be Used for County Road Purposes for High Pass Road (County Road Numbers 270, 313 & 347) (15-04-31, 16-04-06, 15-05-34 & 35, 16-05-02 & 03).
- 8) ORDER 11-10-19-18/In the Matter of Accepting Deeds for Strips of Land to be Used for County Road Purposes for Jesse J. Hooker Road, AKA Powell Road (County Road Number 979) (19-05-10 & 15).
- 9) ORDER 11-10-19-19/In the Matter of Dedicating, Accepting and Establishing a Portion of Blackfoot Avenue as County Road No. 2280, Located in the Northeast One Quarter of the Northeast One Quarter (NE1/4 NE1/4) of Section 10 and the Northwest One Quarter of the Northwest One Quarter (NW1/4 NW1/4) of Section 11, Township 17 South, Range 4 West of the Willamette Meridian (17-04-10-11 & 17-04-11-22).
- 10) ORDER 11-10-19-20/In the Matter of Appointing Two Members (Nancy Nichols, re-appointment and James Peterson new appointment) to the Lane County Planning Commission.

MOTION: to approve the balance of the Consent Calendar.

Leiken MOVED, Bozievich SECONDED.

VOTE: 5-0.

6H10

Bozievich indicated that he pulled this item because at the beginning of the year they made a change and withdrew the Good Governance Policy as the Board processes. He said this set of appointments flew under the radar and they were being carried out under the previous Good Governance Policy where the Planning Commission was to do the interviews and recommendations. He wasn't sure that was the process they wanted to still undertake. He recalled it was a subcommittee of the Board that did the interviews and recommendations for appointments. He was concerned that there was a small pool of applicants for this position. He asked about the possibility of re-advertising to see if they get a larger pool of applicants. He indicated that there was only one applicant for one position.

Leiken had the same question about the process. He asked if the Board should appoint the position.

Bozievich noted under the Good Governance Policy that each commissioner appointed a Planning Commissioner and there were four at large positions. He added without the Good Governance Policy in place, he wasn't sure it still applied. He thought they should go back to the Charter and make the appointments from the Board and have the Board review the applicants.

Richardson recalled that after the Good Governance Board Order was adopted, they made Lane Manual changes for a lot of the committees. She indicated that now governs how many committee members are on a committee and how they appoint. She said they could make changes to the Lane Manual, as it is up to the Board.

Stewart asked if the position that was open had specific requirements.

Kent Howe, Land Management, explained that both positions were at large. He said one position was for a coastal representative. He added that the only new requirement for new members to be appointed to the commission is that they cannot have more than two who are engaged in the buying and selling of real estate. He added they can't have more than two in the same occupation or profession. He noted the nine member body currently meets all of the geographic and occupational requirements of the Planning Commission and with the two

appointees recommended by the Planning Commission, it still maintains the requirements by Lane Manual.

MOTION: to approve ORDER11-10-19-20.

Sorenson MOVED, Handy SECONDED.

Leiken said he was okay with the at large positions because each commissioner gets to choose a representative on the committee.

Handy thought they should approve this today. He commented that a lot of thought went into the Good Governance Board Order.

Bozievich asked if the makeup of the Planning Commission was set forth in Charter or Lane Manual.

Howe responded that it is in Lane Manual.

Bozievich noted that currently his appointment from his predecessor fills the coastal position. He said when it comes time for him to reappoint, he asked if he will be limited geographically.

Howe recalled that Commissioner Fleenor appointed George Goldstein and he is counted as one of the two for the coastal area. Howe said the other position is at large. He noted that Goldstein's position expires in 2013. He said if there were not two positions meeting the geographic requirements of a coastal position, then they wouldn't be able to appoint someone that wasn't coastal.

Bozievich indicated the reason he pulled this was because he thought this flew under the radar and was done even though they took a positive vote earlier to change their governance policies. He thought before the next set of appointments comes up, they need to discuss how the appointments are done. He believed the way they are currently done is somewhat limiting.

Vorhes stated that he reviewed Lane Manual. He recalled when the Good Governance Board Order passed; the Lane Manual did not change the Planning Commission. He said that the Board has dealt with appointments to the Planning Commission in a variety of ways over the years by specific Board direction. He indicated the latest set of Lane Manual changes the Board approved recently did not change the Planning Commission. He indicated that it has been the same since 1997, when they eliminated the West Lane Planning Commission. He didn't think the Good Governance Board Order had an effect other than the decision of the Board.

Bozievich recalled in 2003 the process was run by the Board and the Board did the interviews. He said some time between then and now it had changed and

there is nothing where the Planning Commission does interviews and gives recommendations to the Board. He thought the process had gone on without a lot of guidance from the Board. He thought this was the time to look at the process because of the limitation it puts on his appointments due to the geography and the history of the West Lane Planning Commission. He wanted to make this a future agenda item and discuss possible changes to Lane Manual to address this issue.

Stewart supported Bozievich's request to review this. He thought it should go to Policies and Procedures and then to the Board.

Sorenson asked if these appointments have to be for a four year term. He asked if the positions could coincide with the term of office of the commissioner.

Howe indicated the Manual specifies a four year term and not to have more than two consecutive four year terms. He added that it was silent on everything else. He said it could coincide with a commissioner's term of office.

Vorhes said the Board appoints all of the Planning Commission members. He said the practice of the Board has been for each commissioner to make a recommendation and the Board approves it.

VOTE: 5-0.

Stewart said there was energy behind either a work session or to send it to the Policies and Procedures Committee.

Handy wanted this to go to Policies and Procedures. There was agreement by the rest of the Board to send this to Policies and Procedures.

7. COUNTY ADMINISTRATION

a. Announcements

Richardson reported that they have been conducting an audit of the Economic Development Department and the audit is completed. She said they found some Lane County Policies and Procedures that either weren't followed or they should change so they have best practices in the area for awarding grants and following grant documents. She added there were areas where they were not in compliance with state or federal law. She said they talked to the awardees of the grants and they are now getting into compliance. She added that they did not find any indication of any illegal or unethical behavior of any commissioner or others. She said they have had issues with rules. She indicated that they will soon be in compliance with all of their grants.

b. REPORT BACK/CAHR LM Change.

Richardson recalled that Policies and Procedures had been asked to look at many of the Board committees. She indicated that when they came back to the Board, there was no recommendation for the CAHR. She said they were torn on what should happen with the Commissioner for the Advancement of Human Rights. She said it was recommended that they end the CAHR, but they have seen issues like the Creswell incident where they would need a County presence. She heard from the community and the Board members that there are two different areas they would like a group to focus on. She noted one is to report to the Board about the status of Human Rights in Lane County. She said the second area is to have some resources in place so when something happened like the Creswell incident happens; they have resources that could be in place for the communities. She recommended for the reporting and monitoring for the status of Human Rights in Lane County, that they pull together two groups that already exist: the Eugene Commission for the Advancement of Human Rights and Safer in Springfield and utilize an organization called Back to Back that could help look into the other areas of Lane County to help give the Board a sense to the status of Human Rights. She indicated that she meets with the Eugene Commission for the Advancement of Human Rights and she will talk to the others to see if it will work.

For the resource part, Richardson commented that Lane County might be financially poor but they are rich in that they have staff available to tap into any resources available. She recommended using the group as a rapid response team when something happens in another community. She added that Handy has offered to be on the rapid response team.

c. DISCUSSION/Budget.

Christine Moody, Budget and Planning, said she has not been able to redo the forecast. She was waiting for the bargaining agreements as it impacts the expense side. She said if the Board wants a Leadership Team Meeting in December, she can come up with a forecast that would be more accurate with what they know at that time. She stated they do not have any replacement for Secure Rural Schools funding and they will lose the payment of \$4.9 million completely. She added that it will revert back to the timber formula that would be about \$1 million coming to the County. She said they are predicting they will be spending all of their excess reserve in the 11/12 year. She reported that combination puts the deficit over \$10 million. She distributed a base schedule. (Copy in file).

Leiken asked about the opportunities when working with Lane County to leverage resources so there is not duplication of services. He said that should be an ongoing discussion with the budget. He thought Richardson could discuss this at the SEL meeting with the other jurisdictions.

Richardson indicated she had a meeting today with other jurisdictions and out of that meeting they formed four subgroups in the area of public safety. She added

one of the subgroups was reaching out to the small cities to join. She said they are studying how they can do this better as a region.

Stewart said they currently have three courts and they discussed whether there was an opportunity to see some changes. He added there was also a discussion about the jails, prosecution and communication. He said there is energy and everyone at the table understood what Lane County is facing and the need to work together to find a way to provide the necessary services as they move forward.

Sorenson thought of an outreach to let the public and leadership know the gravity of the problem as early as possible. He said the earlier they inform the public, the more likely they will be prepared for negative consequences and they will be more likely to take it seriously. He said the coordination of the fire service between Eugene and Springfield and the rural districts surrounding Eugene and Springfield provides an example. He thought this was an opportunity to do things differently. He said they need to have Cuyler monitor the actions in the State Legislature and Congress on all of the proposals to help them. He thought they should focus on getting the federal money as the next best choice.

Stewart said as they look at the \$10 million and how it is going to be addressed, the cuts from the general fund will be difficult. He doesn't know if they will be able to achieve some of the things they use as tools for savings. He said it means services are going to get cut. He said he wants to know as soon as possible about some of the areas they are going to balance the budget with and use that for the outreach so if there is a specific service cut being looked at they can present it to the public and hear their comments. He said if a service is going to be completely eliminated, he wanted to know about it and plan for it. He wanted a plan to address how impacts will take place.

Bozievich said the service option sheets are great because it tells them the various impacts of budget cuts. He said it doesn't give guidance to frame the budget or the most important services or outcomes they are trying to achieve with the money. He believed the Board early on in the process should have a discussion about what outcomes they are trying to achieve as a County government and which are the most important so they can look at the service options sheets relative to a prioritization. He said it will offer the community an opportunity to talk about their priorities. He said if they continue the level of services, they will continue to do everything poorly. He said they need to decide about some things that they might have to stop doing.

Handy wants to see the Leadership Team meet with the Board in December with the municast and go into the new year with a set of meetings and engagements with a Strategic Plan on how they engage people before the regular budget cycle takes place.

Leiken thought they should engage in social networking. He thought Amber Fossen, Public Information Officer, should be involved getting information out to the constituents.

- d. DISCUSSION/Letter to Oregon Representative DeFazio and Administrative Staff of House Natural Resources Committee in Support of Continued Development of Active Forest Management Bill Draft Pending in Committee. (PULLED)

8. **PUBLIC WORKS**

- a. ORDER No. 11-10-19-21/In the Matter of Awarding the Supplemental Tourism Special Projects Grants for 2011 and Authorizing the County Administrator to Sign Contracts.

David Stockdale, Parks, explained that each year they have this grant program and in the 2011 round, the Tourism Council made recommendations to the Board that were accepted, approved and implemented for less than \$97,000. He indicated that left some funding available and the Board gave direction last month to go ahead and pursue a supplemental process to see if there are other projects. He said they advertised for the program and received three applications. He added that generally the Tourism Council will review each of the applications. He said due to the timing falling outside of their normal availability and the tight schedule of the projects themselves, they were not able to have a quorum. He had two member recommendations and some discussion included in the packet.

Stockdale noted there were three applications: Blue River Community Development Corporation; Mark II Sign Project for signs down Highway 126 through the McKenzie Corridor and Dark 30 Sports.

Stewart indicated in reviewing the information they had a split recommendation from the members on the committee. He noted one recommended that none of the projects be funded and the other recommendation was that all the projects were good and deserved funding.

Handy said he would support Dark 30 Sports and roll the others into the next round to have a wider range of applicants to address the criteria better.

Stewart agreed with staff's recommendation for \$17,000 available for allocation. He noted the recommendation is to fully fund the Blue River Community Development Application at \$10,000 and \$7,000 for Dark 30 Sports.

Bozievich also supported staff's recommendation.

MOTION: to approve ORDER No. 11-10-19-21, with \$10,000 going to Blue River Community Development and \$7,000 going to Dark 30 Sports.

Bozievich MOVED, Leiken SECONDED.

VOTE: 4-1 (Handy dissenting).

- c. FIFTH READING AND DELIBERATIONS/Ordinance No. PA 1257/In the Matter of Adopting the Junction City Highway 99 Refinement Plan as a Refinement to the Lane County Transportation System Plan, Amending the Lane County Transportation System Plan to Incorporate the Refinement Plan by Reference, and Co-Adopting the Plan as a Refinement Plan to the Junction City Transportation System Plan, and Adopting a Severability Clause. (PM & NBA 1/27/2010, 2/10/2010, 4/27/2010, 10/27/2010 & 8/17/ 2011)

Lydia McKinney, Public Works, recalled she was in front of the Board in August giving an update that the Board requested. She stated on September 7, Celia Barry, Public Works, sent an e-mail to the Board asking if there were any questions or needed materials and they didn't receive back any request for materials. She said they did receive a question from Handy asking what the purpose of today's meeting was and they clarified his request. She stated they are continuing to request that the Board adopt the Junction City Highway 99 Refinement Plan. She recalled that the city of Junction City adopted the Refinement Plan in March 2009 and currently the Refinement Plan is applicable within the Junction City limits but until action is taken by the Board, it does not apply to those lands outside of the city limits

MOTION: to adopt Ordinance NO. PA 1257.

Bozievich MOVED, Leiken SECONDED.

Handy commented that the world has changed and they have to think ahead of the curve. He said they need a modern multi modal plan in his view and the previous proposal didn't meet the threshold. He said that he was concerned about spending money as this is a big commitment to a plan that will involve taxpayer money being spent.

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

9. **COUNTY COUNSEL**

- a. Announcements

None.

10. **COMMISSIONERS' ANNOUNCEMENTS**

None.

11. **OTHER BUSINESS**

None.

There being no further business, Commissioner Stewart adjourned the meeting at 11:50 a.m.

Melissa Zimmer
Recording Secretary