

**BOARD OF COMMISSIONERS'
REGULAR MEETING**

November 30, 2011

9:00 a.m.

Harris Hall

(Approved 12/14/11)

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

1. **ADJUSTMENTS TO THE AGENDA**

Stewart read the corrected title for 5C2. He noted the figure should be \$740,000. Bozievich pulled 5B1 off the Consent Calendar for discussion.

2. **PUBLIC COMMENTS**

None.

3. **COMMISSIONERS' RESPONSE TO PUBLIC COMMENTS AND/OR OTHER ISSUES AND REMONSTRANCE** (2 min. limit)

Sorenson said when Congress was looking at what to do about the impending default of the federal government and unable to pay its obligations, Congress considered raising the debt ceiling to borrow more money. He said part of the agreement Congress made and the President approved was to raise the federal debt ceiling and to create a special committee to resolve federal budget issues and if they didn't resolve the federal budget issues than a series of reductions would kick in. He said that Lane County has a number of programs that are federally funded and at their last HACSA meeting there was a brief discussion on whether the federal housing cuts would affect HACSA. He commented that as they go into the next budget, they should get an update from Alex Cuyler or the County Administrator about what the cuts will be to Lane County government. He said there is not going to be any revenue and they need to get on top of the federal picture as they get on top of this next budget. He said he didn't think things will remain the same.

4. **EMERGENCY BUSINESS**

None.

5. **CONSENT CALENDAR**

- A. Approval of Minutes
- B. County Administration

- 1) RESOLUTION AND ORDER 11-11-30-1/In the Matter of Transferring \$400 from the General Fund Operational Contingency to Materials and Services within General Expense to Support the Eugene 2012 Martin Luther King, Jr. Celebration.

C. Health & Human Services

- 1) ORDER 11-11-30-2/In the Matter of Approving the Lane County Public Health Authority Plan for FY 2012-2013.
- 2) ORDER 11-11-30-3/In the Matter of Applying for a Request for Plan Amendment to Oregon Health Authority – Addictions and Mental Health Division for Enhanced Detoxification Services in the Amount of \$740,000.

D. Management Services

- 1) ORDER 11-11-30-4/In the Matter of Ratifying the Pricing of the Performance Contracting Program for Phase 3, Design and Construction of Energy Saving Projects at the Lane County Adult Corrections Facility, and Phase 4, Design and Construction of Energy Saving Projects at the Lane County Courthouse/PSB to Include the Steam Conversion Project.

E. Public Works

- 1) ORDER 11-11-30-5/In the Matter of Authorizing the County Administrator to Sign an Amendment to the Easement Agreement Between Lane County and Lane Transit District for Access to Lane County Tax Lot 501 on Lane County Assessor's Map 17-04-13-22.
- 2) ORDER 11-11-30-6/In The Matter Of Accepting A Deed For A Strip Of Land To Be Used For County Road Purposes For Gibson Lane (County Road Number 235) (19-03-22)
- 3) ORDER 11-11-30-7/In The Matter Of Accepting Deeds For Strips Of Land To Be Used For County Road Purposes For Franklin Road (County Road Number 107) (16-05-28)
- 4) ORDER 11-11-30-8/In The Matter Of Accepting Deeds For Strips Of Land To Be Used For County Road Purposes For Rust Road (County Road Number 996) (16-07-17)

F. Public Safety

- 1) ORDER 11-11-30-9/In the Matter of Accepting a Grant Award of \$89,966 from the Oregon Criminal Justice Commission, Delegating Authority to

the County Administrator to Sign Grant Award Documents and Appropriating \$89,966 in Revenues and Expenditures in Special Revenue Fund 260, Public Safety.

- 2) ORDER 11-11-30-10/In the Matter of Delegating Authority to the County Administrator to Execute Intergovernmental Agreement between Lane Council of Governments and Lane County in the Amount of \$112,205 for the Community Emergency Notification System (CENS) and Related Contract Administration.

MOTION: to approve the balance of the Consent Calendar.

Bozievich MOVED, Handy SECONDED.

VOTE: 4-0.

5B1

Bozievich asked the Board to agree to amend this board order in the amount of \$400. He said he has a personal check to be made out for \$100 and he wanted to write the check to the MLK Celebration Committee. He said if the committee chooses not to take the check then he will write it to Lane County. He wanted to pay his own contribution to this event.

MOTION: to move to amend ORDER 11-11-30-1 in the amount from \$500 to \$400.

Bozievich MOVED, Stewart SECONDED.

VOTE: 4-0.

MOTION: to approve ORDER 11-11-30-1.

Bozievich MOVED, Stewart SECONDED.

VOTE: 4-0.

6. **PUBLIC WORKS**

- a. ORDER 11-11-30-11/In the Matter of Approving an Intergovernmental Agreement with the City of Eugene for Cooperative Services regarding the National Pollutant Discharge Elimination System (NPDES) Phase II Permit held by Lane County and authorizing the County Administrator to execute the Agreement. (Daniel Hurley, Senior Engineer Associate)

Dan Hurley, Public Works, reported the IGA is for stormwater services within the urban growth boundary and an agreement the city will provide certain services in

accordance with that agreement. He said this agreement is an extension of a partnership that started in 2004 with an IGA and that agreement was extended four times: twice extending the time on the agreement, once adding additional money and once modifying the best practices language. He said this partnership has been successful, providing better stormwater services for the residents in the area, providing a continuity of services between the city and the County and providing a cost savings to the County by preventing the need to duplicate services.

Hurley explained the new IGA reflects the city's updated best management practices and it will help the County meet new stormwater requirements by the DEQ. He added that it sets a flat rate for services at \$63,500. He said this figure is the result of several months of refining by the city to arrive at the true cost of providing these services. He noted the biggest change in the agreement is to transfer the responsibility and authority for spill response. He said the new agreement would set provisions to mirror what they did with the city of Springfield in 2010 to transfer authority for administering illicit discharge code within the UGB and the responsibility for responding to spills within the right of way. He said if this is approved, he will come back to bring proposed revisions to Lane Code to transfer the authority to the city. He said the IGA will also prompt him to bring stormwater development standards for the Board's consideration for application within the UGB. He recalled in the mid-eighties, the County delegated for building and land use within the UGB to the city and Lane Code has not been kept current as the city has modified their development standards. He added that the stormwater development standards were adopted after 2004.

Richardson noted the indemnity clause gave her some concern. She said the indemnity clause reads currently that if Eugene employees are not completely at fault, it is the County's obligation to indemnify them. Her concern is if there is a third party that the County would have to indemnify them. She stated that it didn't seem fair but the city of Eugene wasn't willing to move further. She added they have modified the indemnification language from where it originally stood.

Stewart asked if the County has the capacity to do what they are doing around spills if they were not to sign this IGA.

Hurley indicated they have the equipment but being a large County the equipment is not necessarily in the area it needs to be to respond promptly. He said the city could cover by having the equipment closer.

Stewart was concerned about how the County was going to do this when they don't have the money.

Hurley said the Board authorized a stormwater utility feasibility study last December and they have been working with a consultant on the study. He

indicated that they are coming back in January to discuss the funding issues and possible options.

MOTION: to approve 11-11-30-11.

Handy MOVED, Sorenson SECONDED.

VOTE: 4-0.

7. **COMMISSIONERS' BUSINESS**

a. REPORT/Lane Metro Partnership.

Jack Roberts, Executive Director, Lane Metro Partnership, distributed an activity report from December 2010 to November 2011. (Copy in file). He discussed recruitment and the function of the organization.

Stewart indicated that he sits on the Joint Elected Officials' Agenda Team and he will ask to have Roberts report on the Lane Metro Partnership.

8. **COUNTY ADMINISTRATION**

a. Announcements

Stewart asked if they were going to have a conversation about Innovate Lane County ideas before the end of the year.

Richardson said most ideas were submitted to her as of last Wednesday evening. She said she is working through them and she will be spending time on Monday morning with Management Team to determine which ones they want to move forward. She thought for the last meeting of the year she will discuss some of the ideas. She added that there will be ideas that will need to involve the Board. She reported that they had over 1,000 ideas submitted.

9. **COUNTY COUNSEL**

a. Announcements

None.

10. **COMMISSIONERS' ANNOUNCEMENTS**

None.

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

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

12. **OTHER BUSINESS**

None.

There being no further business, Commissioner Stewart recessed the meeting into Executive Session at 11:10 a.m.

Melissa Zimmer
Recording Secretary