

MINUTES & NOTICE OF BOARD ACTION

APPROVED *April 17, 1996*



LANE COUNTY BOARD OF COMMISSIONERS

This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

TUESDAY, JANUARY 30, 1996 - REGULAR MEETING

(Following HACSA)

(Commissioners' Conference Room)

Chair Bobby Green presided with Steve Cornacchia, Ellie Dumdi, Jerry Rust and Cindy Weeldreyer (arrived at 9:15 a.m.) present. Zoanne Gilstrap, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

A 10:30 and 11:30 term certain was needed for executive session.

One item of emergency business was identified.

2. PUBLIC COMMENTS

Georgette Moore, 94929 Marcola Road, Marcola, stated that she placed a vending trailer outside of her house in the hopes of starting her own business. She explained that she was told that the zoning would not allow a food trailer on Marcola Road. Moore explained that she had gone through all the right channels and had done everything requested. She said she would like to be allowed to operate her food trailer and requested help from the Board to possibly obtain a special permit or waiver.

Teresa Wilson, County Counsel, suggested obtaining a report from Land Management to outline the range of issues involved.

Green stated that before he would take a position or make any recommendation, he would need to talk to staff.

Van Vactor reported that staff would prepare a report and mail a copy to Moore.

Cindy Clague, 315 Ayres Road, spoke of the assessments on Ayres Road. She stated that improvement of Ayres Road was a city initiated project and was in response to and for the benefit of new development along that road. She explained that there are four county residences along that road and the rest of the land is city property. She reported that the county residences are being assessed for a larger percentage of the road improvement costs than the new developments. Clague believed that they are being asked to subsidize the developers' cost because they need sewers put in before they can finish the second phase of their development. Clague said that the county assessment policies in a road development of this kind call for assessment of curbs, gutters and sidewalks. She reported that that would be acceptable to them as county residents. She further explained that their proposal would be for county residents to be assessed according to county policy and that city residents be assessed according to city policy.

Deborah Jeffries, 3800 N. Delta Hwy, stated that she was here on behalf of Mary Craiger who is one of the largest property owners along the northwest end of Ayres Road and who is faced with a \$90,000 to \$140,000 bill on property that she does not want to develop at this time. Jeffries questioned the whereabouts of a report that was to be prepared by a city hearings official. She agreed that parts of the road were in bad shape but suggested that the majority of the responsibility for repairing the road should lie with the City for permitting the development on River Point and allowing for change in elevation. Jeffries stated that every sand and gravel truck used came out from one entrance on a road that was not designed for that much weight. Jeffries believed that due to that permitting by the city, they should bear more costs than county residents.

3. COMMISSIONERS' ANNOUNCEMENTS

Moved to later in the morning.

4. COMMISSIONERS' BUSINESS

- a. ORDER 96-1-30-1/In the Matter of Designating the Use of \$65,000 From Lane County Road Funds for the Design and Construction of an Alleyway and Road-Fund Eligible Improvements to Assist the HACSA Affordable Housing Development Called the Laurel Gardens Apartments in the City of Eugene.

MOTION: Approval of the Order. Dumdi MOVED, Rust SECONDED.

Cornacchia stated that he could not support the motion because road funds are on hold until the Finance & Audit Committee finishes their review. He noted that the Board has repeatedly denied funds to outside entries. Cornacchia stated that he did not remember any previous Board commitment to fund this project and requested the Minutes of any Board meetings where this item was discussed and funds were committed.

Dumdi said that she recalled conversations in which they discussed several HACSA projects and the road funds involved but does not remember this one specifically.

Rust said he had some recollection of giving the go-ahead to purchase the land and to proceed with construction. He commented that this was not a huge investment and did meet the test of their policies. Rust explained that this was a very modest investment given the return and stressed that he wanted to move ahead with this.

A decision was made to table this item until HACSA representatives could attend and the Minutes could be provided.

b. DISCUSSION/Evaluation of County Administrator.

Green stated that the average, in terms of ratings from 10 (exceptional) to 1 (unsatisfactory), was between 8 1/2 and 9 in every category. He reported that comments for improvement were for better communication between County Administration and Van Vactor's role as the conduit between the Board of Commissioners. Green went on to say that Van Vactor scored very high under integrity and that his interpersonal skills were exceptional. Green remarked that Van Vactor has become more assertive in discussions and interaction with the Board. He appreciated the fact that Van Vactor was quick to point out both sides and to caution against controversial issues by providing facts, both the pros and cons. Green went on to say that in the area of budget decisions, Van Vactor has done an exceptional job of maintaining morale and in setting the tone.

Dumdi stated that comments from staff were very positive. Dumdi also wanted to mention Van Vactor's commitment to the community including his involvement in Boy Scouts and the school board.

Cornacchia echoed the comments presented and offered his confidence in Van Vactor.

Weeldreyer stated that she felt very strongly that Van Vactor has shown growth, both personally and professionally. She said that she shares his desire to tell the County's story to public. Weeldreyer also commented that she looked forward to working toward the team concept to which Van Vactor is committed.

Rust asked Van Vactor if there was anything the Board could do to make his job smoother.

Van Vactor responded that feedback from the evaluations was very helpful. He believed that there was a growing consensus for the County to set some priorities in things to accomplish. Van Vactor commented on the organization and stressed his

appreciation to staff. He said the relatively high marks received today reflected the organization as a whole and its commitment to delivering efficient public services.

5. EXECUTIVE SESSION as per ORS 192.660

Times certain at 10:30 a.m. and 11:30 a.m.

6. COUNTY ADMINISTRATION

a. Announcements

None.

b. ORDER 96-1-30-2/In the Matter of Creating an Information Services Department and the Position of Chief Information Officer for Lane County. (David Suchart, John Clague, Jim Gangle, Rick Schulz, Bennett Wilson)

Suchart explained that the Mist group was formed on May 1, 1995. Their goal was to identify and make recommendations on key information system issues facing Lane County and to recommend a management information structure for Lane County to the Board for their review and adoption and to recommend a management information system management and decision-making structure to the Board for their review and adoption.

Suchart reported that they looked at the subject of privatization as well as internal reorganization. He said the Board previously determined that they did not want to follow the privatization track and, therefore, they followed the internal review track.

Wilson reported that their proposal is a centralized version and that the main emphasis of that centralized function would be to present the Board with an annual work plan of the entire county and to communicate the directions and policies of both upward as well as down. Wilson explained that it also should facilitate county-wide development of application such as an executive information system. Wilson emphasized the need for a way to communicate to employees in the county. He gave examples of on-line agendas, announcements, the ability to survey on an informal basis, facilitation of a centralized database function such as a telephone directory and the opportunity for commissioners to have a forum to communicate with staff as a whole.

Wilson believed that the County has organizations focused more on their individual mission rather than the mission of county government. He said that for that reason, the County needs a director, someone at a high level to provide vision to the County. Wilson stressed that, in addition to the individual visions, there is a need for a single

vision. He did comment that part of their proposal was a decentralized function to focus on meeting the individual needs of the departments.

Wilson explained that the majority of personnel would not have a big change, that the bigger change would be at the management level. He said the union was supportive of this as well as the staff that contributed. He believed management supported this proposal and felt confident that the County Administrator was also in support.

Suchart explained that this proposal has been strongly recommended by Mist and endorsed by the employees involved and that there was general consensus among department managers and the County Administrator. He said that they were asking the Board to create the Department of Information Services and to establish the position of Chief Information Officer as a director of the department and begin recruitment immediately.

Van Vactor stated that he was fully supportive of the recommendation. He stated that as an organization, they are at a point when they must act due to the "Millennium Conversion" problem and that the clock was already ticking, both on the finance department and the assessment and taxation system. He stressed that time is a major factor and he believed a centralized management structure to make those key decisions and move forward is the necessary vehicle. He also felt that Mist and the employees involved produced a very good recommendation which has phenomenal consensus. He reported that of those who participated in this proposal, it was the choice of 13 of 15. Van Vactor also said that Mist went through a prior project which considered privatization and there was not the consensus. He believed consensus was critical to accomplish the task.

Rust stated that he thought this was a quality product and that he was in support of it.

Weeldreyer agreed with the concept and stated she was very much in support.

Cornacchia said he believed the memo was a quality product in response to Board direction. He said, however, everything that he is now reading indicates that adding higher levels of management and bureaucracy is the old way of doing things and he is having second thoughts on the original charge. He did not agree with the need for one person to create a vision for Lane County. He believed that vision needed to be created by Lane County as an organization before this person comes on board. Cornacchia stated that the fundamental problem with this organization is not the need for a person in control but is the lack of leadership at Board level and with department managers. He explained that option 3 removes accountability from department heads and places it on the County Administrator. Cornacchia commented that it is difficult for him to consider creating more bureaucracy and higher levels of management at a

time when the County should be doing just the opposite. He said this organization needed to be integrating line people in decision making and said the proposal would diminish opportunities for that.

Cornacchia suggested using a consultant to take the County through an exercise that would lead to the kind of leadership, direction and vision that is needed and, from that exercise, determine if creating more bureaucracy is the best way to go.

This item was continued to later this afternoon.

5. **EXECUTIVE SESSION as per ORS 192.660**

MOTION: To go into executive session. Cornacchia MOVED, Weeldreyer SECONDED.
VOTE: 5-0.

This meeting recessed for time certain for executive session at 10:30 a.m. to reconvene 11:16 a.m.

7. **PUBLIC WORKS**

a. **ORAL REPORT/Assessment Policies Regarding Ayres Road.**

Les Lyle, City Engineer, stated that ORS 223.878 provides that the City of Eugene can assess property outside city limits if the following conditions are met: County has approved the improvement; County has approved the assessment; assessment of properties outside city limits must be in the same manner as outside limits; and owners of property outside limits have same rights and remedies as those inside the limits.

Lyle explained that County assessment policies are for curbs, gutters and sidewalks.

Lyle reported that he conducted an information session with property owners and also conducted a public hearing with a hearings official present. He stated that the hearings official is preparing minutes and recommendations. Lyle said he would then submit those recommendations to City Council and commented that the next step would be to bring it before the Board for their approval for authority to include these local properties.

Cornacchia asked that, in the event the Board did not approve that authority, could the City still improve the road.

Lyle replied that they could not.

Cornacchia asked if the design included a turnlane and sidewalks.

Lyle said he expected a turnlane at Delta, Gilliam and River Point intersections. He also stated that he does want sidewalks on both sides. He explained, however, that the council could decide to include sidewalks now or maybe one sidewalk now and one later.

Cornacchia asked if the sidewalks could be deferred as a condition for approval from the Board.

Lyle said he could forward that suggestion to the council. He stated that if that were a Board condition, it would be included in the council packet as a condition that goes along with the authority.

Cornacchia said that he would like see the numbers for assessments on those northern agricultural properties. He felt that if the sidewalks were just a minor part of the assessment and that the bigger cost comes in placing the sewer underneath that side of the road for drainage, then he would not support it. He also said he could not support something that forced people to convert their properties from agricultural land to residential.

Rust stated that he was worried about equity and said that was why the deferral idea made sense to him. He said deferral would allow for the orderly progression of growth while also recognizing that some people may wish to delay the growth. He thought there should be some criteria that could help fund a deferral policy. Rust stated that he would be in favor of moving forward but would like to create a deferral mechanism.

Lyle explained that for the City Council to modify the code and set up a deferral program that would delay an assessment until such time as either the property sells or is developed, a formal code change by the City Council and by charter would be required. He explained that such a code change would not take effect for six months following the adoption of that code change. Lyle noted that the City did not have the funds to set up such a deferral program. He did say, however, that if the county felt that it was in its interest to form such a deferral program, the City certainly would not be opposed to the County deferring the assessment under a contractual arrangement with the property owner where basically the City would go through a process of assessing the property per its standards and then the County would, in effect, pay the City for that assessment and set up a deferral for the property owners.

Weeldreyer commented that she believed this road project, if given the okay, would require agricultural properties to develop and felt there would be no turning back at that point of trying to conserve what is left of prime agriculture land. She stated she was not in a position to agree to give assessments on these county residences.

Rust stated that he would like to get a report from the Roads Advisory Committee regarding what the assessment policy would look like, what would be the repayment terms and what kind of criteria would be used in implementing it.

Steve Vorhes, Assistant County Counsel, said that one issue would be where the funds would come to pay those assessments. He said the other issue would be the mechanism for assuring repayment. Vorhes questioned the availability for other county residents to use that mechanism which he said is an issue that would be raised by such a deferral program.

Green asked if such a program were designed, would it actually constitute a lien on the property until there is a change in the use and zoning of the property when the assessments would take affect.

Vorhes stated there would also be the issue of the County making a loan to private individuals which could run up against legal authority.

Green suggested that the Board have a discussion around a deferral program and how it would work, taking into consideration the sidewalks, change of use and zoning and come back with this issue at a later date.

Rust asked if the scope of work, what it would take to do a credible job, what are the legal issues, estimate of time needed, expense and staff, etc., could be identified. He explained that after a report is reviewed, the Board could then decide how far to go with this deferral issue.

Weeldreyer stated that she has a number of letters from residents in the River Point subdivision that have expressed grave concerns over the safety of children that walk on this road. She stated that the condition of this road has deteriorated greatly as a result of the heavy truck traffic to create River Point and, if this is to be delayed, she would ask that the city at least fill some potholes.

Snowden said he could have a report back in five weeks.

This meeting recessed at 11:32 a.m. into executive session to reconvene at 1:30 p.m.

Discussion of these items was continued from this morning.

6. COUNTY ADMINISTRATION

- b. ORDER 96-1-30-2/In the Matter of Creating an Information Services Department and the Position of Chief Information Officer for Lane County. (David Suchart, John Clague, Jim Gangle, Rick Schulz, Bennett Wilson)

Wilson continued by saying that the individual for this position would not be providing the main vision for where Lane County should be going. He said that Lane County was a diverse county and the vision is really at the department management level. Wilson commented that what this person could do would be to help the department managers facilitate their vision by providing consistent information technology expertise. He stated the department managers were still the people responsible for meeting the mission and that this person would be more of a support person.

Cornacchia stated that the portrayal of this person was significantly different than the Lane Manual and the Department of Informational Services definition. He asked if this person would be a facilitator or a department level manager. He said he did not see where adding more staff was going to solve the County's problems.

Wilson replied that this position required a department level responsibility. He said they would be looking for a manager who understood the technology, who could bring the people together and apply the resources in a manner such that the technology issues Lane County presently is facing could be solved. Wilson said that was the kind of position that was being proposed.

Rust stated he is ready to establish this position as it has been proposed.

Weeldreyer said that she has followed the work of the Mist group and has attended meetings. She stated that there was agreement that the status quo would not work any longer and it was apparent to her that there was need to take an action and move forward. She believed that what was being proposed today was an opportunity to take existing resources and rearrange them in a way that would provide a service to the departments and allow the department managers more flexibility to deliver departmental services in a much more efficient way. Weeldreyer believed it also provided greater accountability. She said that it was a logical way to go and is concerned about falling too far behind in this millennium change.

Dumdi stated that she believed that this proposal was the direction the County needed to move. She said there was a need for flexibility and noted this position could always be evaluated and changed as necessary in the future.

MOTION: Approval of staff recommendation. Weeldreyer MOVED, Rust SECONDED.

VOTE: 4-1, Cornacchia dissenting.

7. PUBLIC WORKS

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- b. ORAL REPORT BACK/Status of Natural Resources Periodic Review for Work Program Concerns.

Roy Burns stated that, at this time, no consensus had been developed in response to how to deal with the Natural Resources work responsibilities in the Metro Periodic Review. He explained that there were three underlying reasons. Burns said that the first and primary reason was that the Goal 5 Administrative Rules were currently in the process of substantial amendment and change at the State level which would lead to a likelihood of having those changes made on or about July of this year. He noted that there is the potential for a new course of action on natural resource activities, both for the metropolitan area and also for the rural area under the applicability section. Burns said that that would give the local elected officials an alternative to evaluate.

Burns went on to say that the second issue dealt with funding. He commented that, at the present time, the Department of Land Conservation and Development Commission was allocating to local jurisdictions in the periodic review. He said that the amount of money they were allocating was substantially less than what had been anticipated in a variety of areas. He explained that it is not at the level that had been anticipated and said that allocations were still under negotiation.

Burns stated that the third issue was that the City of Eugene and City of Springfield elected officials were still evaluating the Metro Work Program on natural resources and have not come to any conclusions. He noted that he was at a meeting last Wednesday with the City of Eugene and there were concerns expressed by the City about the Citizens Advisory Committee and the work program. Burns explained that they plan to take that issue up in February for evaluation. However, Burns said that at this time, it was an unsettled state of affairs and he believed a delay in arriving at what is appropriate in natural resources was to be expected and could even be advantageous.

- c. ORDER 96-1-30-3/In the Matter of Electing Whether or Not to Consider an Appeal of a Hearings Official Decision Approving a Rezoning of a Property from RR-5 to RR-2 (file PA 0941-95; McDougal Bros.).

Copely explained that this was an appeal that came before the Board last fall as a Board interpretation and again as a second interpretation of a rural comprehensive plan policy which was central to rezoning in rural areas. He reported that this action was to allege that the Board's interpretation was incorrect and to ask the Board to take a third look at the policy. Copely commented that the staff recommendation was that the appeal does not appear to meet the standards; however, if the Board wished to take

a third look at the policy, findings could be generated supporting it and a new order could be produced for board action at a later time.

Green asked to declare any ex parte contacts as required by ORS 215.422(3).

Weeldreyer stated, as it was her district, that she has had quite a number of contacts with individual residents on this issue as well as with members of the McKenzie Watershed Council and the McKenzie Residents Association. She stated that she has had people relay their position to her and has also met with Mike Evans for a thorough orientation on the areas and how they fit into the context of this particular application. She felt that she has had briefings that have been comprehensive on both sides but that none of them have made her, in any way, favor one side or the other.

MOTION: That the appeal be denied and not be heard by the Board. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

8. CONSENT CALENDAR

A. Health and Human Services

- 1) ORDER 96-1-30-4/In the Matter of Adopting Revised Bylaws of the Community Mental Health Advisory Committee Attached as Exhibit A.
- 2) ORDER 96-1-30-5/In the Matter of Delegating Authority to the County Administrator to Sign Contracts As Listed in Exhibit A in the Department of Health and Human Services.

MOTION: Approval of the Consent Calendar. Weeldreyer MOVED, Dumdi SECONDED.

9. OTHER BUSINESS

- a. DISCUSSION AND ORDER 96-1-30-6/In the Matter of Replacing Courthouse/Public Service Building Telephone System.

Dan Mulholland gave a brief report on the history of Lane County's current phone system. He explained how the decision was made to purchase that system, the advantages of that switch and the problems Lane County has experienced with it. He also explained that the current telephone system is having some serious deterioration. Mulholland was proposing replacement of the courthouse/PSB telephone system. He said that the telephone fund that LCOG administers, which includes county money, has the resources to pay for the replacement.

Mulholland briefly discussed the options available to Lane County. They included replacing the system software in the existing system; replacing the system, re-using components and most phones; replacing the system including most internal components and multi-line phones; and replacing the system with one from a different manufacturer.

Mulholland recommended option 3.

MOTION: Approval of the Order to Adopt Option 3. Rust MOVED, Dumdi SECONDED.

Cornacchia was reluctant to spend money with the same firm that provided the hardware that had previously caused difficulties.

Weeldreyer said it was her understanding that Lane County has saved considerable money by going with this type of phone system and sharing costs with other jurisdictions. She said she is supporting this issue because it solves some real operational problems occurring now and cost less than it would to go with another manufacturer.

VOTE: 4-1, Cornacchia dissenting.

10. HEALTH AND HUMAN SERVICES

- a. ORDER 96-1-30-7/In the Matter of Increasing a .75 FTE Alcohol, Drug Offender (ADO) Program Manager Position to a 1.0 Position; Approving a Fund Transfer for the Manager Position; and to Allow the Hiring of Temporary Help in the ADO Program in the Department of Health and Human Services.

MOTION: Approval of the Order. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

- b) ORDER 96-1-30-8/In the Matter of Appointing Medical Staff of Lane County Psychiatric Hospital and Granting Them Physician Privileges as Listed in Exhibit A.

MOTION: Approval of the Order. Dumdi MOVED, Weeldreyer SECONDED. VOTE: 5-0.

11. REVIEW ASSIGNMENTS

Moved to later today.

12. EMERGENCY BUSINESS

- a. ORDER 96-1-30-9/In the Matter of Requesting Issuance of Industrial Revenue Bonds by the State of Oregon for L.D. McFarland Company.

Green explained that Lane County was being asked to approve this order for the Metropolitan Partnership because the bonds were ready to be issued. He said that Lane County endorses this order and recognizes that it is consistent with the goals of the Economic Development Committee. Green noted that there was no financial commitment on the part of the county.

Dumdi MOVED, Rust SECONDED, VOTE: 5-0.

3. COMMISSIONERS' ANNOUNCEMENTS

Weeldreyer reported that she attended a Pleasant Hill town meeting last night. She distributed a list of questions that she received from citizens regarding the levee. Weeldreyer stated that the citizens wanted to determine both their legal responsibilities and financial obligations (see material on file). She said about 50 people attended and the majority wanted to know what their financial responsibilities were after the road fund expenditures were taken out of the \$41,000 spent by the County. She remarked that she could not get any commitments about what they were willing to pay.

Cornacchia stated that there were only three questions, 2,3 and 4, on list for Lane County to answer and said the rest were for their lawyers, Department of State Lands and the Corps of Engineers to answer.

Weeldreyer said she had a draft of a letter to send to the Corps giving them authority to use their resources to conduct an assessment in absence of a local district. She said that once that assessment is complete and the information is given to the County who, in turn, would provide it to the interested parties, Lane County's sponsorship of this is over.

To reflect Commissioner Weeldreyer's assumptions, Cornacchia asked to have the language in the third paragraph changed from saying that if there was no cost to Lane County for the Corps to perform the assessment as opposed to the language stating there is no cost to request this scope of work. He also requested language to state the understanding that there is no other jurisdiction available for this purpose.

MOTION: Approval of the letter with the revised language. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

It was determined that the County would respond to questions 2, 3 and 4.

Dumdi stated that there are three public forums scheduled for the Sheriff's Levy, one February 1 in Florence at the Suislaw High School Auditorium, one on February 5 at the Irving Grange and one on the 19 of February in Elmira.

Rust said that was also a public forum on the 13 in South Eugene.

Green said that he was going to attend a public forum on February 15 and 26 with the League of Women Voters. Green stated that Smith and Dawson, our lobbyist from Washington D.C. will be here tomorrow.

11. REVIEW ASSIGNMENTS

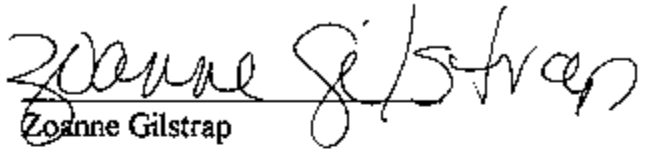
Public Works has five weeks to report back on the scope of the Assessment policies regarding Ayres Road.

Report ready next week on the status of Moore's vender trailer in Marcola with copy to Moore.

Prepare answers to questions 2, 3 and 4 of the questionnaire presented by Pleasant Hill citizens at the Town Meeting.

Get Minutes from HACSA regarding road fund issues.

There being no further business, the meeting adjourned at 3:17 p.m.


Zoanne Gilstrap
Recording Secretary