

MINUTES
LANE COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS

Emerald Peoples Utility District
33733 Seavey Loop Road, Eugene

December 14, 2006 - 7:00 P.M.

VOTING MEMBERS

Present

Mayor Gary Williams (Cottage Grove), Chair	Commissioner Patrick Lanning and Mel Menegat (EWEB)
Councilor Darrell Carman (Veneta)	Commissioner Anna Morrison (Lane County)
Commissioner Patti Chappel (EPUD)	Councilor Gary Papé (Eugene)
Director Sherry Duerst-Higgins (Lane ESD)	Mayor Ron Petitti (Creswell)
Director Greg James (Willamalane)	Mayor Judy Volta, (Coburg)
Director Al King (School District 19)	Mayor Warren Weathers (Lowell)
Director Alan Laisure (School District 52)	

Absent

City of Dunes City Representative	Eugene School District 4J Representative
City of Florence Representative	McKenzie School District 68 Representative
City of Junction City Representative	Lane Community College Representative
City of Oakridge Representative	Port of Siuslaw Representative
City of Springfield Representative	Fern Ridge Library District Representative
City of Westfir Representative	Lane Library District Representative
	Western Ambulance District Representative

STATE ELECTED OFFICIALS

None

GUESTS

Forest Arnold, Bobby Green, Michael Lewis, Tom Schwetz, Brad Taylor, Ric Ingham, Mel Damewood, and Tim Healey.

LCOG STAFF

George Kloeppe, Kay Metzger, Ann Mortenson, Bob Swank, Byron Vanderpool

1. CALL TO ORDER – ROLL CALL

Chairperson Gary Williams called the meeting of the Lane Council of Governments (LCOG) Board of Directors to order at 7:05 p.m.

Secretary Ann Mortenson called the roll of members. LCOG Executive Director George Kloepfel stated that a quorum was present.

Emerald Peoples Utility District Commission (EPUD) President Patti Chappel welcomed members to its offices. She explained that the crowded parking lot was evidence that crews were working to repair storm damaged power lines.

2. REQUESTS FOR ADDITIONS TO THE AGENDA

None.

PUBLIC COMMENT

3. COMMENTS FROM THE PUBLIC

None.

COMMITTEE REPORTS

4. REPORTS FROM THE CHAIR AND EXECUTIVE COMMITTEE

Chairperson Williams said he had nothing to add to printed reports.

Mr. Kloepfel referred to a document entitled "Report of the Executive Committee" and noted that it contained reports of meetings held on September 21 and October 26. He said a one-half hour meeting of the Executive Committee had immediately preceded the meeting of the Board and that all but one of the issues considered were included on the Board meeting Agenda.

Chairperson Williams requested that the order of the Agenda be changed to consider Appointments and Election to the Executive Committee immediately after Advisory Council Reports, and Fiscal Year 2005-06 Financial Statements and Audit Report immediately before the Report of the Metropolitan Policy Committee.

Commissioner Anna Morrison moved, seconded by Director Greg James, to approve the request of the Chair. The motion was adopted unanimously, 13:0.

5. ADVISORY COUNCIL REPORTS

Mr. Kloepfel referred to a document entitled "Advisory Council Reports. He noted that it contained information about meetings of the Metropolitan Policy Committee, Senior Advisory Council, Disability Services Advisory Council, and Lane Economic Committee.

11. EXECUTIVE MANAGEMENT AND ADMINISTRATION ITEMS

C. Appointments to Executive Committee and Election

Chairperson Williams referred to a document entitled Nominations to the Executive Committee and noted that it reported the proposed appointment to the Executive Committee by 2007 Chairperson Patrick Lanning of Phil Brubaker, Alan Laisure, Judy Volta, and Gary Williams. He said it had been suggested that since a number of member agencies would be changing their Board representatives in January, it would be appropriate to postpone election of the two additional Executive Committee members until the meeting scheduled in February.

Mayor Warren Weathers moved, seconded by Commissioner Morrison, to ratify the appointments by Chairperson Designate Patrick Lanning to the 2007 Executive Committee of Phil Brubaker, Alan Laisure, Judy Volta, and Gary Williams. The motion was adopted unanimously, 13:0.

6. REPORT FROM THE EXECUTIVE DIRECTOR

Mr. Kloepfel referred to a document entitled "Comments from the Executive Director" and reviewed information it contained about the meeting schedule of the Board, employee support for United Way and Earth Share fall campaigns, Tom Schwetz leaving LCOG to be Lane Transit District Director of Planning and Development, and the decision of Siuslaw Public Library District to not continue its LCOG membership.

Director Al King asked if the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw and the Siuslaw Fire and Rescue District continued to be interested in LCOG membership, as previously reported. Mr. Kloepfel replied that he continued to have assurances of their interest, but that no formal requests for membership had been received.

Director Alan Laisure asked why the Siuslaw Public Library District had decided not to continue its LCOG membership. Mr. Kloepfel replied that the Board of the District had determined that LCOG services were not relevant to its work.

Commissioner Lanning presented a plaque of appreciation to Mayor Gary Williams for his two years of service as LCOG Board of Directors Chairperson.

Commissioner Lanning left the meeting at 7:25 p.m., his place at the table being assumed by Commissioner Mel Menegat.

11. EXECUTIVE MANAGEMENT AND ADMINISTRATION ITEMS

A. Fiscal Year 2005-06 Financial Statements and Audit Report

Mr. Kloepfel referred to Agenda support material entitled "FY 2005-06 Financial Statements and Audit Report" and noted that the "Annual Financial Report" prepared by LCOG had been audited by the accounting firm of Jones and Roth. He said the Independent Auditors' Report had shown that LCOG operations were "in conformity with generally accepted accounting principles" and contained no "Findings or Questioned Costs."

Michael Lewis stated that he represented Jones and Roth and reiterated that its audit had shown LCOG fiscal procedures to meet high standards and were in compliance with the requirements of both state and federal governments. He complemented LCOG fiscal staff on the excellent quality of their work and their willingness to comply with all requests of the auditors.

Forest Arnold stated that he also represented Jones and Roth. He commented on the complicated nature of LCOG operations that involved loan programs, real estate holdings, contractual relationships and federal funding requirements. He described the six-month auditing process and repeated that no findings or questioned costs were encountered.

Chairperson Williams stated that the Auditor's report was as good as possible. He invited members to discuss the report.

Members asked questions and discussed the report.

Mayor Weathers moved, seconded by Director Sherry Duerst-Higgins, to accept the Annual Financial Report for the year ended June 30, 2006, and authorize its submission to the State of Oregon. The motion was adopted unanimously, 13:0.

Chairperson Williams stated that the Report of the Metropolitan Policy Committee (MPC) would be delayed until the arrival of its representative.

BUSINESS ITEMS

8. CONSENT AGENDA

Chairperson Williams noted that the Consent Agenda included acceptance of the Minutes of the September 21, 2006, meeting; approval of appointments to the Senior Meals Advisory Committee; adoption of fiscal year 2007-08 LCOG Dues Rates; and adoption of fiscal year 2007-08 Budget Assumptions and Processes. He determined that no member wished to remove an item from the Consent Agenda for separate consideration.

Commissioner Morrison moved, seconded by Mayor Weathers, to approve the Consent Agenda. The motion was adopted unanimously, 13:0.

9. LOCAL GOVERNMENT SERVICES ITEMS

A. Region 2050 Policy Committee Report/Recommendations

LCOG Technical Services Director Byron Vanderpool reported on the collaborative Region 2050 Planning Project begun in 1999. He said the withdrawal of support for the effort by participating municipalities had ended the application of the State's Regional Problem Solving (RPS) program to the project, and that the Policy Committee's final meeting, October 30, concluded LCOG involvement.

Commissioner Morrison stated that she believed the Region 2050 Project had failed in its effort to develop a regional long-range planning strategy. She said some par-

ticipants had benefited from specific aspects of the effort, but its \$800,000 cost far outweighed its overall value. She warned that information produced during the project would “remain static” and become unusable to participants without resources to update data.

Mayor Judy Volta stated that she disagreed with the assessment of Commissioner Morrison and believed information developed during the process was important and valuable to participants. She said collaboration developed in Region 2050 would bear fruit for many years to come. She asked what would happen to data developed.

Mr. Vanderpool replied that technical information developed in the Region 2050 Project would become dated and need to be regularly reevaluated by the jurisdictions involved. He said Oregon land use regulations were directed at cities and counties, but paid little attention to their interaction, making the Project a statewide model underscoring the importance of regional problem solving.

Mayor Weathers said he had found the Region 2050 Project to be a frustrating process. He said he believed it had been self-serving and had reached a pre-ordained conclusion. He said he did not believe Policy Board concerns had been adequately considered, leading to the withdrawal of support by major cities. He said the request of the City of Lowell for an adjustment of its coordinated population projection developed during the Project was an example of both its importance and inadequacy.

Chairperson Williams noted the arrival of Board of County Commissioner Bobby Green, Chairperson of the MPC, and stated that its report would be received.

7. ANNUAL REPORT OF THE METROPOLITAN POLICY COMMITTEE

Commissioner Green stated that reporting to the Board about MPC performance of its Metropolitan Planning Organization (MPO) responsibilities was the last duty in his term as chairperson. He referred to Agenda support material entitled “Annual Report on MPO Activities.”

Commissioner Green reviewed efforts of the MPC to adopt and amend the Regional Transportation Plan and Metropolitan Transportation Improvement Plan to ensure receipt of federal and state funds. He also reviewed public involvement improvements and changes made in the operation of the MPC Citizen Advisory Committee.

Commissioner Green said little progress had been made in resolving MPC conflict resolution concerns brought on by the voting process established in its bylaws. He said it would continue to be an issue in 2007, when the Mayor of Eugene would serve as chair.

Commissioner Morrison said she believed credibility of the MPC with the Oregon Transportation Commission was essential for Lane County to receive its fair share of state and federal transportation resources. She said she was concerned that changes made to MPC public involvement processes could be misinterpreted to imply that issues raised by individuals would be given priority over decisions made by elected officials.

Former MPC Staff Tom Schwetz explained that difficulties encountered by the MPC in fulfilling its MPO responsibilities had been of concern for many years. He said changes made in the public involvement process had been modeled after those used by Lane County.

Commissioner Morrison said she believed the changes would not stop individuals from going to the Oregon Transportation Commission and attempting to subvert decisions made by elected officials. Commissioner Green replied that he agreed that such practices could continue, but that they were entirely appropriate. He said such incidences did not mean the Board of County Commissioners would no longer be the final authority in such matters.

Mayor Volta described her experience with the MPC Citizen Advisory Committee and said she believed there was value in listening to objections and alternate proposals from the public. She said she did not believe hearing such suggestions guaranteed their acceptance, but that it was important for elected officials to receive feedback from the public.

Commissioner Chappel said it was her experience that it was important to involve all interested persons in making public policy decisions. She said interaction with the public should be considered in all such matters, even though it often made the processes lengthier.

Commissioner Green suggested that circumvention of MPO processes in the past could have been caused by overlooking public input.

Councilor Gary Papé stated that he believed receiving Annual MPC Reports was a valuable Board activity. He requested that the Executive Committee invite MPC leaders to a discussion intended to encourage development of improved conflict resolution processes. He said if no progress was made, he believed withdrawal of the delegation of MPO policymaking responsibilities to the MPC should be considered.

Mr. Vanderpool reported that the MPC had directed its staff to set up a joint meeting with the LCOG Executive Committee and that it would happen before the next Board meeting.

Commissioner Morrison said she was concerned that delays in resolving conflicts were affecting the funding of important area projects.

Commissioner Green stated that the issues involved in the dispute resolution issue were highly complicated and that special interests and new members needed to gain appreciable knowledge before they could fulfill their responsibilities.

Chairperson Williams expressed appreciation for the MPO Annual Report.

9. LOCAL GOVERNMENT SERVICES

B. Coordinated Regional Population Forecast

Mr. Kloeppe referred to Agenda support material entitled “Coordinated Population Forecasts” and reviewed information it contained. He said the Board was asked to approve staff work with cities and Lane County to reexamine population projection allocations adopted by the Board in 2005.

Mayor Weathers referred to a document entitled “City of Lowell Request for Population Projection Adjustment – December 11, 2006.” He said its explanation of Lowell’s request was similar to those made by other cities.

Councilor Darrell Carman said the request from Veneta was also based on needs presented by larger population growth than originally projected.

Mayor Weathers moved, seconded by Director Laisure, to direct staff to re-examine the existing Coordinated Population Forecast adopted in 2005, to better reflect current population increases.

Mayor Volta asked if the proposed action would re-start the collaboration involved in the Region 2050 Project. Mr. Kloepfel replied that he did not envision the process to be extensive or long term.

Director James reported that the Executive Committee had asked about funding for the project and been informed that it would be “cost neutral.”

Mr. Kloepfel explained that the effort would be consistent with budgeted LCOG staff support for member agencies. He said that if it became apparent that it would become more expensive than expected, the Board would be consulted.

The motion was adopted unanimously, 13:0.

10. SENIOR AND DISABLES SERVICES ITEMS

None.

11. EXECUTIVE MANAGEMENT AND ADMINISTRATION ITEM

A. Bylaw Changes

Mr. Kloepfel referred to his November 9, 2006, memorandum regarding proposed LCOG Bylaw Amendments. He noted that it contained copies of changes previously reviewed by the Board.

Mayor Volta moved, seconded by Mayor Weathers, to adopt amendments to Sections Five and Six of the Bylaws regarding Nomination and Election of Officers, Composition and Appointment of Executive Committee, and Executive Committee Quorum and Voting. The motion was adopted unanimously, 13:0.

INFORMATION ITEMS

- 12. A. Plans for Appreciation Dinner**
- B. Lane Economic Committee Follow-up Planning Coordination**
- C. First Quarter Financial Report**
- D. Senior and Disabled Services Highlights for 2005-06**
- E. Senior and Disabled Services Family Caregiver Program Funding**

Chairperson Williams said he believed discussion of Information Items could be bypassed, to allow time for the presentation regarding Water Rights Regional Opportu-

nities. He noted that written support material had been received regarding the final three Information Items.

Commissioner Morrison said she believed the lack of a report from the Lane Economic Committee (LEC) regarding the work of the Economic Development Planning Coordination Subcommittee should result in Board implementation of its recommendations without its input.

Mr. Kloeppe reported that the LEC had discussed the recommendations extensively at its October 16 meeting, without reaching any conclusion. He said Committee members had requested that its staff meet with staff of the Lane Metro Partnership and Economic Development Standing Committee of the Board of County Commissioners to discuss issues related to coordination of economic development planning in Lane County. He said the outcome of the meeting had been considered at the November 20 LEC meeting and members had requested that it be continued at its next scheduled meeting on January 22.

Director King suggested that delaying action on the Subcommittee recommendations might be inappropriate, in light of Commissioner Morrison departure as a member of the LCOG Board.

Mayor Weathers said he was confused and concerned because he did not believe the recommendations of the Subcommittee were intended to take away any influence of the LEC.

Mayor Volta said she did not believe it was appropriate for the Board to act on the recommendations without feedback from the LEC as requested by the Executive Committee.

Mr. Kloeppe said he did not believe the LEC was engaging in delaying tactics and was not aware of issues raised by its members regarding Subcommittee recommendations.

Chairperson Williams said he was convinced by suggestions that it was most appropriate for the Board to postpone consideration of the recommendations of the Subcommittee until a report was received from the LEC. He said it would be entirely appropriate for non-member persons interested in the issue to participate in the Board discussion of the matter when it was scheduled. He determined there was no objection to his ruling.

SPECIAL PRESENTATION

13. WATER RIGHTS, REGIONAL OPPORTUNITIES

Brad Taylor explained that he was a water resource specialist for Eugene Water & Electric Board (EWEB). He said his responsibilities included water rights research and planning. He said dismantling of the Region 2050 Project had eliminated a valuable forum for coordination of water rights planning and advocacy.

Mr. Taylor made an extensive presentation regarding water rights in the Southern Willamette Valley. He said there was plenty of water, but that it was not allocated in a way that met the needs of all communities, especially as populations grew.

Mr. Taylor discussed changing federal and state standards for water rights. He said critical decisions were being made that would determine future access to water resources and the role of individual municipal water providers. He described the importance of regional planning and the impacts of Measure 37, water quality concerns, climate change, and resource stewardship. He said existing water rights were increasingly difficult to maintain, future water rights were difficult to obtain, and there was a need for regional water resource planning.

Members discussed the presentation – state versus federal laws, municipal versus agricultural uses, water rights versus water claims, permitting processes, access to federal water storage, salmon preservation issues, forming a regional water rights forum, ground water management, and water conservation.

Mayor Ron Petitti said he hoped the LCOG Board would continue the discussion and consider ways EWEB could become a coordinator of regional water providers.

Chairperson Williams thanked Mr. Taylor for his presentation and members for their involvement in the discussion.

14. ADJOURNMENT

The meeting adjourned at 9:10 p.m.

(Recorded by Dan Lindstrom)