

MINUTES
LANE COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS

Emerald People's Utility District
Board Room
33733 Seavey Loop Road - Eugene

April 28, 2004 - 7:00 P.M.

VOTING MEMBERS

Present

Mayor Gary Williams (Cottage Grove), Chairperson	
Director Vange Bigham (Lane Library District)	Mayor Sid Leiken (Springfield)
Mayor Phil Brubaker (Florence)	Director Jerry Miller (Lane ESD)
Director Patti Chappel (EPUD)	Commissioner Anna Morrison (Lane County)
Councilor Glenn Fortune (Oakridge)	Councilor Gary Papé (Eugene)
Director Greg James (Willamalane)	Mayor Ron Petitti (Creswell)
Director Al King (School District 19)	Director Dennis Shine (LCC)
Director Alan Laisure (School District 52)	Director Anette Spickard (School District 4J)

Absent

Coburg Representative	Port of Siuslaw Representative
Dunes City Representative	School District 68 (Mohawk) Representative
Junction City Representative	EWEB Representative
Lowell Representative	Fern Ridge Library District Representative
Veneta Representative	Siuslaw Public Library Representative
Westfir Representative	Western Lane Ambulance Dist. Representative

STATE ELECTED OFFICIALS

None

GUESTS

Roxie Cuellar, Sherry Duerst-Higgins, Mike Galvin, Ron Hitchcock, Steve Hull, Penny Jordan, Mary Spilde.

LCOG STAFF

George Kloeppe, Jamon Kent, Kay Metzger, Ann Mortenson, Ted Stevens, 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 7:00 p.m.

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

Chairperson Williams expressed appreciation to Emerald Peoples' Utility District (EPUD) Director Patti Chappel for providing the meeting venue and refreshments.

2. REQUESTS FOR ADDITIONS TO THE AGENDA

Councilor Gary Papé asked to add Board consideration of concerns expressed about LCOG providing mapping services to the Home Builders Association of Lane County to the agenda of the meeting. Chairperson Williams replied that the topic would be added immediately following action on the Consent Agenda.

3. COMMENTS FROM THE PUBLIC

Roxie Cuellar, 2053 Laura Street, Springfield, stated that she represented the Home Builders Association of Lane County. She described an agreement that her organization had to receive mapping data from LCOG to update Eugene/Springfield area Residential Lands Studies. She distributed copies of maps and Description of Lot Usage forms used in on-the-ground surveys conducted to determine whether properties had changed from vacant to developed since the existing Studies were conducted. She said the information had been agreed to be mutually beneficial and the project was nearing completion.

Ms. Cuellar reported that she had recently been informed that the agreement was being terminated by LCOG and that fees paid for maps by the Home Builders Association were being refunded. She said she had since learned that the action was taken because of pressure from local officials opposed to the use her Association made of the data. She said requests for mapping information were now being screened by municipal and county legal counsel.

Ms. Cuellar said she did not believe it was appropriate for LCOG to change a long-standing agreement and to provide its public services only to certain elements of the private sector.

A. Public Hearing on Public Contracting Regulations

Chairperson Williams noted that Agenda Support Material entitled "Report of the Executive Committee" described proposed changes to LCOG Public Contracting Regulations based on recent revisions of Oregon Statutes.

Chairperson Williams opened a Public Hearing on the proposed changes. He determined there was no one present wishing to testify and closed the Public Hearing.

4. REPORTS FROM THE CHAIR AND EXECUTIVE COMMITTEE

Chairperson Williams referred to Agenda Support Material entitled "Report of the Executive Committee" and "Report of the Executive Committee – Supplement." He noted they contained information about meetings held on March 17 and April 21. He determined that no member of the Executive Committee wished to add comments to the reports.

A. Biennial Executive Director Performance Review

Chairperson Williams reported that members of the Executive Committee had discussed a "360 Review" procedure for evaluating the performance of public organization

executives with Jeff DeFranco of the Springfield School District. He said it had been agreed to adopt the process for the biennial review of Mr. Kloeppe.

Chairperson Williams explained how the review would involve use of an Internet web-based response form. He said peer-review and evaluations by staff, members of the Board, and others would be requested.

Director Greg James said his experience with the procedure showed it was worthwhile. He said it allowed flexible responses by persons with differing types of relationships with the one being evaluated. He said a deadline for responses would be established, the information collected and studied by the Executive Committee, and a complete report made to the Board.

Director Al King said his experience with the procedure had also been positive.

Chairperson Williams said the procedure would be initiated soon and encouraged all Board members to participate.

5. ADVISORY COUNCIL REPORTS

Mr. Kloeppe referred to Agenda Support Material entitled “Advisory Council Reports” and noted that it contained reports of meetings of the Metropolitan Policy Committee (MPC), Senior Services Advisory Council, Disability Services Advisory Council, and Lane Economic Committee. He said the formation of a MPC Citizen Advisory Committee was especially significant.

6. REPORT FROM THE EXECUTIVE DIRECTOR

Mr. Kloeppe referred to Agenda Support Material entitled “Comments from the Executive Director.” He noted that it reported that the newly established Lane Library District had become a member of LCOG. He said library districts fully participated in Board discussions, but shared a single vote – as did parks and recreation districts and school districts with less than 5,000 students.

Mr. Kloeppe commented on LCOG work with Lane County to prepare applications for grants of federal Homeland Security funds. He said the \$772,000 awarded to Lane County projects was less than a proportional share of the \$17+ million available statewide.

Mr. Kloeppe distributed copies of announcements of a May 9 benefit for Meals on Wheels at McMenamins North Bank Restaurant and of a June 4 “2005 Vitality Run/Walk” to also support the program.

Mayor Sid Leiken said he was concerned about the report that Lane County projects had received less than a fair share of Oregon Homeland Security grants. He recommended that contact be made with Springfield Police Chief Jerry Smith, a member of the Oregon Advisory Board for the program. He said that during his own previous service on the Board there had been apprehension about small cities receiving grants that were not spent.

Commissioner Anna Morrison requested that information about the report of Mayor Leiken be shared with members of the Board. Mr. Kloeppe said he would follow up on the request.

7. CONSENT AGENDA

Chairperson Williams noted that the Consent Agenda included acceptance of the minutes of the February 24, 2005, meeting of the Board of Directors.

Director Jerry Miller moved, seconded by Director Chappel, to approve the Consent Agenda. The motion was adopted unanimously, 15:0.

8. LCOG MAPPING SERVICES

Mr. Kloeppe stated that the agreement between LCOG and the Home Builders Association of Lane County for mapping services was not typical of how such arrangements were made. He said it had not been established through a contract, but an informal agreement established between persons of good will. He explained that the action suspending the agreement reported by Ms. Cuellar had been taken because a representative of a LCOG member had expressed reluctance for the information to be released, based on an assumption that the data involved belonged to the government agencies that provided it.

Mr. Kloeppe said he had convened a meeting of concerned parties to discuss issues in contention. He said he had concluded that although LCOG was a member agency and should be responsive to the desires of its partners, LCOG had an obligation to the Homebuilders Association to complete the informal agreement that had been established.

Mr. Kloeppe explained that the comparatively small nature of the project did not reduce the responsibility of LCOG to fulfill its obligations. He said the issue was more complicated than whether maps should be provided for updating residential lands data. He stated that he would direct the agreement to be completed by his authority as Executive Director.

Commissioner Morrison said she believed the issue of who made a decision about who was able to receive LCOG data was a significant one.

LCOG staff Byron Vanderpool said the issue was of importance to the Home Builders Association and to Eugene, Springfield, and Lane County. He said most map requests received by LCOG were not controversial, but that there was no policy about release of parcel-level land use data maintained by LCOG. He said such data was not guaranteed to be accurate. He said there were legal issues involved that had not yet been addressed.

Commissioner Morrison said her frustration was knowing that the information in question was a public record and that its availability was advertised, but no policy had been set about who was eligible to receive it. She said she believed some restrictions should be established to ensure that the data was not used to affect change in policies of governments providing the information, such as efforts of the Home Builders Association to change standards set for the Metropolitan Wastewater system.

Mr. Vanderpool said that, as a public agency, LCOG could not differentiate between legitimate requests for data it provided. He said the issue was not involved in most LCOG concerns.

Councilor Papé said he had been informed that concerns about use of the data by the Home Builders Association raised by the Eugene Planning Director were not intended to stop the agreement. He said he appreciated the comments of Mr. Kloeppe regarding the obligation of LCOG to continue its informal agreement. He said questions about who had authority to authorize data use needed to be resolved. He said they raised important issues such as whether LCOG should be involved with providing information that could be used in litigation between its members.

Director Jerry Miller said he was concerned that a policy could be established differentiating between those eligible to receive public information based on whether litigation was involved.

Mayor Leiken said he believed litigation issues were best left to trained attorneys, but that the Board should be concerned about policy related to services provided by LCOG.

Chairperson Williams said he believed there was agreement that staff would resolve the issues involved in the specific concern regarding the Home Builders Association and that the Board would be asked to provide policy directions for unanswered questions.

9. SENIOR AND DISABLED SERVICES

A. Advocacy Regarding Medicare Three-Day Prior Hospital Stay Rule

LCOG Staff Ted Stevens referred to Agenda Support Material entitled “Advocacy Regarding Modification of Medicare’s 3-Day Prior Hospital Stay Rule.” He noted that its recommended action had originated with the Advocacy Committee of the Senior Services Advisory Council and that a sample letter regarding the concern was attached to the Support Material.

Commissioner Morrison moved, seconded by Director Miller, to direct that letters be sent to members of Oregon’s Congressional delegation and to the U.S. Centers for Medicare and Medicaid Services urging the elimination of Medicare’s three-day prior hospital stay rule and, in its place and proposing insertion of the following criterion to trigger Medicare payment for skilled care in a nursing facility: that the patient has experienced a significant change of condition which requires sub-acute skilled nursing care. The motion was adopted unanimously, 15:0.

10. EXECUTIVE MANAGEMENT AND ADMINISTRATION ITEMS

A. Revised Fiscal Year 2004-05 Budget

Chairperson Williams referred to Agenda Support Material entitled “Revised FY 2004-04 Budget – Resolution 2005-3.” He noted that the Budget Committee had voted to recommend adoption of the resolution at its meeting on April 21.

Commissioner Morrison moved, seconded by Director Miller, to adopt Resolution 2005-3. The motion was adopted unanimously, 15:0.

B. LCOG Public Contracting Regulations

LCOG Staff Bob Swank referred to Agenda Support Material entitled “LCOG Public Contracting Regulations.” He said the revisions made to State of Oregon Public Contracting Statutes revision in 2003 required that local governments update their public contracting rules to be in compliance. He said changes in components of the new regulations included raising thresholds for requiring formal contracting processes. He said the Executive Committee would be designated as the LCOG Contract Review Board.

Director Greg James moved, seconded by Councilor Gary Papé, to adopt Resolution 2005-4, designating the LCOG Executive Committee as Contract Review Board and adopting proposed Public Contracting Regulations. The motion was adopted unanimously, 15:0.

Mr. Kloeppe expressed appreciation to Director James for his professional work on revising the Public Contracting Regulations proposal. Director King added that Director James had been named Oregon Purchasing Manager of the Year by the Oregon Purchasing Professionals Association.

11. INFORMATION ITEMS

Mr. Kloeppe referred to Agenda Support Material entitled “Budget Committee Appointments, Meeting Schedule.” He noted that it reported appointment to the 2005-06 Budget Committee of Gary Williams, Bob Doppelt, Greg James, Patrick Lanning, Ron Murphy, and John Sullivan.

Mr. Kloeppe announced that the annual LCOG Open House would be held on May 26.

12. EDUCATION AND LIFE-LONG LEARNING

Mr. Kloeppe stated that, on the recommendation of the Executive Committee, he had invited the superintendents of the 16 school districts in Lane County to be present at the meeting and had requested Ron Hitchcock, Superintendent of the Lane Education Service District, to be a “pump primer” for Board member discussion of Education and Life-Long Learning previously set as the special focus of the meeting.

Mr. Hitchcock said his presentation would describe the recently developed Regional Technical Education Consortium (RTEC) as an example of how LCOG partners could be involved in educational concerns.

Mr. Hitchcock distributed copies of documents entitled “2004-2005 Lane County Approved Professional Technical Education Programs 9-12” and “2004-2005 Lane County Professional Technical Education Program Offerings by District.” He noted that they showed how technical education programs were in limited, especially in rural and smaller

school districts. He described “defining activities” used in the formation of RTEC that were applicable in meeting other needs:

- Articulate and Document Definitions and Assumptions
- Focus and Re-Focus on the End User
- Collaborative Relations Are Not Optional
- Local Control = Local Solutions to Local Issues
- Prioritization

Bethel School District 52 Superintendent Steve Hull reviewed the vision of the Consortium. Lane Community College (LCC) President Mary Spilde described the involvement and leadership of the college in development of the Consortium.

Director Dennis Shine described how smaller school districts were helped by the Consortium. He said the RTEC was important for students and for the economic development of Lane County. He said resources used for the program were an investment, not an expense. He said another positive result was better utilization of LCC regional campuses.

Director Al King reported on the experience of Springfield School District 19 in being required to reduce support for technical/professional education programs. He said that school districts needed “symbiosis” to survive and that LCC needed to be a “flag ship” of creative partnerships in education such as RTEC.

Mayor Leiken suggested that a program similar to the RTEC should also be available for adults involved frequent career changes.

Councilor Papé said the RTEC was an example of public education at its finest. He asked if there were ways that local governments could support it and other educational ventures. Director Shine replied that supporting legislation to make Oregon Opportunity Grants again available to part-time students would be helpful.

President Spilde said a business leaders committee formed to advocate for expansion of the availability of the Oregon Opportunity Grants would welcome local government jurisdiction representatives.

Director Anette Spickard said Eugene School District 4J supported formation of the RTEC. She said another effort that could be emulated was the City of Eugene Local Option Levy used to support non-classroom school district programs. She said a community partnership program of “Employers for Education” that provided student mentors could be improved by the addition of support from local government jurisdictions.

Commissioner Morrison reported that the RTEC had provided a health services nursing program in the Florence LCC Center during the summer months. She asked if RTEC provided technical education programs in the Crow School District. Mr. Hitchcock replied that there were no programs available within the district, but that students from it participated in programs of neighboring areas.

Director Miller said he believed the support of cities was important for education. He described Team Springfield as a positive example of such cooperative efforts of the City, School District, Park District, and Utility District.

Mayor Leiken suggested that there were creative ways cities and Lane County could encourage mentoring programs such as providing tax incentives for participating businesses.

Director Vange Bigham said he believed retired teachers were a resource not fully utilized in the teaching of technical professional education.

Director Alan Laisure said he appreciated the discussion and hoped it could be continued at a later meeting.

13. ADJOURNMENT

Chairperson Williams expressed appreciation for the commitment of Director Miller to the work of the LCOG Board and welcomed Director Sherry Duerst-Higgins as his replacement representing the Lane Education Services District.

Chairperson Williams said Member Agency Reports would not be able to be included in the meeting. Director King suggested that agency representatives write synopses of important developments to be submitted for sharing with Agenda Support Material of the next meeting. He also suggested that a future meeting be designated for an expanded time of sharing Member Agency Reports.

Chairperson Williams announced that the special focus of the June Board meeting would be Regional Economic Development.

The meeting adjourned at 9:00 p.m.

(Recorded by Dan Lindstrom)