

MINUTES
LANE COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS
Lane County Department of Youth Services
Serbu Center Lobby
2727 Martin Luther King Jr. Drive
Eugene

December 13, 2007 - 7:00 P.M.

VOTING MEMBERS

Present

Commissioner Patrick Lanning (EWEB), Chair	Director Al King (School District 19)
Mayor Phil Brubaker (Florence)	Director Alan Laisure (School District 52)
Councilor Darrell Carman (Veneta)	Councilor Chris Pryor (Eugene)
Mayor Don Hampton (Oakridge)	Commissioner Faye Stewart (Lane County)
Director Keyte Hladky (Fern Ridge Library Dist.)	Director Jim Torrey (School District 4J)
Director Greg James (Willamalane)	Mayor Judy Volta (Coburg)
Director Susie Johnston (LCC)	Mayor Warren Weathers (Lowell)
Commissioner Penny Jordan (EPUD)	Mayor Gary Williams (Cottage Grove)

Absent

City of Dunes City Representative	Western Ambulance District Representative
City of Creswell Representative	Lane Library District Representative
City of Junction City Representative	Port of Siuslaw Representative
City of Springfield Representative	Siuslaw Fire District Representative
City of Westfir Representative	Lane ESD Representative
School District 68 (McKenzie) Representative	

NON-VOTING MEMBER

Director Mike Dubick (LTD)

STATE ELECTED OFFICIALS

None

GUESTS

John Airnes, Joel Goss, Mona Lindstromberg, Ric Ingham, Mia Nelson, Sally Nunn, Bob Parker, Kitty Piercy, Lauri Segel, Liam Sherlock, Corinne Sherton, Chuck Spies, Jerry Valenueva

LCOG STAFF

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

1. CALL TO ORDER – ROLL CALL

Chairperson Patrick Lanning 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 Kloepfel stated that a quorum was present.

Commissioner Faye Stewart welcomed the Board to the Lane County Department of Youth Services (DYS) Serbu Center. He introduced John Airnes, representing DYS.

Mr. Airnes acknowledged and thanked Culinary Arts students for preparing and serving the meal that preceded the meeting. He described the Serbu Youth Campus and the services it housed. He explained the DYS purpose, goals, and how programs operated – Detention Center, Phoenix Program, substance abuse treatment programs, Family Court, and Education Center. He said the Martin Luther King Jr. school, located on the campus, was sponsored by the DYS, Lane Community College, and Lane Education Services District. He reviewed ways budget cuts were affecting DYS services.

Chairperson Lanning determined that there were no requests to change the agenda, or to provide public comment.

COMMITTEE REPORTS

2. REPORTS FROM THE CHAIR AND EXECUTIVE COMMITTEE

Mr. Kloepfel referred to Agenda support material entitled “Report of the Executive Committee.” He noted that it included Meeting Notes of Executive Committee meetings held on October 11 and November 15.

3. ADVISORY COUNCIL REPORTS

Mr. Kloepfel referred to Agenda support material entitled “Advisory Council Reports.” He noted that it contained information about meetings of the Metropolitan Policy Committee (MPC), Disability Services Advisory Council, Senior Services Advisory Council, and Lane Economic Committee.

4. REPORT FROM THE EXECUTIVE DIRECTOR

Mr. Kloepfel referred to Agenda Support material entitled “Comments from the Executive Director” and reviewed information it contained about the schedule for meetings of the Board, adoption of the Regional Transportation Plan, staff increases in the Senior and Disabled Services Division, and LCOG staff support for United Way and Earth Share.

5. ANNUAL REPORT OF THE METROPOLITAN POLICY COMMITTEE

Eugene Mayor Kitty Piercy presented the Annual Report of the MPC. She said it had just been announced that the U.S. Olympic Track and Field Trials would be held in Eugene in 2012, in addition to 2008. She described completion of work on a Regional Transportation Plan, allocation of funding provided through the Metropolitan Transportation Improvement Program, im-

plementing a Public Participation Plan developed by the Citizen Advisory Committee, adoption of a Unified Planning Work Program, completion of requirements for Air Quality Conformity, advocacy undertaken for numerous projects, and statewide and regional cooperative efforts. She said she was committed to finding a collaborative solution to West Eugene transportation issues.

BUSINESS ITEMS

6. CONSENT AGENDA

Chairperson Lanning noted that the Consent Agenda included acceptance of minutes from the September 22 meeting, approval of the recommendation by the Executive Committee to adopt 2008-09 LCOG Dues Rates, approval of proposed 2008-09 Budget assumptions and Process, and appointments to the Senior Meals Advisory Committee.

Councilor Chris Pryor moved, seconded by Commissioner Stewart, to adopt the Consent Agenda. The motion was adopted unanimously, 17:0.

7. ITEMS REMOVED FROM CONSENT AGENDA

None.

8. PLANNING SERVICES

A. Coordinated Population Forecasts

Mr. Kloeppel referred to Agenda support material entitled “Lane County Coordinated Population Forecasts” and noted that consideration of Resolution 2007-04 for which it provided background had begun at the September 22 meeting of the Board. He explained that the Public Hearing regarding it had been continued until the current meeting to allow written testimony to be received. He suggested that testimony be received about the forecasts and that staff be invited to respond. He reported that those attending a meeting of regional city managers/administrators had endorsed the Resolution.

Chairperson Lanning reopened the Public Hearing and invited testimony regarding Resolution 2007-04.

Bob Parker, 99 West 10th Avenue, Suite 400, Eugene, stated that he represented ECONorthwest, an independent research and consulting firm which had been hired by Shade Tree Properties in Lowell to conduct an independent evaluation of population forecasts for the City of Lowell. He said his client was a residential development firm and that it was concerned that proposed increases in the City’s population forecast would lead to municipal indebtedness to expand its water and sewer systems to meet the projected growth. He said such an expansion and increase of indebtedness would result in significantly higher water and sewer rates for Lowell residents, negatively impacting its housing market.

Mr. Parker reviewed concerns about the proposed coordinated population forecast raised by the analysis of ECONorthwest, as follows:

- The forecast did not include a factual basis supporting the findings for the projections and there was little documentation about the methodology used in their development.
- The forecast methodology lacked consistency, one of four methods being used for each city.
- The projections included a 24-year forecast, not a 20-year forecast as required by Oregon Administrative Rules.

Mr. Parker submitted documents totaling 29 pages in support of his testimony.

Mia Nelson, 40160 East First, Lowell, stated that she was an urban developer, contractor, joint owner of 100 acres of developable property, and partner in the Shade Tree company, the largest single landowner in Lowell. She said she had studied the proposed Coordinated Population Forecasts and developed serious concerns about their development and accuracy. She reviewed her concerns contained in a letter to the Board dated December 13, 2007, as follows:

1. A “smorgasbord” approach to forecasting
2. No separate forecast for Eugene and Springfield
3. Unsubstantiated 5% “fudge factor”
4. Unwillingness to act as a criteria-based decision maker
5. No opportunity for citizens to shape the proposals
6. Old 2005 forecast treated as the “default” position
7. Rural area forecast unrealistically low
8. Eugene-Springfield joint forecast unrealistically low
9. Five-year historic trend used in Veneta despite evidence to the contrary
10. Lowell gets Region 2050 target despite evidence to the contrary

Ms. Nelson submitted her 20 page letter and 29 other documents totaling 263 pages in support of her testimony.

Sally Nunn, 4710 Village Plaza Loop, Eugene, stated that she did not believe the statistics on which the Coordinated Population Projections were based were reliable. She submitted a graph showing the number of homes for sale in Lane County each month between November 2006 and November 2007, and a graph showing the number of active listings in a given month versus the number of sales that month for the same period. She also submitted copies of an article entitled “After Financing the Housing Boom, Wall street Shuts Off the Spigot” reprinted from RealEstateJournal.com in support of her testimony.

Mona Lindstromberg, 87140 Territorial Road, Veneta, stated that she was concerned about the ability of the City of Veneta to provide services, especially water, to accommodate its rapid development. She submitted articles from the *West Lane News* and *The Register Guard* in support of her concern. She also said that notice of the Public Hearing in Veneta regarding the Coordinated Population Projects had been posted only 4 days before it was held.

Lauri Segel, 642 Charnelton, Eugene, stated that she represented Goal One Coalition, a nonprofit organization supporting Oregonians in matters affecting their communities. She said her testimony was presented on behalf of the members of Goal One and of LandWatch Lane County, a group of residents who promote responsible and sustainable land use policies to protect farm and forest lands.

Ms. Segel contended that since population forecasting coordination did not become an Oregon requirement until 1995, a 1974 resolution adopted by the Lane County Board of Commissioners giving “coordinating authority” to LCOG did not apply to population forecasting. She said the Board Order did not intend that LCOG would act as a land use decision maker. In addition, she said there was no evidence that LCOG existed as a “voluntary association of local governments” and therefore it could not have authority as “coordinating body” assigned to it.

Ms. Segel submitted a four page letter with 15 pages of attachments to identify “Problems with the Proposed Forecasts and Related Materials.”

Jerry Valenueva, 81732 Minnow Creek, Lowell, said he was active in the commercial building trade. He said his experience led him to believe that there would be unexpected population growth in Veneta, Cottage Grove, and Lowell. He appeared to suggest that higher population projections were appropriate for those areas.

Ric Ingham, Post Office Box 453, Veneta, stated that he was the City Administrator of Veneta. He said the Veneta City Council had voted to support the Coordinated Population Projections. He explained that building moratoriums had stalled development in the past, but that their purpose had been served and planned infrastructure would support the accelerated growth projections.

Liam Sherlock, 777 High Street #200, Eugene, said his legal investigations on behalf of Shade Tree had raised a concern that LCOG did not have the authority to make population projections. He said an Executive Order EO-79-01 issued by the Oregon Governor in 1979 did not include transfer of such authority from Lane County to LCOG. He said delegation by the Board of County Commissioners was meaningless without the approval of the Governor.

Corine Sherton, 249 Commercial Street NE, Salem, stated that she was an attorney representing the Seneca Timber Company which had commissioned HBH Consulting Engineers to prepare a Municipal Infrastructure Analysis for the City of Lowell. She submitted a copy of the 40 page analysis to support her contention that recent improvements to municipal infrastructure and the availability of significant amounts of vacant land indicated that the population growth rate in Lowell would be at a higher rate than anticipated in the Coordinated Population Projections.

Chuck Spies, Post Office Box 490, Lowell, stated that he was the City Administrator of Lowell. He submitted 15 pages of documents providing information about the public process followed by its City Council in developing its unanimous endorsement of the higher Coordinated Population Projection as appropriate and acceptable. He reviewed City efforts to revise the projections.

Chairperson Lanning determined there were no further requests to submit testimony and closed the Public Hearing.

Mr. Kloepfel suggested that an opportunity should be given to address contentions that LCOG did not have the authority to manage the Coordinated Population Projections. He said the authorization was not as clear as it could have been, but that it would seem that the authority was accepted because approximately 900 actions related to the process had been undertaken without question. He said LCOG operated and was recognized as a voluntary association of local governments and agencies.

In response to a question from Director Greg James, Mr. Kloepfel explained that since population forecasting was not a land use decision such as a Comprehensive Plan or Urban Growth Boundary expansion, the projections did not require the approval of the Board of County Commissioners.

Commissioner Stewart added that both the Lane County Counsel and the Office of the Oregon Attorney General had agreed that LCOG was appropriately designated as the body to coordinate population projections.

Commissioner Stewart asked if documentation of the methodology used to develop the projections was available. LCOG staff Bob Swank replied that all documentation related to the study was available on the LCOG Website. He reviewed the five and 15 year trend analyses used and how cities were given three choices to set its forecast.

In response to a question from Director Susie Johnston, Chairperson Laisure explained that Board approval of the Coordinated Population Projections would enable cities to use the data in their planning processes. He said the projections, in themselves, changed nothing or made anything happen, but that they were the necessary base for establishing Comprehensive Plans.

Director Jim Torrey suggested that if the Board approved the population projections, the action could be reconsidered if a legal challenge to LCOG's authority was sustained. Mr. Kloepfel added that delaying a decision on whether to approve the projections would also give time for research of concerns raised to be completed.

Director Al King said that points raised in the testimony had given him doubts of whether LCOG had the authority to approve population projections. He said he believed it was possible that an appeal to Land Use Board of Appeals (LUBA) could be made and that he did not believe he was ready to make a decision, especially since there did not appear to be an urgent need to rush to a decision.

Mayor Phil Brubaker suggested that if it was proved that LCOG did not have the authority to approve population projections, the decision could always be sent back to the Board of County Commissioners.

Mayor Warren Weathers said the issue of the new requirement that Eugene and Springfield be provided independent population forecasts had not been discussed by the Lowell City Council.

Mayor Brubaker said the Eugene-Springfield separation had been discussed during the approval given by the Florence City Council.

Mayor Gary Williams said the Cottage Grove City Council had also fully discussed the issue when it approved the population projections. He added that it appeared that the most contention about the projections was between Lowell elected officials and private property owners. He said local control was important and that he would support postponing final action on the proposed Resolution until issues involved were resolved.

Mayor Brubaker moved, seconded by Mayor Williams, to postpone action on Resolution 2007-04, ADOPTING COORDINATED POPULATION PROJECTIONS FOR THE URBAN GROWTH BOUNDARIES WITHIN LANE COUNTY, OREGON until the next scheduled meeting of the LCOG Board of Directors.

Members discussed the motion to postpone.

The motion was adopted unanimously, 17:0.

Chairperson Lanning announced that the meeting would be in recess for five minutes.

9. SENIOR AND DISABLED SERVICES ITEMS

None.

10. EXECUTIVE MANAGEMENT AND ADMINISTRATION ITEMS

A. Financial Statements and Audit Report

Mr. Kloeppel referred to Agenda support material entitled “FY2006-07 Financial Statements and Audit Report.” He reviewed background information it contained about the report.

Forrest Arnold stated that he represented the accounting firm of Jones and Roth which had conducted the annual audit. He said there was nothing controversial in the Independent Auditors’ Report and that it showed LCOG operations to be “in conformity with generally accepted accounting principles” and contained no “Findings or Questioned Costs.” He said LCOG fiscal procedures met high standards and were in compliance with both state and federal requirements. He complimented LCOG fiscal staff on the excellent quality of their work and their willingness to comply with all requests of the auditors.

Director James reported that the Jones and Roth auditing firm had been chosen to again conduct the annual audit through a competitive process .

Councilor Chris Pryor moved, seconded by Mayor Judy Volta, to accept the audit of the 2006-07 LCOG financial records and to authorize its submission to the State of Oregon, with appreciation for the work of staff. The motion was adopted unanimously, 17:0.

B. Election of Board Officers

Chairperson Lanning reported that the Nominating Committee recommended that Director James be elected as Chairperson and Councilor Pryor be elected as Vice Chairperson of the Board for 2008. He determined that there were no other nominations. He determined that there was consensus to accept the recommendation of the Nominating Committee.

Director James presented a plaque expressing appreciation to Commissioner Lanning for his service as Chairperson.

C. Appointments to the Executive Committee

Director James stated that it was his intention to make appointments to the 2008 Executive Committee, as follows:

- Mayor Phil Brubaker - Commissioner Patrick Lanning
- Mayor Don Hampton - Mayor Judy Volta

Mayor Weathers moved, seconded by Councilor Darrell Carman, to approve the appointments to the Executive Committee made by Director James. The motion was adopted unanimously, 17:0

Chairperson Lanning invited nominations for persons to fill the two additional positions on the Executive Committee.

Director James nominated Director Susie Johnston.

Director Laisure nominated Director Al King.

Chairperson Lanning determined that there were no further nominations and that there was consensus to appoint Directors Johnston and King to the 2008 Executive Committee.

INFORMATION ITEMS

11. A. Regional Investment Board

Mayor Hampton reported on the creation, work, and diminishing resources of the State of Oregon Regional Investment Boards (RIB). He said their major concern was job creation. He explained that the Benton/Lane/Linn/Lincoln (BL³) Board was participating in the development of a six-year plan and that Lane County input was provided by the Lane Economic Committee of LCOG.

Mayor Hampton reported on a meeting of RIB representatives in Klamath Falls that had identified areas of concern – frequent turnover of State leadership, “top-down” control by the Legislature, variable funding, and the lack of communication, benchmarks, and common values. He said the group had determined that the Legislature needed to be informed of how important funding of projects identified by the RIB had been.

B. Real Estate Purchase

Mr. Swank referred to Agenda support material regarding LCOG’s purchase of the Park Place Building. He said the actual move to the new facility would take place between the fall of 2008 and the fall of 2009.

C. Senior and Disabled Services

Senior and Disabled Services Director Kay Metzger distributed copies of wallet cards listing S&DS’ priorities for February 2008.

D. First Quarter Financial Report

Mr. Kloeppele referred to Agenda support material regarding the First Quarter Financial Report. He said it was self-explanatory and that he was prepared to answer questions about it.

Director James moved, seconded by Councilor Pryor, to accept the First Quarter Financial Report. The motion was adopted unanimously, 16:0.

E. Appreciation Dinner

Mr. Kloeppele reminded members that the Annual LCOG Appreciation Dinner was scheduled at Lane Community College on January 24.

F. Senior and Disabled Services Accomplishments

Ms. Metzger referred to Agenda support material presenting 2006-07 highlights of the work of Senior and Disabled Services. She encouraged members to study the four areas of work it identified – Serving the Individual, Serving the Community, Pursuing Efficiency, and Pursuing Excellence.

Chairperson Lanning determined there was agreement to postpone presentation and discussion of member agency reports.

The meeting adjourned at 9:15 p.m.

(Recorded by Dan Lindstrom)