

JOINT ELECTED OFFICIALS MEETING

April 19, 2005

7:00 p.m. (Harris Hall)

City Councilor John Woodrow called the meeting of the City Council of Springfield to order. Present: Anne Ballew, Christine Lundberg, Joe Pishioneri, and Dave Ralston. Sid Leiken and Tammy Fitch were excused.

Mayor Kitty Piercy called the meeting of the Eugene City Council to order. Present: Bonnie Bettman, George Poling, Andrea Ortiz, Chris Pryor, Gary Pape, David Kelly, Jennifer Solomon and Betty Taylor

Commissioner Anna Morrison called the meeting of the Lane County Board of Commissioners to order. Present: Bill Dwyer, Bobby Green, Peter Sorenson, Faye Stewart and Recording Secretary Melissa Zimmer.

1. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1221/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to Clarify and Provide Greater Flexibility for Public Safety Service Delivery in the Eugene-Springfield Metropolitan Area (Metro Plan, Growth Management, Policy 15) (NBA & PM 4/5/05).

Kent Howe, Land Management, explained the purpose for the meeting is to hear and take testimony on the proposed amendment to the Metro Plan. He added the purpose of the amendment is to clarify that the formation of a Public Safety County Service District is consistent with Metro Plan policies. He said it was unique in Lane County that they have to go through the steps in the process of forming a public safety district. He noted there are no policies in the Rural Comprehensive Plan that address special district formation. He added there are no policies in the Comprehensive Plan of any of the ten small cities in Lane County. He noted it is only the Eugene Springfield Metro Plan that gives rise to addressing special district formation.

Howe indicated the Metro Plan policies were created at a time when they didn't contemplate the need for special service districts that provide public safety services nor did the Metro Plan contemplate the financial constraints that would be placed on local government. He explained it is only the Metro Plan policies that specifically limit the formation of special service districts regardless of the nature of the services provided. He added the contemplated public safety services are not growth inducing services. He noted the services are consistent with and complimentary to preventive and reactive public safety services. He noted that list is included and not limited to policy language intended to provide the context for determining the services that would be consistent with and be complementary to the contemplated services.

Howe stated the proposed amendment does not weaken the position of Eugene and Springfield relative to other growth management policies or their ability to annex land or control the proliferation of other growth inducing special districts. He noted that most of the public safety services are mandated by statute and the cities do not provide the contemplated public safety services. He said the County is already providing these services in the Eugene Springfield metro area. He indicated the applicable land use criteria for decision on the proposed amendment is that it is consistent with the statewide goals and it will not create an internal inconsistency within the Metro Plan.

Howe said the Planning Commissions conducted their public hearings on February 1, had separate deliberations and all Planning Commissions recommended approval, adding that it was consistent with the criteria for the Metro Plan amendment. He noted they had three areas of concern: the “not withstanding exception” language, a single countywide district and with the language of the list of services that would be included. He added it was specifically the language “including but not limited to.” He noted the packet materials contain four alternatives that increase in their restrictiveness.

Commissioner Anna Morrison opened up the Public Hearing for Lane County.

Mayor Kitty Piercy opened up the Public Hearing for the Eugene City Council.

Councilor John Woodward opened up the Public Hearing for the Springfield City Council.

Bettman commented that the two criteria they are making their decision on for the Metro Plan amendment is that it is consistent with the state goals and that it is internally consistent with the Metro Plan. She said they should be hearing testimony that has to do with state land use goals, the policies in the Metro Plan, the amendment in front of them and all of the land use issues. She noted it is a discrete piece they are considering.

Sorenson asked if it was consistent with state goals to create a public safety district within urban growth areas within the State of Oregon.

Howe responded that the statewide planning policies are silent on that issue.

Green suggested discussing what services are being noted in the special district. He was willing to narrow the focus down to a land use issue.

Bill Van Vactor, County Administrator, recalled that in 1982 when they were drafting the language in the Metro Plan, one of the major concerns when the Metro Plan was being worked on, and acknowledged was the unincorporated population of River Road and Santa Clara. He said there was a concern in the community at that time the citizens in that area could form special districts and obtain urban levels of service outside the cities. He said the net effect would encourage growth on the edge of the Metro Plan and violate

the compact urban growth policies. He said that is why there is restrictive language in Policy 15 about district formation. He added in 1982 local governments had the option of asking citizens to approve a tax base by putting it on the ballot, there was no need for a plan amendment. He noted in 1982 tax bases grew by six percent. He commented it was a different financial environment than now.

With regard to Measure 5, Van Vactor said it imposed the \$15 cap on property taxes, \$10 to general government and \$5 to schools. He said with Measure 5 they could still have increased the tax base. He noted in 1996 Measure 47 changed things and in 1997 the legislature put out to the citizens a measure addressing the issue in Ballot Measure 47, called Ballot Measure 50. He said that passed and that is now the main architecture of the property tax system today. He noted that act had the effect of reducing all assessed valuation on a statewide average by 17%. He said it capped the property tax growth at 3%, plus new construction and instituted no legal way for Lane County to increase its permanent tax rate. He stated they are stuck forever at \$1.27 per thousand. He noted that Lane County is 35 of 36 counties for low tax rates. He indicated costs for Lane County are around six percent and it is hard to control costs at six percent with revenue around three percent. He explained that every year they have to reduce services in order to keep their budget balanced. He added they had done that the past three years by containing costs and reducing services. He said they face the future of continuing to erode the services.

Van Vactor distributed a revised charter for Fiscal Year 04/05 (copy in file) of the taxes and the rates and where Lane County ranks among counties. He said that Lane County is proposing an ORS. 451 County Service District. He explained that the Board of County Commissioners would remain in charge and there would be no new governing body or layer of government to coordinate the service delivery systems.

Van Vactor indicated they wanted to go with a district instead of a local option levy because with a district, if approved by the voters, the rate is permanent. He believed that public safety is a core service of government and has an expensive infrastructure and shouldn't be subject to the risk every four years of the citizens not approving the renewal and the loss of the core service. He added that local option levies are more subject to compression and it would be a less stable option.

Van Vactor described developing the Public Safety District with three major hurdles: getting the Metro Plan Amendment, the Boundary Commission process that involves getting the resolutions of support from all 12 cities, and the vote of the citizens in November 2006. He said if the Metro Plan were approved, they would be coming back with resolutions of support from each city. He said they could determine what the rate would be and how each city would be affected by compression and how they could make the proposal work for Lane County, Eugene and Springfield. He indicated the goal with all 12 cities is a win-win for all of the jurisdictions. He said they drafted this in a narrow fashion and it didn't touch on any of the other policies.

Bettman noted the County sponsored a bill, HB3301 in the State Legislature that would enable special districts by removing the prohibition on overlapping districts, meaning that it could take in the City of Eugene. She added there was a provision in that bill that was onerous because it eliminated the cities from their jurisdictional authority to approve or disapprove. She noted there is a promise that that provision would be taken out. She thought the Metro Plan Amendment that says "Notwithstanding the above provisions of this policy and all other related policies in the plan" meant that nothing in the Metro Plan would apply to this amendment or the district. She said it removes Policy 15b) that says the three metropolitan area general-purpose governments concur with the proposal to form the service district as a zone of benefit. She said it was a requirement for compliance for Policy 15. She said the amendment would say that if Springfield and Eugene adopted the Metro Plan Amendment, they are taking themselves out of the process and agreeing to give up jurisdictional authority.

Van Vactor stated the state law would remain in effect where the cities would have to give their consent before the County could go to the Boundary Commission.

Bettman said Lane County's provision would have overridden this provision with regard to the safety district.

Van Vactor explained that their provision in the Metro Plan would have overridden the provision with regard to a public safety district, not with other types of districts.

Bettman thought they would be agreeing to give up their own authority. She requested that the City's legal team give them a comprehensive explanation regarding what the state statute says and how adopting this amendment would impact their ability to have authority in this decision.

Sorenson asked if there could be an option for the County and two cities to make the creation of this district contingent upon all of the cities approving it. He wanted to make it clear that the district doesn't come into effect until all of the general-purpose governments prove it by a certain date.

Van Vactor indicated it was possible to redraft the language in the proposed Metro Plan Amendment to provide that. He added they couldn't go to the Boundary Commission until they know the application is consistent with the applicable comprehensive plan. He said they wanted to have the more flexible language in case all of the cities didn't approve.

Bettman asked what in Policy 15 and the subsections was restrictive.

Van Vactor thought the language in the amendment was restrictive.

Bettman thought the language in Policy 15 was permissive.

Van Vactor responded that it was the overall context of Policy 15 that lists: “Will be considered only when and states sections a to e. He thought that was restrictive, as they had to meet all of the conditions.

Jim Gangle, Assessor, explained if the district chooses a particular rate, there would be a property tax compression that would occur if they come up against the Measure 5 limitation. He distributed a document about the amount of compression that would occur in the cities across the county. (Copy in file). He noted that compression would occur on the local option levies first. He noted the City of Eugene has a youth and library local option levy and the City of Springfield has the police and fire local option levies and those districts start compressing first and the compression moves into the permanent authority.

Bettman asked if Lane County would continue to spend what they are spending now. She also asked if the level they would continue to fund public safety services from the County’s general fund would include \$20 million. She asked if this would be \$20 million of new services.

Gangle indicated it would be \$20 million of services to be added back.

Woodrow recalled that three years ago the citizens of Springfield voted for the local option levy for both the police and fire department. He said based on the County’s chart, they would have to take police officers off the street and close the fire station the voters told them they wanted open. He asked how they could justify that to the voters.

Gangle said they want balance to occur and they are asking to maintain balance across the whole public safety system. He said they want to work in concert with the cities. He said they are not trying to work alone.

Ballew asked if the market value increases would have any effect.

Gangle responded if the real market value were increasing faster than the three percent limitation on the assessed value, they would have room under the Measure 5 cap. He added if the real market value flattened or continues to decline, the Measure 50 value starts bumping up against that. He noted that 65% of the county’s properties still had gaps.

Bettman asked if there was a ceiling for the County in the deficit the County is trying to accomplish with the service district.

Gangle said they have tried to identify those services that are most valuable to the citizens of the county in the city and outside. His understanding was the cities and the

County would work together to determine what those services are that would be best dealt with the Public Safety District and those amounts would be built into the levy.

Russ Burger, Sheriff, explained the question is whether or not the Metro Plan could be amended to allow for the service district. He said they have ideas about the need but they need a conversation with the cities before they come up with the plan that is best for Lane County. He said from the Sheriff's Office perspective, they have 119 empty jail beds. He said they are empty because they don't have the funds to staff those beds. He noted they release under 4,000 offenders a year who have either not completed their sentence or have not gone to trial yet. He asked the question on February 28 about what is going on with property crime in Lane County for unincorporated Lane County. He noted between January 1 and February 28, they had 1,056 burglaries reported and 1,107 thefts. He said they had lost their burglary investigator from budget cuts last year. He added that the INET Enforcement Team was also a victim of budget cuts. He stated they have a large meth problem. He said they no longer have a County-City Metro Swat Team. He added they also do not have any resident deputies in Florence, Cottage Grove, Blue River or up the McKenzie. He said their department has 4,620 square miles to cover and currently on swing shift he has two deputies on patrol to cover the entire county. He noted the cities of Eugene and Springfield pay rent for jail beds because they have people they want to keep in custody. He thought the service district could pay for that. He said that Springfield is discussing building a municipal jail. He said they have the money to build it but they cannot operate it. He thought the service district could pay for that. He said it was adding capacity to the system, but even if they had the 119 empty jail beds full it would still be too small for their needs for a county this size. He wanted to get together to resolve this.

Alex Gardner, Deputy District Attorney, reported that in the past 25 years, their case volume had doubled. He said they prosecute all of the felonies in the jurisdiction because their office has exclusive jurisdiction over felony crimes in Lane County. He said they also have jurisdiction over misdemeanor cases that take place outside of the municipal areas. He said his office will receive 8,000 cases this year. He said at the time the caseload has doubled, they have had 30% reduction in prosecution staff in the criminal division. He added they have gone from 11 investigators in the criminal division to one. He said the Deputy District Attorneys have to do more of their own legwork. He commented that the system was being rendered less efficient even as the demand grows. He said between 60% and 70% of the people they are prosecuting on felony crimes are doing the crimes in Eugene and Springfield. He commented it is the people inside the municipalities who will end up paying most of the penalty. He said their office is currently failing to file close to 100 cases per month, as they don't have the District Attorneys to do it anymore. He said they were taking most of the felony drug crimes and turning them into infractions. He said it means the community index crime rate is soaring. He said it was a problem that couldn't wait indefinitely.

Lisa Smith, Department of Youth Services, stated she represents the Juvenile Department for Lane County. She added the services they provide are not duplicated by any other agency within Lane County, the Cities of Eugene or Springfield. She said they are the authorized juvenile justice provider. She said they receive approximately 3,800 referrals per year. She added of those, 42% come from the City of Eugene, 27% come from the City of Springfield and the others come from the remainder of the County. She noted at no time do the cities receive a monthly accounting showing how much residential services were used. She said that had been an expense that has been held by the County. She said the Juvenile Department's mission is to hold youth accountable, locking up the juvenile offenders who pose the greatest risk to the community and they want to provide treatment so juveniles leave the system with more skills than when they entered. She indicated they provide a full range of rehabilitative and reformatory services. She said the current system has such serious reductions that their mission is at peril. She noted since 2001, state-closed custody beds through the Oregon Youth Authority have been reduced from 75 to 31 due to the state's own fiscal crisis. She said they have 31 of their most dangerous offenders that could go into the Oregon Youth Authority, but after that those youth remain in the community. She added they also have 32 beds of detention that is one third of their capacity. She indicated with reduction of other services, in dealing with youth and certain criteria that they have to meet, when they don't, there are no other options to deal with them. She commented that due to some of the reductions, they have become less effective with their case planning. She noted they have lost 11 staff members including a volunteer coordinator.

Rob Rockstroh, Health and Human Services, said when they are discussing public safety, they are talking about it broadly. He reported that on December 31, 1996, the state gave Parole and Probation Department to the County. He said he could only send it back to the state if they cut funding. He added they are mandated to do Mental Health and Alcohol and Drug treatment. He said the Commissioners are the Mental Health authority. He noted Health and Human Services is the prime funder of Mental Health and Alcohol and Drug Services in Lane County. He indicated they contract out about \$60 million per year. He said they have lost about \$6 million in the last two bienniums. He noted most of the clients they serve are in the metro area. He said the systems are collapsing because of state and federal cuts. He stated the systems are interconnected and they need each other and if they don't work together they would be in trouble.

Doug Harclerod, District Attorney, emphasized what the cities were hearing was a group of people who want to build a balanced public safety system with benefits for all citizens in Lane County. He said they want a mix of services and prevention that works and is balanced. He noted there are nine police agencies in Lane County with 400 sworn officers. He said they bring all of their felonies to the District Attorney's office. He said they have to decide on the amount of the levy together. He wanted the jurisdictions to make a decision on the land use issue and have the discussion about the mix of services and how they are going to make it happen.

Fred Simmons, Springfield, asked if they should use compression and then violate the trust of local voters. He thought they needed to carefully review this before they amend the Metro Plan. He said there are potential financial flaws that would reflect against the cities of Springfield and Eugene, but Willamalane Parks and Recreation will run into compression. He thought on its face it has not been thought out well enough. He said before they go to the Boundary Commission and the people, that they have a clear plan.

David Hinkley, Eugene, commented that the proposed Public Safety District is a disastrous proposal for a non-existing problem. He said in the long run, this would undermine public support for city and county governments. He asked if the special district provided all of the services, why would general government be needed. He commented that public safety is the single largest impediment to local tax reduction measures. He indicated the public doesn't see all the services that government provides. He said the money for public safety is there. He said the Board of Commissioners (if they wanted to) could fully fund public safety, but they don't want to. He commented the Board of Commissioners has chosen to fund a lot of things inadequately. He thought the solution for the County's public safety funding problem is budgeting, not increased taxes. He said the Board needs (with input from the public) to prioritize County services and programs at what is a barely adequate level of funding for each and then fund each program until the money runs out. He commented that one of the reasons that public safety levies keep failing is because it is extortion. He said until the County zeros out everything else, they haven't demonstrated to the public that they are serious.

Charles Biggs, Eugene, was opposed to the Public Safety Service District being proposed. He didn't think it was only a Lane County concern. He thought other counties were in the same situation. He didn't think this was the correct direction for the County to take. He thought the County should address where the problem lies with the state. He thought all the counties in the state should get together to address the problem with the state. He said any additional rate increases should be done by a vote of the people, not a Board. He said the compression aspect of the district would hit the children, the schools and libraries that depend on option levies. He didn't think that was what the County wanted to do.

Laurie Segel, Eugene, indicated the amendment is too broad. She stated in Chapter 3 of the Metro Plan g) services to development are identified in findings and what policies are listed. She said the services to development such as water, schools, have findings and policies but there are none for public safety services to serve development. She said the "notwithstanding" and "all other related policies and texts" had inconsistencies. She said there needed to be findings and policies in Chapter 3 g) Public Facilities and Services, that speak to public safety services for development and that is currently not the case.

Rob Handy, Eugene, said the policy they make, the tax breaks they give and the caps at the state level with Measures 5, 47 and 50, are channeling dollars and making decisions about funding priorities. He said it is limiting their ability to use discretionary funds for

other things. He asked if urban renewal districts were sharing in compression. He was also concerned with the “notwithstanding” language. He asked that before any amendments to the Metro Plan were approved, to get the tax rate numbers and buy in from the other cities and make it contingent upon their moving forward. He was concerned that without the buy-in from other cities, Eugene would end up subsidizing some services and diminishing their ability to use the discretionary fund.

Mona Linstromberg, Veneta, asked if the Metro Plan was the best route if the language of the amendment has any unintended consequences as it is now written. She said it was important to get the other cities on Board.

Jim Hale, Eugene, urged the elected officials to give the District Attorney and Sheriff the broadest possible language to solve a problem that applies to everyone in Lane County.

Mayor Piercy closed the Public Hearing for the City of Eugene.

Councilor Woodrow closed the Public Hearing for the City of Springfield.

Commissioner Morrison closed the Public Hearing for the Lane County Board of Commissioners.

MOTION: to approve a Second Reading and Setting a Third Reading and Deliberation on May 3, 2005 for Ordinance No. PA 1221.

Green MOVED, Stewart SECONDED.

VOTE: 4-0. (Dwyer out of room).

There being no further business, Commissioner Morrison adjourned the meeting at 8:45 p.m.

Melissa Zimmer
Recording Secretary

Sidney W. Leiken
Mayor

Attest:

City Recorder