



AGENDA COVER MEMO

Memorandum Date: June 17, 2025

Meeting Date: June 24, 2025

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Amber Bell, Planning Director

AGENDA ITEM TITLE: ORDER/ In the Matter of Ratifying the Current Lane Council of Governments Intergovernmental Agreement and Amendment to Recognize Hearings Official Personnel, and Appointing Rebekah Dohrman for a Limited Matter, Pursuant to Lane Manual 3.100.015

I. MOTION

Move approval of:

ORDER/ In the Matter of Ratifying the Current Lane Council of Governments Intergovernmental Agreement and Amendment to Recognize Hearings Official Personnel, and Appointing Rebekah Dohrman for a Limited Matter, Pursuant to Lane Manual 3.100.015

II. AGENDA ITEM SUMMARY

An update will be provided regarding Hearings Official services.

Additionally, the Board is being asked to ratify the current IGA with LCOG for Hearings Official services and its 2024 amendment that was approved by the Board. Proposed ratification would recognize personnel who provided Hearings Official services during the duration of the IGA and 2024 amendment, to support the finality of Hearings Official decisions issued by those personnel.

Third, appointment of Rebekah Dohrman is proposed for a limited matter only, pursuant to Lane Manual 3.100.015.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Hearings Official services have been long provided by LCOG through an IGA.

On June 4, 2024, the Board approved ORDER 24-06-04-04, amendment #1 to the existing LCOG Hearings Official IGA to increase the budgeted amount by \$115,000 to a total of \$265,000. That IGA referenced the appointment process at Lane Manual 3.100.015.A and indicated that LCOG has the personnel for Hearings Official Services.

More recently, with Board Order 25-02-11-03 and Order 25-02-11-04, the Board appointed David F. Doughman and M. Joseph Turner to serve as Hearings Official. At that time, it was indicated that Lane County holds an IGA with LCOG for Hearings Official Services and continues to rely on LCOG for said services, but that there is a need for Hearings Official coverage (since summer 2024) due to a vacancy at LCOG.

To ensure adequate coverage when the need arises for Hearings Official services, a RFP was posted in the fall of 2024. The first RFP was unsuccessful. David F. Doughman, J.D., responded to a second RFP, published from November 1 to November 22, 2024, on November 22, 2024. Mr. Doughman provided the sole response. A contract was fully executed with David F. Doughman in addition to the existing IGA with LCOG, for the purpose of covering Hearings Official matters on an as-needed basis only.

M. Joseph Turner, J.D., was recommended by Mr. Doughman to provide short term coverage for an appeal of a Type II decision issued for the CleanLane facility on Goshen Light Industrial Lands. When working to identify a Hearings Official for this hearing, it was a challenge to find an attorney who is qualified and due to some ties or another to the project, has no appearance of partiality and no actual or potential conflicts of interest (or the perception thereof). A standalone short-term contract was executed with Mr. Turner for the limited purpose of CleanLane and at that time, staff understood his availability to be quite limited to this matter. Though staff note that if Mr. Turner were to have capacity to provide longer term service, he would need to respond through a RFP process.

Links to those Board packets are provided here for ease of reference:

https://www.lanecountyor.gov/UserFiles/Servers/Server_3585797/File/Government/BCC/2025/2025_AGENDAS/021125agenda/T.5.C.2.pdf

https://www.lanecountyor.gov/UserFiles/Servers/Server_3585797/File/Government/BCC/2025/2025_AGENDAS/021125agenda/T.5.C.3.pdf

B. Policy Issues

Pursuant to Lane Manual 3.100.015.A. Appointment:

- 1. The Hearings Official will be appointed by the Board upon recommendation from the County Administrator and serve at the pleasure of the Board; and*
- 2. The Hearings Official will be appointed solely on the basis of said Hearings Official's qualifications for the duties of the office and will have such training and experience as*

will qualify said Hearings Official to conduct administrative and quasi-judicial hearings, and to discharge the other functions conferred upon the office.

Further, Lane Manual 3.100.015.C.5 provides:

5. When, for whatever reason, the Hearings Official is unable to fulfill the responsibilities prescribed herein, the County Administrator will appoint a substitute Hearings Official to discharge the Hearings Official's responsibilities.

C. Board Goals

The Hearings Official provides findings and conclusions for the approval or rejection of land use applications as provided for in adopted Lane Code and other applicable law. Strategic Plan priorities are implemented by the Hearings Official only inasmuch as existing Lane Code and law relate to the Strategic Plan. In this sense, Strategic Priority #2 is applicable. Otherwise, the appointment of Hearings Official does not directly relate to the Strategic Plan priorities.

D. Financial and/or Resource Considerations

The Hearings Official billing rates are established through the contracting process. A portion of Hearings Official costs are recuperated through appeal fees and the remainder are subsidized directly by the LMD Planning Program.

E. Health Implications

None.

IV. ANALYSIS

New IGA & Long Term Hearings Official Services

Due to the need for adequate Hearings Official coverage and to ensure pending matters can be finalized, Public Works intends to develop a short term (e.g. four-month) IGA with LCOG, with a budgeted amount not to exceed \$50,000. The IGA will specify that Hearings Officials must be appointed by the Board pursuant to Lane Manual 3.100.015. This short-term IGA will help to ensure the uninterrupted coverage of Hearings Official duties for land use appeals and hearings, which much adhere to State and local-mandated timelines and procedural requirements.

Public Works intends to publish a RFP and coordinate with LCOG to gain better understanding about long-term Hearings Official coverage options. An update to the Board will be provided in early fall, prior to the end of the short-term LCOG IGA.

Pending Cases

There is one pending matter before Rebekah Dohrman. To ensure that matter may be finalized in an efficient manner, Ms. Dohrman's appointment is recommended for this limited matter.

Ratification

The existing 2022 to 2025 IGA and Amendment #1 approved by the Board in June 2024 stated that Lane Manual 3.100.015 establishes a Hearings Official for Lane County to conduct administrative hearings to determine cases regarding County land use planning. Questions have come up recently about whether this was adequate to follow the appointment process for specific Hearings Officials who provided services through the current IGA. To the extent a different process was required, this may pose a risk to County, applicants, and parties regarding the finality of County land use decisions. Accordingly, ratification of the IGA and Amendment #1 to recognize Hearings Official personnel who issued decisions in the course of the IGA, pursuant to Lane Manual 3.100.015. This is intended to support the need for final and timely County decisions by mitigating potential challenges for all parties.

V. RECOMMENDATION

The County Administrator recommends that Board adopt the attached Order.

VI. TIMING/IMPLEMENTATION

The Order will be effective upon signing.

VII. FOLLOW-UP

Quarterly reporting of Hearings Official decisions is currently provided to the Board.

VIII. ATTACHMENTS

1. Board Order

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO:

In the Matter of Ratifying the Current Lane Council of Governments Intergovernmental Agreement and Amendment to Recognize Hearings Official Personnel, and Appointing Rebekah Dohrman for a Limited Matter, Pursuant to Lane Manual 3.100.015

WHEREAS, Hearings Official services have historically been provided to the County through an intergovernmental agreement ("IGA") with Lane Council of Governments ("LCOG") and, currently from July 1, 2022 to June 30, 2025; and

WHEREAS, with Order 24-06-04-04, the Board approved Amendment #1 to the current LCOG Hearings Official Services IGA; and

WHEREAS, the aforementioned IGA amendment indicated that LCOG has the personnel to fulfill the duties of Hearings Official and specifically referenced the Lane Manual 3.100.015 appointment process as the description for the contract approval; and

WHEREAS, the Board believes the adoption of this Order is advisable in order to ensure Board approval of LCOG personnel who provided services through the current IGA and Amendment #1 and to support the finality of land use decisions.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. The 2022 to 2025 IGA and Amendment #1 for LCOG Hearings Official Services is ratified to recognize the approval of the LCOG personnel who served as Hearings Official during the course of that IGA.
2. Rebekah Dohrman is appointed as Hearings Official to issue a final Hearings Official decision for File No. 509-PA24-05434.

ADOPTED this ____ day of _____, 2025.

David Loveall, Chair
Lane County Board of Commissioners