

## CAPSTONE PLAN GETS APPEALED

A land use appeal will put Capstone's money where its mouth is. Neighborhood advocate Paul Conte filed an appeal May 23 that could test the time and architectural constraints that Capstone, an Alabama-based student housing developer, has claimed its downtown 1,200-student housing project depends on.

The appeal contests the "vacation" of 12th Alley, which would mean that the city would no longer claim ownership of what is currently part of a bike route. Capstone has said it plans to dedicate the former alley space to bike and pedestrian through-traffic.

While Capstone has said that it will need to break ground in June to make the project financially viable — and the alley vacation permit also states that the alley vacation is essential to the student housing project — the appeal could extend beyond that date.

Conte says his appeal is based on the proper procedure of land-use decisions under Oregon law. On May 1, Capstone changed the alley vacation request to no longer include a portion of the alley. "That was a pretty significant change and it had some implications in terms of both the benefits and the detriments," Conte says.

Because May 1 was the day after the last public input could be given on the project, he says, the record should have been opened again to allow the public to comment. "In my view, this was just another egregious action by staff

to ramrod the Capstone project through and prevent the community from a fair opportunity to weigh in on the decisions," Conte says.

In addition to procedural issues, Conte says the proposed alley vacation is poorly written because it lists all the positive impacts of alley vacation as results of the Capstone project, but it isn't conditional on any aspects of the project, and it doesn't properly account for the pros and cons of the alley vacation.

"If the sole benefits are coming from the development, we have to weigh not only the benefits of vacating the alley, which there are few, and the negative impacts of vacating the alley, of which there are some, and we also have to weigh the benefits of the proposed development if it's built, and the potential negative impacts of that," Conte says.

— Shannon Finnell

## COUNTY STYMIES PUBLIC RECORDS REQUEST?

While Lane County's administrator and conservative board majority moved quickly to release the public records that may have contributed to progressive Commissioner Rob Handy's defeat in last week's primary election, the county is dragging its feet on releasing public records relating to the "emergency meeting" it held as well other information surrounding the case.

Handy's attorney, Marianne Dugan, asked the county to release the public records on May 8. The May 3 emergency meeting was held with less than 24 hours' notice and the conservative commissioners voted to immediately release public records related to the accusations against Handy.

However Dugan's own request was denied by Stephen

Dingle, the newly hired senior assistant county counsel. He cited an Oregon statute that he says "conditionally exempts the disclosure of criminal investigatory information if it is likely to interfere with a criminal investigation."

Dugan promptly appealed the denial to the Lane County District Attorney Alex Gardner. Gardener is not only the DA who makes decisions on such public records appeals, but he is also the county counsel.

Dugan wrote in her May 15 appeal to Gardener, "The documents I requested were not 'compiled for criminal law purposes.' They were public records about a public meeting and about a public official, which were compiled prior to the criminal investigation being commenced."

Gardener responded via email that he would have his office research her request and asked "is it your position that the documents in such a case are not protected from disclosure under Oregon's public records law because they were not ORIGINALLY created in connection with a criminal investigation?"

To which Dugan responded, "Do you have authority for the proposition that a record, once public, can be taken out of the public domain because it is touched by the hand of law enforcement?"

Dugan says she has not yet heard back on whether her records request would go through or how much obtaining the records would cost. In the past, the county has threatened to charge up to \$200 per computer searched for email-related public records requests. The city of Springfield has performed similar searches for free.

Dugan says "it seems very weird to me" that the county counsel is also the district attorney who makes decisions on public records requests, "but the statute requires the DA to be the one to address the appeal."

— Camilla Mortensen

## LANE COUNTY STRIFE ABOUNDS

Lane County's Board of Commissioners' already conservative majority will be strengthened by one more when Pat Farr takes Commissioner Rob Handy's seat in January, but Farr and the commission might not be feeling so lucky to be in control as they deal with not only massive budget problems, but also internal strife.

The Secure Rural Schools act, which has helped to fund counties such as Lane with large amounts of nontaxable federal lands, has yet to be renewed and other state and federal funds are shrinking, so Lane County is facing a budget cut of more than \$100 million. The budget committee voted May 22 to approve a budget and send it to the board. Commissioners Pete Sorenson and Rob Handy voted against the budget, after the committee shifted money prevent some of the deep public safety cuts, but still cut funding to programs including youth and veterans services.

In his public comments to the budget committee, union representative Jim Steiner questioned why the county's indirect costs are going up, asking why administrative overhead has been increased by more than \$1 million this year.

County Administrator Liane Richardson orchestrated many of the cost-saving measures, some of them unpopular with county employees and county residents alike, such as turning the Lane County Animal Services kennel over to a nonprofit like Greenhill Humane Society, cutting and merging other departments and laying off more than 200 employees.

Cutting the number of inmates the Lane County jail can house and cutting county sheriff's patrols are also unpopular proposals, but because the jail and public safety are mainly funded through the "general fund," which faces the biggest cut, they are also difficult cuts to avoid.

The county commissioners have discussed looking into placing a tax levy on the November ballot to blunt some of the budget cuts. When Lane County commissioners proposed an income tax in 2007, it led to an attempted recall of then-commissioner Bobby Green, who was later defeated by Handy. Current Commissioner Faye Stewart also voted for that proposed income tax.

## Happening people

BY PAUL NEEVEL

### ELIMAN GIBBA & ALEXANDRA SIANIS-GIBBA

"I'm the black sheep," says Eliman Gibba, eldest son of his family in the Gambian coastal fishing town of Gunjur. "My dad wanted me to be a religious scholar." Instead, he finished high school and got a job teaching local languages to Peace Corps volunteers. He wrote a manual for the Mandinka language, married a volunteer, landed in Corvallis, and found work with mentally challenged high school kids. Following a divorce, he worked at an alternative school in Portland and fathered a daughter, named Nima after his recently departed sister. He was a single dad in 2001, teaching at Wellsprings Friends School in Eugene, when he met Alex Sianis, who came to town with her Greek immigrant parents in 1977 to open Original Joe's Italian Restaurant. "Nima became the light of my life," says Sianis, who became part of their family a few months later. In 2005, Gibba joined the Sianis family business. Try his Mafé (West African peanut stew) at the Sunset Hut food cart, 12th and Kincaid. In January 2009, 11-year-old Nima, a boy, and two moms were killed by a drunk driver after a dance class. After a trip to Africa in December 2010, Gibba and Sianis launched Nima's Wish Foundation, aimed at bringing appropriate technologies and educational opportunities to Gambia. "We currently sponsor six children and one adult," says Sianis. Learn more at [nimaswish.com](http://nimaswish.com)

