

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 21, 2015  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

**PRESENT:** Commissioner Janet Carlson, Commissioner Kevin Cameron, and Commissioner Sam Brentano. Also present were Gloria Roy as legal counsel and Kim Hulett as recorder.

Commissioner Carlson called the meeting to order at 9:00 a.m.

**PUBLIC COMMENT**

None.

**CONSENT**

*Video Time (00:01:09)*

**MOTION:** Commissioner Brentano moved to remove items #2 and #3 from the action calendar due to the agreements not being completed. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

HEALTH

Approve amendment #5 to the contract for services with Northwest Permanente to add \$7,500 incoming funds and extend the contract until March 15, 2015.

PUBLIC WORKS

Approve amendment #2 to the intergovernmental agreement with the City of Salem for traffic signal maintenance, planning, and design.

Receive hearings officer's decision denying administrative review, case AR 14-003, Neuenschwander, Clerk's File #5690.

TAX COLLECTOR

Approve an order authorizing a property tax refund in the amount of \$36,106.60 to Wilco Farmers.

**MOTION:** Commissioner Brentano moved approval of the consent calendar. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

- Chuck Swank believes the revenues and expenditures are accurately portrayed on the tax returns; what hasn't been done is a review of the garden's assets; understanding the bond liability, and still approximately \$1 million of notes issued ten or more years ago; and
- There are still questions regarding PERS accounts and how it will show on the financial statements:

**MOTION:** Commissioner Cameron moved approval of the Fiscal Year 2013-14 Comprehensive Annual Financial Report. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

2. Consider approval of a five-year lease agreement with the Oregon Farm Bureau for office space at 1320 Capitol Street NE, Salem. – John Lattimer, Bruce Armstrong  
**(Pulled from Agenda by motion at beginning of meeting)**

3. Consider approval of an intergovernmental agreement with OSU Extension for sub-lease of office space at 1320 Capitol Street NE, Salem. – John Lattimer, Bruce Armstrong

**(Pulled from Agenda by motion at beginning of meeting)**

Commissioner Carlson recessed the meeting at 9:25 a.m.  
 Commissioner Carlson reconvened the meeting at 9:30 a.m.

## PUBLIC HEARING 9:30 A.M.

*Video Time (00:30:22)*

### PUBLIC WORKS

A. Public hearing to consider proposed Stormwater Maintenance Fee for the Marion County Stormwater Management Area. – Matt Knudsen and Alan Haley

***Summary of presentation:***

- Stormwater fee inside a stormwater maintenance area;
- Maintenance area is required by the Department of Environmental Quality (DEQ) and requires enhanced services;
- Matt Knudsen presented a PowerPoint;
- Environmental Protection Agency (EPA) and DEQ required a stormwater permit;
- Defined permit area called the stormwater management are based on high density areas with six required components:
  - Public involvement;
  - Community outreach;
  - Construction erosion and sediment controls;
  - Post-construction run off control;
  - Protection from flooding; and
  - Stormwater maintenance of the system.
- Fines for non-compliance is \$10,000 - \$24,000 per day per violation;

- Budget is not totally relying on fees.
- Fee structure:
  - Worked with East Salem Advisory Committee;
  - Funds already being spent will continue to be contributed to the services;
  - What the county is doing now cleaning catch basins will have to be done each and every year;
  - Administrative work going into this was being paid for out of electrical revenues which will still be contributed;
  - Those receiving the enhanced service level in East Salem will receive the bill; and
  - County will contribute where enhanced services are located to keep the fee a more reasonable fee.
- Commissioner Cameron asked the difference between the city of Salem fee and the ESSD. Matt said the ESSD proposed fee is \$4.55, the City of Salem has been paying a fee of \$10 and will increase to \$15 next year;
- ESSD fee not planned to increase in the next 5 years;
- There are additional DEQ requirements coming after the first five year period has ended;
- Base rate of \$2.55 per account plus an Equivalent Dwelling Unit (EDU) rate of \$2.00 per unit;
- EDU is described as approximately 3,000 square feet of impervious surface;
- Commercial/non-residential customer EDU calculation is the amount of impervious space divided by 3,000;
- Chemeketa Community College will be one of the largest customers:
  - Original rate proposal would have develop fee near \$85,000 for the college;
  - In this scenario the fee is roughly \$24,000; and
  - Chemeketa has done work to mitigate impacts.
- First two years, 25 percent discount for commercial unit;
- City of Salem is on a different permit because of the large metropolitan area with more comprehensive requirements;
- City of Salem representative met with the Board prior to implementing and some of the concerns that came out of that included churches with large parking lots and they explored a credit system at that time;
- Marion County has contributed from gas tax, electrical revenue, and ESSD to alleviate the fees to the customers;
- Billing process:
  - Fee will be included on tax statements;
  - Program revenue begins in November 2015; and
  - Cost savings of approximately \$80,000 were achieved by using this process rather than a separate accounts receivable process.
- Public comments received regarding this program have been answered:
  - Approximately 12 letters and emails.
- If the county does not impose the fee, there are about \$600,000 in cost unfunded;
- DEQ/EPA compliance process would be initiated if the county chose not to comply with the permit, including a minimum fine of \$10,000 per day per violation;
- Federal government is mandating the counties to comply with the requirement;
- Other communities are distressed with the requirement;

Kay Loch:

- Resident and owns her own home;
- Received notice on January 16, 2015;
- Did not allow her a lot of time to explore what this is about;
- Everything she learned has been within the last hour;
- City of Salem utilities service fees and charges document with effective dates of January 2013 and January 2014;
- City of Salem is already charging Stormwater Service Charges within the city limits;
- Fees are charged on impervious areas with EDUs of 3,000 square feet on a monthly basis;
- She reviewed her bill and said she is being charged \$6.60 for a water based fee;
- Marion County Soil and Water conservation is already charging \$5.60 on her property tax bill;
- If this fee is put on the tax bill it would be harder to get a house or to sell a house and may raise rent for tenants; and
- If charge is necessary, give rewards to people who plant trees, improving run off.

Holly Sears, Salem Association of Realtors

- Speaking for Salem Association of Realtors;
- Association has been engaged with this issue for some time;
- Dismayed that they did not hear about this new proposal until the agenda for this meeting was posted on the website;
- Do appreciate that the fee has been scaled back;
- Association would more time to discuss the proposal;
- If it is passed today, they are in opposition; and
- Would appreciate time to have county staff come to the Association and provide more detail, allow Association to have time to review for their February 2<sup>nd</sup> meeting.

Alan Haley and Matt Knudsen returned:

- Discussion regarding the public comments received;
- No specific conclusion for condominium complex, propose base rate applied to each tax lot, which is approximately \$1.00 more per month for each owner as compared to a general homeowner;
- Response to question regarding adding something to the property tax bill; because of state law, can assign a fee through ESSD and collect through tax rolls;
- Public comment regarding a property which does not discharge water, rain or any other source into the street or street drains being assessed for service they won't use, and Mr. Haley is meeting with this gentlemen this afternoon.
- Other schools such as Lane Community College and school districts are public entities which are being treated the same as private entities;
- Discussion about the possibility of the stormwater fee being itemized on the students college bill;
- Direction to extend for written comment, not enough notice;
- The fees are relevant and services need to be paid for;
- Cost for notice to homeowners previously was approximately \$4,000;