

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 18, 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 John Lattimer as chief administrative officer, 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 (00:00:50)

MOTION: Commissioner Cameron moved to add action item #2 to the consent calendar. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

BOARD OF COMMISSIONERS

OLCC Applications – Recommend Approval

Chalet of Brooks, Brooks (Greater Privilege)
Laswings, LLC, Salem

Approve an order recommending renewal of Oregon Liquor Control Commission License Renewals.

FINANCE

Approve a quitclaim deed to convey real property at 5635 Ridge Dr. NE and approval of a Contract of Sale for property at 6380 Brooklake Rd NE.

HEALTH

Approve a Medical Professional Services Agreement for John Michael Sholar, PMHNP for \$240,000 to provide psychiatric mental health nurse practitioner services.

Approve a Medical Professional Services Agreement for Lori Linton-Nelson, RN, MN, PMHNP for \$350,000 to provide psychiatric mental health nurse practitioner services.

Consider approval of an order appointing Tracy Robichaud to the Marion County Health Advisory Board to a term ending December 31, 2018. – Cathy Crocker

JUVENILE

Approve amendment #1 to the contract for services with Justice Benefits Inc., to extend the term of the contract until January 31, 2018.

LEGAL

Approve amendment #3 to the lease agreement with Valley Office Building, LLC in the amount of \$42,236.58 for the Law Library.

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

ACTION

Video Time (00:04:17)

BOARD OF COMMISSIONERS

1. Consider approval of the 2015 Federal Agenda. – Barb Young, Government Relations Manager, Joel Rubin and Julie Crockett of CFM Strategic Communications, Inc.

Summary of Presentation:

- 2015 Federal Agenda, work plan for the next year;
- Report on past successes from 2007-2013:
 - Marion County Reentry Initiative;
 - Woodburn Interchange construction; and
 - Aurora Airport.
- \$11.5 million in grant earmarks since 2007;
- 2014 Successes:
 - Federal Aviation Administration (FAA) promised to fund Aurora Tower, but then backed out due to budget constraints; and
 - Federal delegation came through and ultimately delivered.
- Ensure programs the county supports are funded for upcoming fiscal year:
 - Reentry program;
 - Appropriation increase this year for Second Chance Act;
 - Marion County has been successful in addressing recidivism and addressing challenges to reentry;
 - CFM meeting with Substance Abuse and Mental Health Services Administration (SAMHSA) and Bureau of Justice Assistance (BJA) to talk about programs and preparing for submitting grant applications; and
 - Three reentry grants came out recently.
- Canyon distress plans:
 - Target projects within federal programs being offered.
- O&C Lands Proposal passed the House;

- Hoping something will happen with O&C with National Association of Counties (NACo) next week and it has been a frustrating process;
- Secure Rural Schools has not been extended as yet:
 - Speaker Boehner indicated there will be support another extension; and
 - Discussion about timing of payments to fund counties sooner.
- CFM is working with federal agencies and committee staff to ensure federal projects are funded, reviewing grant announcements, working with agencies to prepare ahead of grant notices, advocating at the federal level;
- 2015 Federal Agenda Grant Projects:
 - Reentry Initiative;
 - North Santiam Canyon Economic Distress Plan;
 - North Fork Stabilization Project;
 - Mental Health Courts Service Expansion;
 - Replacement of Records Management System; and
 - Salem River Crossing.
- 2015 Federal Agenda Policy Projects:
 - O&C lands bill;
 - Second Chance Act funding;
 - Secure Rural Schools Act for Forest Patrols;
 - Community Oriented Policing Services (COPS) Technology funding;
 - Transportation Authorization Bill;
 - Waste-to-energy proposal for Environmental Protection Agency (EPA); and
 - Protecting municipal bonds.

Board discussion:

- Bonds the county has go back to the year 2000 or before and are considered municipal, but if a cap is voted in, it would not be retroactive on previous bonds;
- Cap would impact the county if bonds were used again;
- Municipal bonds have an impact on federal revenues;
- More than 50 percent of municipal bonds are held by retirees as a steady source of income;
- For small projects it is cheaper to borrow money from a bank than to use bonds;
- Presented federal budget picture; and
- Still under sequestration and there are limits on discretionary appropriations.

MOTION: Commissioner Brentano moved approval of the 2015 Federal Agenda. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

HEALTH

2. Consider approval of an order appointing Tracy Robichaud to the Marion County Health Advisory Board to a term ending December 31, 2018. – Cathy Crocker (**Removed from Action to Consent Calendar by motion.**)

PUBLIC WORKS

3. Consider approval of an order appointing Pete Grell and Joe Fowler to the Solid Waste Management Advisory Council to terms ending January 31, 2019. – Jeff Bickford

Summary of presentation:

- Background on Solid Waste Management Advisory Council (SWMAC) was established in February 1989;
- SWMAC hears, discusses and considers solid waste issues and provides recommendations to the Board;
- 16 member council, 8 citizen at large and 8 representing a specific industry or area;
- One appointment today is for the recycling industry position and the other is the public health position;
- Received applications for these two positions who were interviewed by the nomination subcommittee;
- Council recommends seating these two on the council;
- Mr. Fowler unable to attend today, worked for Marion County in the environmental health division for over 20 years and has been retired for eight years, difficult position to fill and Mr. Fowler has expertise for public health position; and
- Mr. Grell introduced himself, with Garten for 18 years, honored to be considered, master recycler since 2004.

Board discussion:

- Thanked candidates for their service.

MOTION: Commissioner Cameron moved approval of an order appointing Pete Grell and Joe Fowler to the Solid Waste Management Advisory Council to terms ending January 31, 2019. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

4. Receive and consider appeal of hearings officer's decision for conditional use, case #CU 14-022, Marion Ag Services, Inc., Clerk's File #5692. – Joe Fennimore

Summary of presentation:

- Item is an appeal of hearings officer's decision approving:
 - Conditional use to establish a fertilizer blending, storage and packing facility as commercial activity in conjunction with farm use; and
 - On a 101-acre parcel located in 9300 block of St. Paul Highway.
- Criteria for this case found in Marion County code;
- Planning Director issued decision approving request;
- It was appealed to hearings officer and public hearing held;
- Hearings officer determined applicant's proposal met applicable standards and criteria;
- Request approved subject to conditions; and
- Decision resulted in current appeal.
- Six issues raised by appellant:
 - Noise generation by train;
 - Property in question is part of an on-going investigation by Department of Environmental Quality (DEQ);

- Natural watershed, Ryan Creek, transverses property;
- Little data regarding chemicals used, blended, trucked, and stored at blending facility;
- Not enough detailed data on location of proposed railroad spur; and
- How proposed new facility is going to be kept separate from existing facility on Industrial property to south.
- Conditions related to issues raised:
 - Operate within noise rules;
 - Compliance with all public works drainage requirements;
 - Compliance with DEQ standards; and
 - Submit detailed development site plan.

Board discussion:

- Person appealing owns an abutting property;
- Location is appropriate;
- Most product comes in by train;
- Similar operations have been happening in the area;
- Criteria difficult to meet and have been documented;
- Thoroughness of hearing report defensible in the event of an appeal of this decision;
- List of concerns brought up by the person appealing were addressed; and
- All commissioners agreed to deny the appeal and uphold the hearings officer's decision.

MOTION: Commissioner Brentano moved to deny the appeal and uphold the hearings officer's decision. Seconded by Commissioner Cameron; motion carried.

PUBLIC HEARING

9:30 A.M.

Video Time (1:04:27)

CONTRACT REVIEW BOARD

A. Public hearing to consider an order granting an exemption to allow the use of a Request for Proposal as an alternative competitive process for a public improvement contract for the Health Services Renovation Project of the Health Services Building. – Camber Schlag, Larry Tilford

Summary of presentation:

- Request an exemption to allow use of a Request for Proposal as an alternative competitive process for a public improvement contract for the Health Services Renovation Project for the Health Services Building:
 - Marion County Business Services Department, facilities management program authorized to proceed with heating, ventilation, and air conditioning (HVAC), window, lighting and tenant improvements for the health services buildings;
 - County public contracting rules require an Invitation to Bid on a public improvement contract, and identifies a Request for Proposal (RFP) as an alternate method which must be brought before the Local Contract Review Board;

- Because of critical nature of work and emphasis on general contractor experience; an RFP is preferred in this instance;
- RFP will be advertised to ensure a fair, competitive and open process;
- Allows county to select firm best suited to project.


Board discussion:


- Address the deteriorating HVAC system and replace single pane windows so the energy is realized;
- The ceiling would need to be taken down and then the lighting was included as part of the tenant improvements;
- Grew from a limited project to a large project which is why the RFP is proposed;
- Design work has been done;
- RFP is for the remainder of the project and to select a contractor.


MOTION: Commissioner Cameron moved to close the public hearing and approve the order granting an exemption allowing the use of an alternative solicitation pursuant to the Marion County Public Contracting Rules for a public improvement. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Carlson read the weekly calendar.

Commissioner Cameron adjourned the meeting at 10:20 a.m.



 CHAIR


 COMMISSIONER


 COMMISSIONER

Board Sessions can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7178>.