

**Report on issues discussed at the weekly
Management Update meeting on June 16, 2014**

Commissioners present: Commissioners Sam Brentano, Janet Carlson and Kevin Cameron.

Others present: John Lattimer, Jan Fritz, Gloria Roy, Bruce Armstrong, Barb Young, Jolene Kelley, Sara McDonald, Chris Baldrige, Tamra Goettsch, Allison Barrows, Sonja Pulvers, Tom Rohlfing, Rex Weisner, Mina Hanssen and Lynne Coburn as recorder.

Guests: Angie Morris, Travel Salem president and Chief Executive Officer; Chad Freeman, SEDCOR president; and Anna Staver, Statesman Journal.

INFORMATIONAL

Travel Salem and SEDCOR Supplemental Funding Requests

Policy and Research Manger Sara McDonald said Travel Salem and SEDCOR are requesting supplemental funding for fiscal year 2014-15. Travel Salem President and Chief Executive Officer Angie Morris presented Travel Salem's FY 2014-2015 draft budget. Commissioner Carlson requested specifics on staffing costs. Ms. Morris said that approximately \$750,000 would allow Travel Salem to keep its current staffing level and allow Travel Salem to hire 2.5 new positions. One full-time position would focus on sports and recreation sales, the other full-time position would work on a destination development program which would be committed to coordinating and looking for opportunities in the region to add events, and the half-time position would be an administrative assistant. Commissioner Carlson confirmed that Travel Salem currently has enough funding to sustain their current staffing level and that the City of Salem's \$163,781 in supplemental funding is transient occupancy tax (TOT) dollars. Commissioner Carlson asked what would happen if the City of Salem did not approve Travel Salem's supplemental funding request. Ms. Morris said the new growth would not happen. She added that the city's budget committee has recommended the full \$714,000. Commissioner Carlson asked if Travel Salem has received an answer from Polk County. Ms. Morris answered no. Commissioner Carlson asked what would happen if Marion County does not approve the additional \$25,000. Ms. Morris said Travel Salem would delay implementation of the programs that are scheduled to begin July 1, 2014. Commissioner Carlson noted that the Salaries & Related Expenses line item could be financed entirely with City of Salem funds. Ms. Morris agreed, but clarified that the sports and recreation sales position has infrastructure built in. Commissioner Carlson asked about supplemental funding for Advertising. Ms. Morris said the additional funds would be for sports and recreation outreach through social media and directories that target those professionals. She added that City of Salem funds can only be used to support City of Salem businesses and that anything outside the city has to be outside dollars. She said Marion County's funding is critical to do the work regionally.

Commissioner Carlson asked if SEDCOR's supplemental funding request relates to the Make it in America Grant. SEDCOR President Chad Freeman said yes

and explained that this is the second year of a three-year project. Commissioner Carlson asked how Marion County's dollars would fit into the project and asked the likelihood of SEDCOR pulling the funding together. Mr. Freeman said the likelihood is strong and SEDCOR has received a three-year commitment from the private funders as well as other counties. Commissioner Carlson requested the total match and Marion County's share. Mr. Freeman said the total match is approximately \$45,000 per year and Marion County's share is \$15,000. Commissioner Cameron requested specifics on the \$667 Federal Travel expenditure. Mr. Freeman said the expense is embedded within the grant for travel within SEDCOR's region to do outreach to the businesses within the community. Chief Administrative Officer John Lattimer said the board will have to eventually decide how lottery dollars are allocated. Commissioner Carlson suggested the matter be discussed at the next Board of Commissioners/Chief Administrative Officer (BOC/CAO) meeting and then if the board decides to take action it could be presented at the June 25 board session. Commissioner Carlson said the board should have an answer for Travel Salem and SEDCOR next Monday. Commissioner Cameron asked about the timing of the grant and what might happen if SEDCOR did not receive supplemental funding from Marion County. Mr. Freeman said the certainty of receiving the funds would tie into the hiring of a new individual for a three-year contract and if the funding is not approved SEDCOR would have to evaluate its options with how to meet the federal guidelines.

pudding River Bridge Coordination with Clackamas County

Capital Projects Manager Riad Alharithi explained that Clackamas County received federal funds to replace the Pudding River Bridge and that since it is a federal grant, the Oregon Department of Transportation (ODOT) requires that the counties commit to exercising an eminent domain resolution. Mr. Alharithi said Clackamas County does not have the authority to exercise eminent domain rights within Marion County and is requesting that Marion County issue the resolution of necessity to exercise eminent domain power. He said the estimated cost of the project is \$8 million and Clackamas County has committed to the design and has hired a consultant. He added that Clackamas County has spent approximately \$770,000 on the design phase. Mr. Alharithi said to deliver this project Clackamas County needs to have an agreement between ODOT and subsequently with Marion County and staff is requesting direction from the board and whether they are willing to issue the eminent domain resolution. Legal Counsel Gloria Roy said Assistant Legal Counsel Scott Norris, who has done the research on this issue, has confirmed that Clackamas County does not have the authority to issue eminent domain in Marion County. She said Clackamas County's attorney has confirmed that Clackamas County will fully cover the cost of any condemnation, if necessary, on Marion County's side of the river and that the condemnation would be done in Marion County's name. She said Marion County would want an intergovernmental agreement with Clackamas County setting out an agreement to cover all of these costs and there would be a decision at the end as to whether the property would be held in Marion County's name or transfer title to Clackamas County. Commissioner Carlson asked if the affected properties are farmland. Mr. Alharithi said there is farmland and a gun club on Marion County's side. He said staff has contacted both property owners and there were no objections to the project or impact on the right-

of-way. He said if there is going to be any disagreement it will most likely be around the compensation. Commissioner Carlson asked if Clackamas County would handle the compensation. Mr. Alharithi answered yes. Commissioner Carlson asked if the handling of disputes could be put in a memorandum of agreement. Ms. Roy said it could. Commissioner Brentano suggested that Marion County be an agent for Clackamas County and then get reimbursed for acquisition and staff costs. There was discussion about staffing requirements and County Engineer Cindy Schmitt said that Clackamas County had hired David Evans and Associates to do their acquisition phase. Commissioner Carlson confirmed that Clackamas County is paying the full cost of the consultant and said David Evans and Associates working on both sides of the bridge would keep the work consistent and then Marion County would not have to use staff time to do the negotiations. She added that the board needs to be kept informed on the outside chance that something goes wrong and people contact Marion County with their concerns. Ms. Schmitt said Clackamas County is anxious to get the resolutions done so they can execute the right-of-way intergovernmental agreements by mid-July.

Commissioner Brentano requested a report on the Whipper Road Bridge. Mr. Alharithi said it was a competitive bid process with approximately 10 bidders and staff is reviewing the lowest bid. He said most of the work should be finished this summer; however, the county may have to spend next summer removing the old bridge. Commissioner Brentano confirmed that the new bridge would be operational until the old bridge is removed. Commissioner Brentano asked if staff would have the contracts approved and in place in two weeks. Mr. Alharithi said he hopes to.

Noise Ordinance Update

Principal Planner Joe Fennimore explained that the subject nightclub is a commercial use in a commercial zone and is exempt from the current noise ordinance. He said if Marion County Code (MCC) 8.45.080(H) were modified to remove the exemption for sound made in conjunction with permitted commercial uses in the Salem-Keizer urban growth boundary (UGB), the sounds generated by the nightclub would be subject to enforcement under the provisions in MCC 8.45.060(C) and (E). Commissioner Carlson asked how the revisions deal with the "bass" noise. Mr. Fennimore said if the noise generated by the nightclub is clearly audible inside a noise sensitive use such as a dwelling unit or RV, then enforcement would be done by the Sheriff's Office. Senior Assistant Legal Counsel Bruce Armstrong added that the key is "plainly audible" within section (C). If a person can hear the bass within a dwelling unit at certain times then that is "plainly audible" and is a violation. Commissioner Carlson asked how the change would affect other businesses. Mr. Fennimore said the City of Salem has not had a complaint in the last two years on any other commercial use. Mr. Armstrong noted that the proposed language would only remove the exemption for commercial uses within the Salem UGB and the other option would be to remove the commercial exemption countywide. Commissioner Carlson asked if the City of Salem imposes their noise ordinance on permitted industrial uses. Mr. Armstrong said yes and explained that the City of Salem does not have an exemption for either, but uses a table which is a matrix with a source and receiver. Commissioner Brentano asked when the revised ordinance would be presented and if a public hearing is

necessary. Mr. Armstrong said it could come before the board within 10 days for an ordinance amendment and a public hearing is not necessary. Commissioner Carlson confirmed the ordinance would be adopted by emergency. The board directed staff to notify the involved parties. Commissioner Carlson confirmed that it would be on the agenda a week from this Wednesday by emergency. Commissioner Cameron asked what the consequences would be if the nightclub ignored the revised ordinance. Sergeant Chris Baldrige said code enforcement officers would make contact and work collaboratively with them in an effort to avoid a citation. Commissioner Carlson requested that Sergeant Baldrige have a copy of Listen Acoustics' noise study report available for the nightclub to review. Sergeant Baldrige noted that an RV is registered with the Department of Motor Vehicles and asked if the definition of dwelling should be broadened in the ordinance. The board agreed the definition should be broadened.

Advertising

County Assessor Tom Rohlifing discussed advertising costs for the Assessor's Office. He reviewed the past five fiscal years of advertising expenditures noting that there was a substantial discount in fiscal year 2013-14 because the newspaper failed to publish on the required date. Mr. Rohlifing presented quotes from the Woodburn Independent for \$2,166 and the Statesman Journal for \$22,671.24. Tax Collector Rex Weisner explained that last year the board was concerned about the circulation size of the smaller newspapers for the county's foreclosure list so chose the Statesman Journal. Commissioner Carlson asked the public purpose for running the advertisements. Legal Counsel Gloria Roy said statute requires that the county publish notices in a newspaper of general circulation that the county has designated by the board. It was noted that the board had previously designated the Statesman Journal and Jefferson Review as newspapers of general circulation. Mr. Weisner described the Assessor's Office foreclosure procedure including the final step of publication and that the purpose of a foreclosure public notice is for lien holders. Mr. Weisner said that in the years that the Assessor's Office has published in the Jefferson Review there have been no instances where members of the public have said they were not informed. Commissioner Cameron confirmed that the Jefferson Review was the only newspaper the Assessor's Office published in. John Lattimer said that electronic and social media are making publication in newspapers irrelevant and that he had worked on the issue several years ago without success; although, statutes around publishing the budget were changed so that the county does not have to publish as much information. He said that publishing public notices in newspapers such as the Statesman Journal are a big expense for local governments and that anyone who has a business interest in these notices goes to the website to get the information. Mr. Rohlifing said the Assessor's Office plans to start posting its public notices on the county's website this year. Commissioner Carlson asked if the Keizertimes qualifies as a newspaper of general circulation. Ms. Roy said it does and added that the Statesman Journal, in terms of them missing that deadline, did cause some rework. The board determined that the Assessor's Office would use the Woodburn Independent for advertising public notices.

Mr. Weisner reported that current year tax statements would soon be available via the Assessor's Office website.

Proposed Animal Rescue Entity Code Provisions

Senior Assistance Legal Counsel Bruce Armstrong discussed a second draft of a proposed ordinance adopting code provisions. He explained that the proposed ordinance qualifies with the overall approach; however, there is one area that is not consistent with the statutory language which is where the statute says the county may not issue a license if an entity is not in compliance. He said the proposed ordinance states that because it is a "registration process" the county would issue a certificate of registration no matter what and non-compliance would be dealt with through inspections and citations for failure to comply with the record-keeping requirements. Mr. Armstrong said the areas where the county is consistent with the statute's language is if an animal rescue entity fails to register then the county has the capability to go in and inspect. The county also has the authority to inspect and cite for a violation of record-keeping requirements. Mr. Armstrong said it makes more sense to check for compliance during a random inspection or when there is a complaint rather than checking for compliance up front during the initial application to license or register. Commissioner Carlson asked if "animal foster home" is included in the definition. Mr. Armstrong said he has not drafted any change to the definition because it is less about the terms used and more about what the entity is actually doing. He said if an entity is an animal foster home and there are 10 animals or more and they are soliciting donations, then the entity would qualify. A parent entity "charged" with 10 animals or more and soliciting donations would also qualify. Commissioner Carlson suggested that "foster" be added to the definition so it is clear and explicit. She also suggested that "excluding a veterinary facility" not be part of the definition. Gloria Roy asked if an animal foster home would qualify as a rescue entity if the foster agency has control of 10 animals or more and is soliciting donations for those animals, but the animals are in different homes. Mr. Armstrong said the phrasing within the record-keeping requirements references "possession, control or charge of the animal" which is much broader than physical custody. He said it gets down to the facts of each case and if the person is the parent entity controlling those animals placed in different homes and is soliciting donations then that person would qualify. Commissioner Carlson asked if the word "custody" would cause confusion. Ms. Roy suggested "control." Mr. Armstrong said he could clarify it. Commissioner Brentano asked the penalty for not being registered. Mr. Armstrong said the maximum penalty is \$500 and the ordinance as well as an order designating the registration fee would be brought before the board. He said the idea is to educate and bring entities into compliance before enforcement is pursued. Mr. Armstrong said the violations would be failure to register and in section 6.05.10(C) "[...] failure to comply with any of the record-keeping and inspection requirements in this section." Ms. McDonald noted that there had been discussion about the level of compliance. Commissioner Carlson suggested replacing the words "any of" with "the record keeping and inspection requirements of this section." Mr. Armstrong said a citation would go to the justice court. Commissioner Carlson confirmed that code enforcement would have the discretion not to fine the full \$500 for every violation. Dog Shelter Manager Allison Barrows said the goal is to educate the animal rescue entities before the infraction process is used and noted that it is likely 99 percent of the entities would comply. John Lattimer asked if Dog Control talks with animal foster

homes. Dog Shelter Office Manager Sonya Pulvers said Dog Control talks more with the parent organization. Ms. Barrows added that as this process moves forward Dog Control's conversations would be more inclusive. Commissioner Carlson confirmed that the workgroup created a list of concerns for the legislature. Ms. McDonald said staff is recommending a \$125 license fee. She said the fee will not cover the county's costs this first year, but may in future years depending on how much enforcement is needed. Mr. Lattimer asked if the fee would be applied to the parent organizations. Mr. Armstrong said the fee is applied to whoever is applying. Mr. Armstrong said the statute speaks to an annual renewal and in the proposed ordinance an animal rescue entity would obtain a registration that would last one year and then after the first renewal it would be a two-year renewal process. He said there was a desire to have a two year renewal process. Commissioner Carlson requested that ordinance be sent to her for editing. The board determined the proposed ordinance would be on the July 2, board session.

COMMITTEE ASSIGNMENT UPDATE

Commissioner Brentano said he attended a Mid-Willamette Valley Cable Regulatory Commission meeting last Thursday where a budget was passed. He said highlights of the budget include a second truck, high definition (HD) equipment, and catching up on personnel. He added that the franchise renewal with Comcast is actively being pursued. Ms. Roy said Scott Norris is at the franchise meeting this morning. Commissioner Carlson asked that the board receive an update on the cable franchise renewal.

Commissioner Brentano said The Oregon Garden Foundation designated \$45,000 to support the Garden's 4th of July fireworks show and electrical work on the Discovery Pavilion that will also be available for the Christmas in the Garden event.

Commissioner Cameron said he attended an Economic Development Advisory Board (EDAB) meeting and will be following up with EDAB Chair Bill Cummins to discuss the strategic direction regarding use of the Lottery fund. He said he also attended an orientation session at the Juvenile Department, met with Health Department Administrator Rod Calkins and the division directors, toured the WIC program, and has a meeting with SEDCOR President Chad Freeman this week.

Commissioner Carlson said she attended a Keizer Rapids Park Community Build Task Force meeting on June 3. She said the group has received public input on the playground and are now writing grants. She explained that they have been selling playground structure components with naming rights and that the task force has recommended to the Keizer City Council that the timeframe be moved back due to a park master plan being developed for neighbors. She said the Keizer City Council agreed and the new build date is June 2015. She added that the task force will have a booth at the Marion County Fair. Commissioner Brentano suggested that the task force apply for Lottery Community Grant funds. Commissioner Carlson said she made the task force aware of the funds, but then removed herself from process.

Commissioner Carlson said she attended a Marion County Public Safety Coordinating Council (MCPSCC) meeting on June 10. She said Juvenile Department

Director Fay Fagel, Sheriff Jason Myers and District Attorney Walt Beglau have met and discussed the strategic planning process. They will be asking the different entities to talk about their accomplishments and what they would like to see MCPSCC do in the future and then pass that information on to the new MCPSCC chair. She said there was also a round table discussion on the budget forecast which was positive and because of the Reynolds High School shooting there was a lot of discussion about officer involved shootings and the process they have been using to determine whether those are appropriate or not. There was also discussion about the county's crisis intervention teams and the threat assessment teams. She said there was an update about Striking Out Meth in Marion County which is July 25 and Sheriff Jason Myers described the changes in jail policy regarding immigration and customs enforcement (ICE).

Commissioner Carlson said she attended the Association of Oregon Counties (AOC) Spring Conference in Hood River and that she would bundle up the material and route it. She said she attended an AOC task force meeting on workforce development where she learned that the current region of Marion, Polk and Yamhill counties is not going to change.

COMMISSIONERS' UPDATE

Commissioner Carlson suggested the Department of Business and Consumer Business Services be invited to do a presentation to make people aware of their services.

OTHER

Government Relations Manager Barb Young reviewed the interview process for the Oregon House District 19 appointment. She said it is on the board's calendar for June 23 and CCTV has confirmed they will video the event. Commissioner Carlson confirmed that the candidates will have a half hour before the interviews to review the questions. Ms. Young asked that the commissioners make their comments on the questions and return them to her.