

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, March 20, 2024
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron, Commissioner Danielle Bethell, and Commissioner Colm Willis. Also present were Jane Vetto as county counsel and Brenda Koenig as recorder.

ABSENT: Jan Fritz, chief administrative officer

Commissioner Cameron called the meeting to order at 9:00 a.m.
Commissioner Willis arrived at 9:09 a.m.

(Video Time 00:04:39)

PUBLIC COMMENT

None.

(Video Time 00:04:45)

MOTION: Commissioner Bethell moved to remove two Action items from the Board Session Agenda:

- Item # 9 under Community Services; Consider approval of Amendment #1 to the Intergovernmental Agreement with Mid-Willamette Valley Council of Governments (MWVCOG) for management of the Marion County, Homeowner Residential Rehabilitation Program for low-to-moderate income residents; and
- Item # 12 under the Sheriff's Office; Consider approval of Amendment #1 to the Intergovernmental Agreement (IGA) with Chemeketa Community College to provide Student Opportunity for Achieving Results (SOAR) program services to community corrections clients.

Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Board discussion:

- Commissioner Bethell expressed for the record that she requested the two items be pulled from the agenda for further review:
 - The items will be moved to a future board session meeting.

(Video Time 00:05:48)

CONSENT

BOARD OF COMMISSIONERS

Board Appointment – Marion County Health Insurance Study Committee (HISC)

1. Approve an order appointing Kay Alejandre as a management representative to the Marion County Health Insurance Study Committee (HISC).

Board Appointments – Marion County Law Enforcement Association (MCLEA) Health Insurance Study Committee (HISC)

2. Approve orders appointing Commander Jeremy Landers and Lieutenant Matt Wilkinson as management representatives to Marion County Law Enforcement Association (MCLEA) Health Insurance Study Committee (HISC).

FINANCE

3. Approve quitclaim deeds for the buyback of tax foreclosed properties for Tax Account ID's 548990 and 548994 from Marion County to Gary A. Grim, personal representative of the estate of Byron J. Grim.

HEALTH AND HUMAN SERVICES

4. Approve the Intergovernmental Agreement with the Oregon Health Authority for incoming funds in the amount of \$20,231,766.16 for the financing of community mental health, addiction treatment, recovery, prevention services, and problem gambling programs retroactive to January 1, 2024, through June 30, 2025.

PUBLIC WORKS

5. Approve a resolution authorizing Marion County Parks to apply for a local government grant from the Oregon Parks and Recreation Department for development at Parkdale Park and sign a letter of support.

6. Receive notice of the hearings officer's decision approving Zone Change (ZC) Case #23-003/LJS Property Management.

TAX OFFICE

7. Approve orders for a property tax refund for the following tax accounts:

- Liberty Street Partners, LLC, account 573142, in the amount of \$20,775.87; and
- Sulus Solar 28, LLC, account 608323, in the amount of \$36,828.85.

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

(Video Time 00:08:45)

ACTION

BOARD OF COMMISSIONERS

Board Appointments – Justice of the Peace Pro Tempore

8. Consider approval of orders appointing Rachael Federico and reappointing Jarrod Howard as Justice of the Peace Pro Tempore for the Marion County Justice of the Peace District with terms ending March 20, 2025. –Justin Kidd, Marion County Justice of the Peace

Summary of presentation:

- The Justice of the Peace Pro Tempore program assists the court when there are professional conflicts;
- The Marion County Justice Court hears over 20,000 cases a year;
- An open community recruitment was held for the two justice of the peace pro tempore positions:
 - Multiple applications were received.
- Panel interviews were conducted by Circuit Court Judge Natasha Zimmerman, Circuit Court Judge Jodie Bureta, and Justice of the Peace Justin Kidd;
- Ms. Rachael Federico and Mr. Jarrod Howard were selected to fill the two positions;
- Ms. Federico’s education background includes the following:
 - She is a graduate of Lewis and Clark Law School;
 - She has a Master of Arts degree from Texas Woman’s University; and
 - She has a Bachelor of Arts degree from Union College.
- Ms. Federico’s career background entails the following:
 - She is the Supervising Attorney for Legal Aid Services of Oregon in the City of Salem Regional Office;
 - She has Marion County Justice Court experience;
 - She serves on the board of the Marion County Bar Association (MCBA) and is the current President;
 - She is the current Secretary for the Oregon State Bar, Appellate Section, Executive Committee; and
 - She has served as a Judicial Law Clerk for the Oregon Court of Appeals.

Rachael Federico:

- Ms. Federico expressed the following:
 - Justice court provides a valuable service;
 - Many of her clients have had an interaction with a justice court;
 - Justice court can provide a quicker resolution versus a circuit court;
 - Justice courts free up time for circuit courts to hear more cases;
 - Every community member deserves a chance for justice and to have their case heard;
 - Litigation expenses are reduced when cases are heard through justice courts; and
 - She is excited to provide further relief and access to justice.

Board discussion:

- Ms. Federico has served and mentored many individuals;
- Commissioner Cameron expressed he admires the way Justice of the Peace Kidd has interacted with the public safety system and citizens:
 - His position has taken pressure off courts; and
 - He has been a team player.
- Public service is important, and more individuals are encouraged to get involved; and
- Commissioner Bethell stated housing is important to her and invited Ms. Federico to come along and see the work the county is performing:
 - Seeing the connections and investments in the county may benefit Ms. Federico's position as a justice of the peace pro tempore;
 - The county works to connect individuals with resources and services to help them be healthy and sustainable in a livable community; and
 - The justice court has a critical role in the community.

MOTION: Commissioner Willis moved to approve orders appointing Rachael Federico and reappointing Jarrod Howard as Justice of the Peace Pro Tempore for the Marion County Justice of the Peace District with terms ending March 20, 2025. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:17:20)

Commissioner Cameron requested unanimous consent to return to the Consent Agenda to allow Commissioner Willis the opportunity to vote:

- Commissioner Bethell agreed: and
- Commissioner Willis voted yes for the Consent Agenda.

(Video Time 00:17:38)

COMMUNITY SERVICES

9. Consider approval of Amendment #1 to the Intergovernmental Agreement with Mid-Willamette Valley Council of Governments (MWVCOG) to add \$1,412,445 for a new contract total of \$1,889,147 for management of the Marion County, Homeowner Residential Rehabilitation Program for low-to-moderate income residents through May 30, 2027.

–Steve Dickey

(Motion made and approved to remove item from the Board Session Agenda.)

(Video Time 00:18:08)

PUBLIC WORKS

10. Consider an appeal of the hearings officer's decision for Administrative Review (AR) Case #23-033/Bodunov. –Nicole Inman

Summary of presentation:

- Before the board is an appeal of the hearings officer's decision for Administrative Review (AR) Case #23-033/Bodunov;
- Mr. and Mrs. Bodunov applied for an AR to determine the number of legal lots on approximately 26.65 acres, located in a Timber Conservation (TC) Zone;
- The property is located on the 2100 block of Abiqua Road Northeast:
 - The property contains two tax lots.
- The Marion County Hearings Officer held a duly noticed public hearing for the application on January 4, 2024;
- On February 8, 2024, the hearings officer issued a decision that the property constitutes one legal parcel;
- On February 22, 2024, the hearings officer's decision was appealed to the board;
- The appeal did not provide any of the following:
 - New evidence;
 - New arguments; and
 - It is not asking the board to make a policy interpretation.
- Staff recommended that the board not accept the appeal; and
- The appellants disagree with the hearings officer's decision.

Board discussion:

- Commissioner Willis requested additional time to review the case;
- Staff expressed there is time as the deadline is June 2024;
- The item was discussed in a prior Management Update meeting;
- Commissioner Bethell expressed she has no objection to the request for further review;
- Ms. Vetto expressed the board has the option to table the agenda item and add it to the board session agenda for the following week.

MOTION: Commissioner Willis moved to table agenda item #10 and bring it back to board session on March 27, 2024. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:22:08)

11. Consider approval of the Supplemental Project Agreement with the Oregon Department of Transportation (ODOT) in the amount of \$7,819,800, of which an estimated \$7,016,706.54 will be paid in federal funds, and an estimated \$803,093.46 will be paid by the county for the River Road: Willamette River Bridge project through April 1, 2034.

–Ryan Crowther and Steve Preszler

Summary of presentation:

- The agreement with the Oregon Department of Transportation (ODOT) is for structural repairs for the Willamette River Independence Bridge;
- The project is located near the City of Independence;
- The bridge is one of the main crossings over the Willamette River into Marion County;
- The 2290-foot bridge extends from Marion County into Polk County;
- The project scope entails:
 - Strengthening the bridge to allow for the removal of the recently implemented load rating; and
 - Repair damaged and failing areas.
- The county has limited funding available for the project, so there is a priority order for the bridge rehabilitation which entails:
 - Strengthening the bridge;
 - Repairing any damaged railing;
 - Replacing bridge joints;
 - Resurfacing the deck; and
 - Repainting the substructure:
 - Repainting the substructure will help to protect the elements of the bridge and extend its life; and
 - The county hopes to extend the funding as far as possible for the rehabilitation.
- A refine analysis was performed on the structure a couple years earlier to try to increase the load rating;
- The rehabilitation project will allow any legal load to cross the bridge:
 - Floor beams and main girders will be strengthened.
- Access to the area will be improved as there are low overpasses for the railroad;
- Joint seal replacement and painting is important as it prevents water from seeping into the areas where rust may accumulate;
- The estimated budget for the project entails:
 - The federal contribution is an estimated \$7,016,706.54;
 - The county will contribute an estimated \$803,093.46; and

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- The total project cost is estimated to be \$7,819,800.
- Preliminary engineering and design will begin in 2024;
- The final bridge design will be completed in 2025;
- Construction is scheduled to start in 2026; and
- The county would like to complete the bridge rehabilitation project as quickly as possible so that the load rating restriction can be removed.

Board discussion:

- Traffic counts are performed on all county roadways to measure how much traffic is on each road:
 - The counts are utilized in designs and other analysis that are performed; and
 - It is unclear if the counts provide the direction that traffic is traveling.
- Polk County residents frequently utilize the bridge;
- The bridge's weight limits are important to agricultural communities;
- It is important that Polk County residents be aware of the upcoming bridge rehabilitation project;
- Marion County owns multiple bridges that other counties get to utilize;
- Marion County has an Intergovernmental Agreement (IGA) with Polk County to equally share maintenance expenses;
- The county is investing \$803,093.46 in funding from gas taxes for the project;
- Marion County has 96 bridges that the federal government requires load limit infrastructure monitoring;
- Polk County may want to become more of an active partner if the bridge has a critical infrastructure need for their residents; and
- Heavy traffic can be found on the bridge as the result of having only two bridges that cross over the Willamette River.

MOTION: Commissioner Bethell moved to approve the Supplemental Project Agreement with the Oregon Department of Transportation (ODOT) in the amount of \$7,819,800, of which an estimated \$7,016,706.54 will be paid in federal funds, and an estimated \$803,093.46 will be paid by the county for the River Road: Willamette River Bridge project through April 1, 2034. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:32:49)

SHERIFF'S OFFICE

12. Consider approval of Amendment #1 to the Intergovernmental Agreement (IGA) with Chemeketa Community College to add \$123,263.27 for a new contract total of \$510,610.46 to provide Student Opportunity for Achieving Results (SOAR) program services to community corrections clients through June 30, 2025. –Commander Mike Hartford
(Motion made and approved to remove item from the Board Session Agenda.)

**PUBLIC HEARINGS
9:30 A.M.**

None.

(Video Time 00:32:54)

Marion County Sheriff Nicholas Hunter:

Summary of presentation:

- Sheriff Hunter thanked the board and other legislators for their work on Oregon House Bill (HB) 4002 and expressed the following:
 - More work is still needed and there will be challenges ahead;
 - HB 4002 is the reform of Oregon Ballot Measure 110, the Drug Addiction Treatment and Recovery Act;
 - HB 4002 creates accountability and allows law enforcement to incentivize treatment;
 - The intent of the changes is not to put individuals in jail;
 - Incentivizing treatment allows an individual to get back on their feet and back to the life that they want to live;
 - The county will continue to offer programs to assist individuals:
 - HB 4002 provides additional tools to help individuals.
 - There was also a change to the laws for drug distribution:
 - Distributors will be held accountable; and
 - There is the potential for incarceration.
 - The county would like individuals struggling with addiction to receive the treatment they need.


Board discussion:

- Marion County has many community level resources that the public is not aware of;
- Educating the public on the available resources would be beneficial;
- Individuals that break the law and bring drugs into communities will be held accountable;


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- The county wants to assist individuals with the following:
 - Getting sober;
 - Getting back on their feet; and
 - Becoming a contributing member of society:
 - There are programs that can give individuals second chances.
- The legislation will take effect on September 1, 2024:
 - The distribution side is an emergency clause that will go into effect as soon as the governor signs.


Commissioner Cameron adjourned the meeting at 9:36 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at
<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>