

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, October 25, 2023
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Colm Willis and Commissioner Danielle Bethell. Also present were Jan Fritz, chief administrative officer, Jane Vetto as county counsel, and Brenda Koenig as recorder.

ABSENT: Commissioner Kevin Cameron

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

(Video Time 00:00:41)

PUBLIC COMMENT

None.

(Video Time 00:00:45)

Commissioner Bethell moved to remove an item from the Consent Agenda under Board of Commissioners: Approve Amendment #1 to the American Rescue Plan Act (ARPA) Subrecipient Agreement with the City of Aurora. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Board discussion:

- The commissioners requested more information from staff related to the contract before it is considered for approval; and
- It is anticipated that the contract will be on an upcoming agenda.

(Video Time 00:01:15)

CONSENT

BOARD OF COMMISSIONERS

OLCC Application – Recommended Approval

1. Clos Ellie, LLC – St. Paul, Oregon

Board Committee Appointment – Public Safety Coordinating Council

2. Approve an order appointing Commander Mike Hartford to the Marion County Public Safety Coordinating Council as a Community Corrections member beginning October 25, 2023.

3. Approve Amendment #1 to the American Rescue Plan Act (ARPA) Subrecipient Agreement with the following cities to revise the dates and the project plans through December 31, 2026:

- ***The City of Aurora;***
- The City of Donald;
- The City of Gates; and
- The City Mill City.

(Motion made and approved to remove the contract with the City of Aurora from the Board Session Agenda)

BUSINESS SERVICES

4. Approve an order to adopt the revised Marion County Risk Management Program Rules as referenced in “Exhibit A”.

5. Approve an order to adopt revised Marion County Administrative Policy #507, Coordination of Health, Safety, and Environmental Issues.

FINANCE

6. Approve a quitclaim deed for the sale of a tax foreclosed property for tax account number 106178, from Marion County to Alejandra Garcia.

HEALTH AND HUMAN SERVICES

7. Approve an order approving ten Ambulance Service Area (ASA) Franchise Applications as referenced in “Attachment A” to correct a scrivener’s error of September 27, 2023.

HUMAN RESOURCES

8. Approve the recommendation to update the classifications and uphold the pay grades for class codes #360, Benefits and Risk Manager; #460, Maintenance Supervisor; #482, Facilities Maintenance and Systems Coordinator; #493, Construction Project Coordinator; and #494, Facilities Program Manager; and update the classifications and adjust the pay grades upward for class codes #014, Administrative Specialist Detective Section; #022, Claims Adjuster; #138, Chief Civil Supervisor; #167, Economic Development Coordinator; #483, Building Maintenance Specialist; #495, Building Maintenance Specialist Senior; #496, Electrician 1; and #497, Electrician 2.

PUBLIC WORKS

9. Approve an order for the transfer of a segment of Butteville Road from Marion County’s jurisdiction to the City of Woodburn’s jurisdiction.

10. Approve a resolution authorizing Marion County Parks to apply for a grant through the Oregon Parks and Recreation Department's Land and Water Conservation Fund Program for development of North Fork Park.

11. Approve Amendment #2 to the Purchase Order with Fastenal Company to add \$142,000 for a new contract total of \$517,000 for the purchase of parts, safety clothing, and operational supplies through June 30, 2024.

12. Approve of Purchase Order with Generac Power Systems, Inc. in the amount of \$104,960 for the purchase of two portable light towers and two mobile trailer mounted diesel generators retroactive to June 8, 2023, through November 22, 2023.

TAX OFFICE

13. Approve an order advancing tax levies to certain small taxing districts as referenced in Exhibit A, in the total amount of \$304,293.07 for the year 2023-24.

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

(Video Time 00:05:07)

ACTION

HEALTH AND HUMAN SERVICES

14. Consider approval of Amendment #1 to the Contract for Services with Gibraltar Medical Staffing, LLC to add \$2,250,000 for a new contract total of \$2,750,000 to provide qualified temporary medical personnel through January 31, 2028. –Phil Blea

Summary of presentation:

- The contract with Gibraltar Medical Staffing, LLC, will allow the county the opportunity to provide mental health services for youth;
- There were 19 Qualified Mental Health Professional (QMHP) vacancies:
 - The contract has allowed the county to fill 10 of the employment vacancies:
 - Four positions will provide services for adults; and
 - Six positions will provide services for youth.
- The contract has allowed the county to perform the following:
 - Open enrollments;
 - Decrease caseload sizes;
 - Retain staff; and
 - Provide immediate services to the community.

Board discussion:

- The commissioners expressed their appreciation to staff for finding creative ways to provide services for the community;
- The county staffs for permanent employment positions that are vacant;
- The contract will decrease as job vacancies are filled; and
- If job positions are filled prior to the contracts 2028 ending term date, then the agreement will end.

MOTION: Commissioner Bethell moved to approve Amendment #1 to the Contract for Services with Gibraltar Medical Staffing, LLC to add \$2,250,000 for a new contract total of \$2,750,000 to provide qualified temporary medical personnel through January 31, 2028. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:07:44)

15. Consider approval of the Grant Agreement with Pelton Project, Inc. in the amount of \$902,501 for the development and operation of a Residential Treatment Home (RTH) for individuals ages 18 or older with Serious and Persistent Mental Illness (SPMI) and co-occurring Substance Use Disorders (SUD) through April 1, 2024. –Christina Bertschi

Summary of presentation:

- Staff is requesting approval to enter into a contract with Pelton Project, Inc. to develop a Residential Treatment Home (RTH);
- The RTH will be for individuals with co-occurring disorders;
- The project will utilize approximately \$6.3 million in behavioral health housing investment funding appropriated from the state's general fund;
- The goal of the funding is to expand housing to alleviate the bottleneck in continuum of care;
- The contract allows Pelton Projects, Inc. to perform the following:
 - Acquire a property;
 - Renovate; and
 - Pay for start-up costs.
- Pelton Projects, Inc. has already developed a successful hybrid model that provides substance use treatment at the RTH care level; and
- The funding will allow Pelton Projects, Inc. to develop a similar model for the county.

Board discussion:

- The RTH will be located in the City of Salem;
- The RTH will house five individuals;
- The facility will be a licensed RTH that will provide stabilization for residents:
 - The goal is to transition the residents to a lower level of care; and
 - The care will be a step down from the Oregon State Hospital.

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- It is anticipated that the RTH will open in April 2024;
- The contract focuses on individuals with a mental health diagnosis who have a history of substance abuse;
- Individuals will be referred to an enhanced care coordinator:
 - The coordinator will place an individual in licensed residential care if the level of care is needed.
- Commissioner Bethell requested to meet with the operators of the RTH to discuss the overall plans and scope long-term:
 - More RTH services are needed in communities;
 - The system of care is complicated to maintain;
 - The state has negatively impacted organizations that provide this service;
 - There may be obstacles and barriers that the county needs to be aware of to keep projects sustainable into the future; and
 - This will allow advocating for more RTH's at the state level.

Motion: Commissioner Bethell moved to approve the Grant Agreement with Pelton Project, Inc. in the amount of \$902,501 for the development and operation of a Residential Treatment Home (RTH) for individuals ages 18 or older with Serious and Persistent Mental Illness (SPMI) and co-occurring Substance Use Disorders (SUD) through April 1, 2024. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:11:56)

INFORMATION TECHNOLOGY

16. Consider approval of the Contract for Services with Plante and Moran, PLLC, in the amount of \$1,381,555 to provide consulting services for an Enterprise Resource Planning System through December 31, 2028. –Gary Christofferson and Jeff White

Summary of presentation:

- The contract with Plante and Moran, PLLC, was discussed in detail at a prior Management Update meeting;
- The current system for accounting and resource planning is 25 years old and is at end of life;
- The Plante and Moran, PLLC consultant will assist with the following:
 - Gathering the system requirements;
 - Developing a Request for Proposal (RFP);
 - Vendor selection; and
 - Project management implementation.
- The project will take approximately two to three years to implement; and
- The software upgrade will be a countywide project.

Board discussion:

- The software assists with the following:
 - Budgeting;
 - Accounts payable;
 - Accounts receivable;
 - General ledger;
 - Payroll;
 - Time entry;
 - A contracts management system;
 - Human resources;
 - Employee hiring; and
 - Employee training:
 - The system will integrate everything together.
- Gathering ancillary services into one Enterprise Resource Planning (ERP) system is more efficient;
- The current system has limitations and is not user friendly;
- The county needs a system that will work correctly immediately upon implementation;
- Multiple county departments will be involved in the process;
- The new system will allow the current technology to be updated;
- County needs have become more complex over the years;
- The contractor will help county staff to transition into the new system;
- The \$1,255,555 listed in the contract is for consulting fees; and
- The additional funding is for traveling expenses.

MOTION: Commissioner Bethell moved to approve the Contract for Services with Plante and Moran, PLLC, in the amount of \$1,381,555 to provide consulting services for an Enterprise Resource Planning System through December 31, 2028. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:19:26)

17. Consider approval of the Purchase Order with Dell Marketing in the amount of \$1,500,000 to provide computer hardware and support services for the Lifecycle Replacement Program through June 30, 2025. –Gary Christofferson and Cynthia Klein

Summary of presentation:

- Information Technology (IT) purchases hardware and specialized equipment for the county and individual departments;
- IT makes multiple purchases throughout the year with several that are over \$100,000;
- Approximately \$1 million of the Purchase Order with Dell Marketing will be for the Lifecycle Replacement Program:
 - The funding provides for two years of coverage; and

- An estimated 20 percent of the county’s primary devices will be replaced every year.
- An estimated \$500,000 will be utilized for enterprise purchases for multiple county departments:
 - The funding provides for two years of coverage.
- The Purchase Order will streamline the process allowing products to be purchased in a timely manner; and
- The Purchase Order is part of a cooperative contract.

Board discussion:

- None.

MOTION: Commissioner Bethell moved to approve the Purchase Order with Dell Marketing in the amount of \$1,500,000 to provide computer hardware and support services for the Lifecycle Replacement Program through June 30, 2025. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:21:52)

PUBLIC WORKS

18. Consider approval of Amendment #3 to the Engineering and Related Services Contract with David Evans and Associates, Inc. to add \$414,951.05 for a new contract total of \$1,325,949.54 to provide construction engineering and inspection services for Phase 2 of the Hazelgreen Road NE, Pudding River Bridge project through December 31, 2026. –Ryan Crowther

Summary of presentation:

- The project is located between the City of Salem and the City of Silverton;
- The project scope entails the following:
 - Replacing the existing bridge that was built in 1969;
 - Raising the bridge height;
 - Realigning Torvend Road NE to accommodate the new bridge structure;
 - Constructing road approaches; and
 - Constructing a new guardrail system.
- Amendment #3 adds construction services to the contract which includes:
 - Project management;
 - Construction inspection;
 - Environmental inspection and compliance;
 - Quality assurance;
 - Contract administration;
 - Payment documentation;
 - Professional of record services;
 - As-built drawings; and
 - Project close-out documentation.

- The project is federally funded which entails significant paperwork and oversight requirements:
 - David Evans and Associates, Inc. will help the county navigate the federal process.
- The current budget for the contract is \$910,998.49:
 - Amendment #3 adds \$414,951.05:
 - Federal funding for Amendment # 3 is 372,335.58; and
 - The county will fund and estimated 42,615.47.
 - The new contract total for the project is \$1,325,949.54.
- Construction is anticipated to start in 2024; and
- Bidding for the project will begin in the upcoming winter months.

Board discussion:

- The roads leading to the bridge on either side are in a floodplain and will be underwater and not travelable during the rainy season;
- There are legal obstacles for building up a road embankment:
 - There are mitigation restraints for raising the road’s height in the floodplain; and
 - It could cost \$15 to \$20 million for this bridge.
- Another solution may be to build a bridge causeway:
 - This would minimize the fill that would be needed.
- Hazelgreen Road existed before the federal government’s guidelines for floodplains changed;
- Hazelgreen Road has always been a seasonal road with floodgates;
- There are detour routes available when the road is closed;
- The City of Silverton is growing, and roads are becoming more congested:
 - The county wants to be diligent when addressing transportation and proper access so that congested spaces are not overwhelmed.
- Solutions need to be assessed to determine if Hazelgreen Road can be a viable roadway in the future; and
- Hazelgreen Road is frequently traveled and is the freight route between the City of Silverton and Interstate 5.

MOTION: Commissioner Bethell moved to approve Amendment #3 to the Engineering and Related Services Contract with David Evans and Associates, Inc. to add \$414,951.05 for a new contract total of \$1,325,949.54 to provide construction engineering and inspection services for Phase 2 of the Hazelgreen Road NE, Pudding River Bridge project through December 31, 2026. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:30:46)

19. Consider approval of Amendment #5 to the Contract for Services with Keller Associates, Inc. to add \$454,132 for a new contract total of \$2,550,059 for additional surveying, engineering, and environmental permitting tasks for the North Santiam Canyon Sewer Project through December 31, 2026. –Chris Einmo

Summary of presentation:

- The contract has complex and aggressive timelines:
 - It is anticipated that there will be multiple amendments to the contract.
- Tasks will be performed in two phases:
 - The first phase will be for the lower basin which entails the City of Mill City and the City of Gates; and
 - The second phase will be for the upper basin which entails the City of Detroit and the City of Idanha.
- The scope for the financial planning is expanding to include the following:
 - Yearly operations;
 - The impacts of additional development;
 - Growth projections;
 - Yearly rate expectations; and
 - Assistance for forming a government structure.
- The intent is to construct the lower basin sewer first and the upper basin sewer second;
- Plans for the City of Mill City and the City of Gates connection include:
 - An alignment for a proposed pressurized pipeline has been identified by an old railroad alignment;
 - Topographic and recovery surveying;
 - Some environmental clearance;
 - Environmental site assessment;
 - A geotechnical evaluation:
 - Soils along the alignment will be studied: and
 - Landslide risks will be assessed.
 - Surveyors will be performing additional work in the City of Mill City.
- Plans for the City of Detroit include:
 - Support for the city's commercial septic system;
 - The county has engaged in consultations with 20 different commercial property owners:
 - Applications for the commercial properties are being submitted to a septic designer as they come in;
 - Additional design work will be done to support property owners with the permit application process; and
 - Once the properties are permitted, then the county can execute a grant agreement with each of the property owners.
- An excavator will dig test pits to collect new soil data;

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- Survey records that were lost in the 2020 wildfires are needed to tie in property corners;
- The Oregon Department of Transportation (ODOT) and the county have been collaborating on a surplus easement along Oregon Highway 22 frontage:
 - The goal is to give each property owner along the highway an easement; and
 - The easement will provide the space for the property owner to lay a drain field and still have developable land within their parcel.
- Recovery surveys and legal descriptions will need to be performed for the easements; and
- Twelve land acquisitions will be executed so that each property owner will have an individual easement:
 - This will make the permitting process more straightforward.

Board discussion:

- The commercial septic systems project and the main sewer system project are being performed at the same time:
 - Staff is still working on a facility planning study for the City of Detroit and the City of Idanha;
 - The studies are moving at the same pace; and
 - Staff is providing assistance to property owners in the area to move the project forward in a timely manner.
- There is one commercial property owner left on Detroit Avenue that staff is working to communicate with regarding their septic system;
- A lack of information is posing a challenge with the designs:
 - Cities lost their records during the fires; and
 - Many property owners do not have a design record history.
- Contractors will be utilized to help support commercial designers to see what is happening underground with pipes:
 - A utility locator will be used; and
 - Cameras on snakes will be utilized:
 - The information will aid property owners with submitting the best and most expeditious permit application.
- American Rescue Plan Act (ARPA) deadlines for the project are still applicable:
 - Everything must be obligated by December of 2024;
 - The fastest pathway to a septic permit is permitting what was already permitted before; and
 - Once this is done, they will get a plan to move ahead and expand within the timelines.

MOTION: Commissioner Bethell moved to approve Amendment #5 to the Contract for Services with Keller Associates, Inc. to add \$454,132 for a new contract total of \$2,550,059 for additional surveying, engineering, and environmental permitting tasks for the North Santiam Canyon Sewer Project through December 31, 2026. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:43:39)

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

PUBLIC WORKS

A. Public hearing to consider an amendment to the Marion County Rural Code to permit rural accessory dwelling units in the Acreage Residential zone.

–Brandon Reich

Summary of presentation:

- Recent legislative changes allow counties to permit Accessory Dwelling Units (ADU’s) in Acreage Residential (AR) zones;
- In 2021, legislation was passed that allowed counties to permit ADU’s in a rural residential zone when specific criteria were followed:
 - One criterion was the creation and adoption of wildfire maps:
 - The county is in the process of creating the maps; and
 - In 2023 legislators amended a statute that allows counties to permit ADU’s in rural residential zones before the creation of the maps.
- Staff received no comments when the staff report was prepared;
- The proposed code amendment adds ADU’s to AR zones that is subject to two types of standards:
 - Siting standards; and
 - Development standards.
- Siting standards apply to the land and must meet the following property requirements:
 - It must be at least two acres in size;
 - It cannot be located within an urban reserve;
 - It cannot be located within a designated area where the state has water concerns; and
 - It cannot be located within an area that has groundwater use restrictions unless the ADU and associated lands will not be utilizing a well.
- The purpose of the standards is to ensure that rural lands have the capacity to support an additional dwelling unit;
- The statute requires the ADU be constructed to meet the following standards:
 - It must have a maximum living space of 900 square feet;
 - It must be located within 100 feet of the primary dwelling;
 - It must have adequate setbacks from adjacent lands utilizing resources;

- All necessary building permits must be obtained;
- It must meet the provisions of the state's code related to wildfire hazard mitigation:
 - Every ADU is subject to the wildfire site standards under the building codes until the county's maps have been created and adopted.
- All necessary septic permits must be obtained;
- It must meet local fire district standards for:
 - Access;
 - Evacuation; and
 - Defensible or fire protected spaces close to homes and structures.
- It cannot be a for vacation occupancy;
- It cannot be rented for periods that are less than 45 days; and
- It cannot be separate from the property's primary dwelling.
- The statute allows counties to require the following:
 - The same water must be utilized for both the primary dwelling and ADU; and
 - The construction of garages and outbuildings that support the ADU may be restricted:
 - Staff does not recommend adopting the provisions into code.
- There are three different water areas:
 - Two are identified in Oregon statute; and
 - The county utilizes one area that statute does not cover because the area is different:
 - Critical state concern areas:
 - Oregon statute prohibits ADU's in areas where the state has critical water concerns; and
 - There are none of these designated areas within the county.
 - Groundwater use restricted areas:
 - Oregon statute prohibits ADU's in areas restricted by the Water Resources Commission if the source is a well:
 - Tanks or connections to a city are allowed;
 - The county has one of these areas southeast of the City of Silverton;
 - New wells cannot be drilled in this area; and
 - The state has restricted this area because of the severity of the water.
 - Oregon statute allows an alternate water source to be provided to the ADU:
 - An alternate water source can be very expensive;
 - Properties have the option of being added to city water services if they remain outside of the Urban Growth Boundary (UGB);
 - The board could allow ADU's in the area; but

- The county's code would require that the ADU be served by a source that is not a well.
- Groundwater limited areas:
 - Oregon statute does not restrict ADUs in the county's groundwater limited areas;
 - The county's areas are identified by groundwater overlay zones;
 - Staff is not recommending limiting the placement of ADU's in the county's groundwater overlay for the following reasons:
 - The unit has size limitations of 900 square feet:
 - The size has the potential to limit any impact on water usage in the area.
 - The unit may share a well with a primary dwelling on the property:
 - This would limit any impact on the water usage as the need to drill an additional well would be reduced.
 - Installing a tank that is associated with the ADU would minimize the impact to the aquifer:
 - The tank would be filled by the well; and
 - The well allows the tank to always be full.
- Notice of the public hearing was mailed to interested parties and posted in the Statesman Journal;
- Staff has received multiple telephone calls over the prior years from property owners interested in establishing an ADU on their property;
- Some of the calls were from individuals expressing concerns with the impacts to the water or with neighborhood traffic;
- Staff is recommending a language change in the code related to tank storage size in conjunction with a well;
- Mr. Reich recommended the board review the suggested amendments; and
- The board will advise staff of how they would like to proceed.

Board discussion:

- An ADU would allow property owners to build garages:
 - Staff is not recommending any prohibition or any preclusion of these structures.
- If the water source is a tank, then it cannot be filled by a well;
- The adjusted language is to address concerns that the public may have with drilling a new well and the impacts of the new well to the neighborhoods:
 - Having the tank with the well will minimize the impacts.
- It was requested that additional language be included to reflect that the tank is for use in conjunction with the primary well serving the ADU on the property:
 - The holding tank needs to be drawing water from the only well on the property.

- More discussion is needed in the future to see what adding an ADU to an Exclusive Farm Use (EFU) or another type of zone would entail:
 - Income from farming can be limited;
 - Farming may not be generational; and
 - There needs to be more flexibility and access for farming families to live close together on the farmland.
- No one signed up for public comment; and
- Ms. Vetto expressed the following:
 - The board can move to approve an amendment of the AR zone code as proposed by staff and amended by the board; and
 - The board would direct staff to return with an ordinance reflecting the board's decision.

MOTION: Commissioner Bethell moved to approve an amendment to the Acreage Residential (AR) zone code as proposed by staff and amended by the board today, and direct staff to return with an ordinance reflecting the board's decision. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.


Commissioner Willis closed the public hearing.


(Video Time 00:59:59)


Board discussion:

- The grand opening of a new community aid resource center is being held on October 25, 2023, in the City of Silverton:
 - The center is like a food bank; and
 - They provide services to community members in need.

Commissioner Willis adjourned the meeting at 10:00 a.m.



 CHAIR


 COMMISSIONER


 COMMISSIONER

Board Sessions can be viewed on-line at

<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>