

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, October 9, 2024
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

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

ABSENT: Commissioner Kevin Cameron

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

PUBLIC COMMENT

None.

(Video Time 00:03:42) Technical difficulties. Late video start time.

CONSENT

BOARD OF COMMISSIONERS

Board Appointment – Solid Waste Management Advisory Council

1. Approve an order reappointing Ryan Zink as a Community Organization Representative to the Marion County Solid Waste Management Advisory Council (SWMAC) with a term ending December 31, 2028.

Board Appointment – Parks Commission

2. Approve an order appointing Bryan Hall as a Citizen-At-Large to the Marion County Parks Commission with a term ending December 31, 2028.

Board Appointment – Marion Water Quality Advisory Committee

3. Approve orders appointing Gary White as Chair and Brenda Sanchez as Vice-Chair to the Marion Water Quality Advisory Committee (MWQAC) with terms ending October 9, 2026.

BUSINESS SERVICES

4. Approve Amendment #1 to the Contract for Services with CJ Hansen Company, Inc., to add \$100,000 for a new contract total of \$200,000 to continue to provide on-call commercial plumbing services through June 15, 2027.

FINANCE

5. Approve a quitclaim deed for the private sale of tax foreclosed lot 533053 from Marion County to The Cain Joint Revocable Living Trust.

HEALTH AND HUMAN SERVICES

6. Approve Amendment #11 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority (OHA) to add Program Elements (PE) 12-01, Public Health Emergency Preparedness Program (PHEP) and PE12-02, COVID-19 Response, to the agreement, and increase funding in the amount of \$239,547.24 for the following, for a new contract total of \$15,935,250.49 through June 30, 2025.

- Increase funding in the amount of \$1,517.82 for PE01-12, Acute and Communicable Disease Prevention (ACDP) Infection Prevention Training;
- Increase funding in the amount of \$137,446 for PE12-01, Public Health Emergency Preparedness (PHEP) and Response;
- Increase funding in the amount of \$33,331 for PE42-03, Maternal, Child, and Adolescent Health (MCAH) Perinatal General Funds & Title XIX;
- Increase funding in the amount of \$75,247.42 for PE51-01, Local Public Health Authority (LPHA) Leadership, Governance and Program Implementation; and
- Decrease funding in the amount of \$7,995 for PE73, HIV Early Intervention and Outreach Services.

HUMAN RESOURCES

7. Approve the health insurance plan renewal rate recommendations for the Marion County Law Enforcement Association (MCLEA) and the Federation of Oregon Parole and Probation Officers (FOPPO) employee group; and the Marion County (MC) employee group for calendar year 2025.

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

(Video Time 00:06:22)

ACTION

BUSINESS SERVICES

8. Consider approval of the Software Subscription Agreement with Origami Risk, LLC, in the amount of \$695,625 to provide a risk and claims management information system through November 1, 2029. –Tamra Goettsch and William White

Summary of presentation:

- This system helps track incidents that happen across Marion County;
- The current system is out of date and undeveloped;
- The project was reviewed by the Enterprise Resource Planning (ERP) group:
 - Ensured it will align with the new upcoming system.
- The improvement in the system does come along with increased fees and represents an increase in annual costs for the county;
- The new system will have dashboards, the ability to create reports, interface with departments and provide tailored production and data needs met;
- Funded by the self-insurance fund and is included in the yearly budget;
- Multiple government organizations are currently utilizing the system;
- The system will help with the enterprise risk management efforts;
- Helps to assess future risks of the county and individual departments;
- The contract's first year fee \$221,025, which includes set up; and
- The second year will be \$118,650 per year after the first year.

Board discussion:

- None.

MOTION: Commissioner Willis moved to approve the Software Subscription Agreement with Origami Risk, LLC, in the amount of \$695,625 to provide a risk and claims management information system through November 1, 2029. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:10:41)

PUBLIC WORKS

9. Consider approval of Amendment #1 to the incoming funds Local Agency Certification Program Agreement with the Oregon Department of Transportation (ODOT) to add \$500,000 of which an estimated \$400,000 will be provided in federal funds and an estimated \$100,000 will be provided in county funds for a new contract total of \$1,063,019.63 for purchases to improve operations at both the Wheatland Ferry and the Buena Vista Ferry through June 21, 2033.

–Ryan Crowther

Summary of presentation:

- The ferries are located at Wheatland and Buena Vista:
 - North of the City of Keizer and south of the City of Independence.
- The project scope is as follows:
 - Constructing upper and lower catwalks in the Polk County tower to improve worker safety.
- The Oregon Department of Transportation (ODOT) asked to incorporate the procurement into the existing agreement;
- The purpose of the amendment is as follows:
 - Adds federally funded purchases to the existing agreement; and
 - Purchases include some of the following:
 - Drive shafts, propellers, sheaves, electrical equipment, security lighting, cameras, storage containers, barges, wire rope, generator communication equipment, point of sale system, and other items.
- Service is limited at the sites;
- The total project cost is \$1,063,019.63 and is broken down as follows:
 - The federal portion is 80 percent at \$850,415.71;
 - The county portion is 20 percent at \$212,603.92; and
 - The new amendment total cost is \$500,000.
- The project is scheduled to begin procurement in 2025.

Board discussion:

- The Wheatland Ferry is the responsibility of Marion and Yamhill counties;
- The Buena Vista Ferry is the responsibility of Marion County and ODOT:
 - Polk County vacated the agreement for the ferry.
- The counties and ODOT are responsible for a 20 percent portion of the ferries:
 - This portion is split equally in half by each group.

Motion: Commissioner Willis move to approve Amendment #1 to the incoming funds Local Agency Certification Program Agreement with the Oregon Department of Transportation (ODOT) to add \$500,000 of which an estimated \$400,000 will be provided in federal funds and an estimated \$100,000 will be provided in county funds for a new contract total of \$1,063,019.63 for purchases to improve operations at both the Wheatland Ferry and the Buena Vista Ferry through June 21, 2033. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:16:42)

10. Consider approval of the Construction Contract with HP Civil, Inc., in the amount of \$316,194.44 to provide necessary repairs for the Santiam River (Gates) Bridge – Sorbin Avenue project through June 30, 2025. –Ryan Crowther

Summary of presentation:

- The bridge crosses the Santiam River at Sorbin Avenue in the City of Gates:
 - It connects Marion County and Linn County.
- The scope of the project entails the following:
 - Repair the cracking of the north abutment wall;
 - Replace the undermined north approach panel;
 - Replace severely deformed bearing pads at the north abutment; and
 - Replace expansion joints at both ends.
- The bridge was built 28 years ago;
- The lowest bid was HP Civil, Incorporated at \$316,194.44:
 - The Marion County Road Fund will be used.
- The project will be completed by December 31, 2024:
 - Limit single lane traffic for no more than one 40-day period;
 - No bridge closures are anticipated; and
 - Construction will be performed on one side of the bridge at a time.

Board discussion:

- Bridges in shared jurisdictions are split among counties:
 - There are bridges in Marion County that are the responsibility of other counties.
- Public notification of repairs will be posted through various outlets; and
- There is not a community to reach out to as those using the bridge come from all over the place.

MOTION: Commissioner Willis moved to approve the Construction Contract with HP Civil, Inc., in the amount of \$316,194.44 to provide necessary repairs for the Santiam River (Gates) Bridge – Sorbin Avenue project through June 30, 2025. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:22:53)

Mr. Hepburn provided one presentation for agenda items 11, 12, 13, and 14 in no specific order:

- The agenda items are all part of the same project;
- Staff are working to update the county's engineering standards;
- The agenda items will provide successful pathways for projects;
- There are four proposed board orders for consideration;
- The items will provide clarity for the following:
 - Engineering standards that were last adopted in 1990; and
 - The Transportation Safety Plan (TSP) that was last updated in 2005.
- The public was invited to contact Mr. Hepburn with feedback.

(Video Time 00:39:54)

11. Consider approval of an order establishing the forms and procedures to be used by Marion County Public Works Land Development Engineering and Permits staff self-certification process. –Max Hepburn

Summary of presentation:

- Assists property owners by expediting the review of driveway building permits;
- Currently staff members go out and evaluate driveways for safety concerns and standards;
- Property owners evaluate, provide factors and photos:
 - Staff then evaluates sent in information.
- The form lists what photographs are needed for evaluation; and
- This allows expedited issuance of permits when an access review is conducted.

Board discussion:

- An individual will come in for a building permit:
 - The individual either has a driveway or will need a driveway:
 - If they need a driveway they will be provided with a permit; and
 - If they have a driveway then staff will evaluate the driveway.
 - Photos of the driveway are required.
- The commissioners agreed with the process.

MOTION: Commissioner Willis moved to approve an order establishing the forms and procedures to be used by Marion County Public Works Land Development Engineering and Permits staff as part of the access review self-certification process. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:43:15)

12. Consider approval of an order establishing the standards that Marion County Public Works Land Development Engineering and Permits staff apply to agricultural accesses. –Max Hepburn

Summary of presentation:

- The county's standards from 1990 only mention residential and commercial access:
 - The majority of properties in Marion County are agricultural.
- This standard would be dictated by zone codes and their definition;
- This would establish the standard for typical agricultural and field maintenance access widths:
 - Most are 24 to 40 feet in width; and
 - Field maintenances are 20 to 24 feet in width.
- The Marion County Public Works (MCPW) Director will have discretion to accommodate reasonable requests for variances.

Board discussion:

- Some farms have accesses that look like pull-offs:
 - They are trying to utilize as much land for farming as possible.
- There are pieces of equipment that require larger access and discretion is used;
- Most farmers do not have obvious driveways:
 - Most drive on the frontage and enter the field when needed;
 - This should not be hindered; and
 - Requiring an entrance is not supported.
- Work with legal access to ensure they are the right size after years of use:
 - Other access that are not safety issues or a hinderance are fine.
- There is some difficulty when there are no established edges:
 - Work with individuals in these cases.
- The goal is not to negatively impact the agricultural community;
- Farms need to be able to farm as much as they can;
- The farm bureau needs to meet with the board to discuss this issue:
 - They can help staff with variance.
- Each policy must state that there can be MCPW Director discretion and the ability to appeal to the board;
- Commissioner Bethell would like to engage the farming community before continuing with this policy;
- Updating the engineering standards is an ongoing project that will take some time;
- Commissioner Willis would like the project done sooner rather than later;
- There needs to be a standard even if exceptions for variances are allowed;
- The board would like this information sent prior to the board session;
- Commissioner Willis made a motion to table agenda items 12, 13, and 14 to a future board session meeting;

- Commissioner Bethell only seconded the motion:
 - She did not ask if there was any further discussion; and
 - The commissioners did not provide a voice vote to signify approval.
- Mr. Elzinga expressed that no motion is necessary:
 - Tabling an item means that the item is coming back in the same format that it currently is in;
 - The commissioners expressed during the presentation discussion that they are not satisfied with the current document;
 - The agenda item can just be closed out with no motion; and
 - The item can come back at a later board session date.

(Video Time 00:24:28)

13. Consider approval of an order establishing the criteria that Marion County Public Works Land Development Engineering and Permits staff apply for secondary access requests.

–Max Hepburn

Summary of presentation:

- There is no clear path to permit safe, secondary access to properties under existing standards and policies;
- Wants to provide pathways for allowable, safe access to properties from roads under Marion County’s jurisdiction;
- There are six established criteria where secondary access can be permitted:
 - Physical constraints;
 - Spacing is met with no created loop;
 - One-way access is looped;
 - Single family dwelling in the Urban Growth Boundary (UGB) on collector or arterial;
 - Gated with emergency-only or infrequent use; and
 - The Marion County Public Works Director discretion.

Board discussion:

- The 2005 TSP discourages loop driveways;
- Discouraging loop driveways on major traffic roads is understandable:
 - On small farm roads the discouragement is a concern.
- Concerns of requiring removing the access to develop new property;
- Individuals with two driveways and a loop that would like a permit would be required to remove the loop or have a one way in and one way out scenario;
- Commissioner Willis made a motion to table agenda items 12, 13, and 14 to a future board session meeting;
- Commissioner Bethell only seconded the motion:
 - She did not ask if there was any further discussion; and
 - The commissioners did not provide a voice vote to signify approval.

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 - Tabling an item means that the item is coming back in the same format that it currently is in;
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 - The item can come back at a later board session date.

(Video Time 00:31:37)

14. Consider approval of an order establishing the methodology that Marion County Public Works Land Development Engineering and Permits staff apply for existing non-conforming access materials on rural roadways. –Max Hepburn

Summary of presentation:

- The county used to allow concrete, non-asphalt or non-gravel driveways to be constructed in rural areas:
 - The driveways were impacted when the county performed maintenance on asphalt roads; and
 - Over the course of several years the county stopped permitting these driveways.
- Rural access of non-standard materials does not pose a safety hazard and does not meet adopted safety standards;
- Would ask to reconstruct rural access to gravel or asphalt;
- The goal is to provide an option for existing rural access of non-standard, safe surfacing material to remain; and
- Propose a property owner sign an acknowledgment form for any safe existing, pre-2016, non-conforming access to a rural road to remain in place.

Board discussion:

- Property owners would sign the form which states that the county would not be liable for any damage during the road maintenance process;
- Concern of property owners who upgraded their access after 2016, without a permit, would have to change their access again;
- There needs to be more flexibility and leniency;
- These are the county standards;
- Residents are not aware of the need for a permit when updating driveways:
 - The county works with these residents to mitigate the safety issues.
- It needs to be decided if the county cares for this to be a standard;
- There are concerns for water run-offs in other areas:
 - The areas in question are rural areas.
- Unsure why this standard was placed in 1990;
- Need to assess how much staff time is spent on this:
 - Would like to discuss this further.

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- Commissioner Willis made a motion to table agenda items 12, 13, and 14 to a future board session meeting;
- Commissioner Bethell only seconded the motion:
 - She did not ask if there was any further discussion; and
 - The commissioners did not provide a voice vote to signify approval.
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(Video Time 00:53:04)

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

None.

Commissioner Bethell adjourned the meeting at 9:54 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

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