

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, November 25, 2020
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

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

ABSENT: Jan Fritz, chief administrative officer

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

PUBLIC COMMENT

(Video Time 00:00:36)

David Blessman:

- Mr. Blessman distributed documentation to the commissioners;
- Mr. Blessman expressed his concerns with industrial power generation systems located within wildlands;
- He is requesting the suspension of any permitting for commercial generation plants that may be located within Wildland Urban Interface (WUI) zones;
- Mr. Blessman expressed the following:
 - The Marion County Planning Division issued a Conditional Use permit to a solar power generation facility for a land parcel located within a WUI zone and near a creek;
 - The land parcel is designated as a Farm/Timber (FT) zone;
 - The conditions of the permit did not address the following:
 - Fires around timber; and
 - The watershed.
 - He lives near the suggested solar power generation facility location;
 - An estimated 36 community neighbors contested the decision in two separate appeals;
 - The solar power generation facility recently withdrew the application request;
 - He is concerned that a similar request may be submitted in the future; and
 - He believes it is dangerous to build power generation facilities near timber zones.
- Mr. Blessman requested the commissioners review the documentation that he had submitted and consider his request;
- He expressed that citizens living within the canyon or the foothills are against power systems that may generate fires; and
- Mr. Blessman indicated the county's process does not protect the wildlife watershed:

- Solar facilities contain heavy metals;
- The metals may leak into nearby water sources; and
- The county's process does not address leakage into water sources.

Board discussion:

- Commissioner Willis expressed the following:
 - Normally the commissioners do not respond to public comment;
 - Public comment is an opportunity for citizens to address comments and concerns to the board of commissioners;
 - There is a formal process for land use decisions:
 - Land Use applications are first submitted to county staff;
 - County staff then reviews the application request and provides a decision;
 - The staff's decision may be appealed to a hearings officer;
 - The hearings officer then reviews the application request and provides a decision;
 - The hearings officer's decision may be appealed to the board of commissioners; and
 - A formal meeting to discuss the appeal would be the appropriate time for the commissioners to ask questions and discuss the request.
 - The commissioners have received the documents submitted by Mr. Blessman; and
 - The commissioners may review the documents.
- Commissioner Cameron expressed that action has been taken related to applications for solar generation power facilities that are requesting to be located within timber zones:
 - Solar facilities may not be located within the following zones:
 - Exclusive Farm Use (EFU); and
 - Special Agriculture (SA).
- Commissioner Brentano expressed the following:
 - Mr. Blessman may submit his documentation to the Marion County Public Works Department for review;
 - Information related to Mr. Blessman's request may be discussed at a future Management Update meeting; and
 - A Work Session meeting may be the next step for Mr. Blessman's request to start proceeding through the land use process.
- Commissioner Cameron indicated his agreement with Commissioner Brentano and expressed the following:
 - The commissioners will accept Mr. Blessman's submitted documents;
 - The documents will be reviewed with the Marion County Planning Department;
 - Information related to the Mr. Blessman's request may be discussed at a future Work Session meeting;
 - Mr. Blessman will be notified of the date and time for the Work Session meeting;
 - Mr. Blessman may attend the Work Session meeting and listen to the discussion; and
 - Marion County was unaware of a solar facility until after legislation was passed by the Oregon State legislature.
- Ms. Vetto expressed that Mr. Blessman's request may entail reviewing the county's rural code provision that allows for solar arrays on land parcels that are zoned FT:

- The request is to consider discontinuing permitting for solar facilities located in FT zones.

(Video Time 00:10:19)

PRESENTATION

COVID-19 (Novel Coronavirus) update. –Katrina Rothenberger

- Ms. Rothenberger reported the following updates for the COVID-19 pandemic as of 8:00 a.m. on Wednesday, November 25, 2020:
 - There have been an estimated 8,649 cases within the county from the start of the pandemic;
 - An estimated 82,049 cumulative tests have been performed; and
 - An estimated 135 individuals have died from symptoms related to COVID-19.
- An estimated 3,660 tests were administered for the dates of November 15th through November 21st, 2020:
 - An estimated 643 of the tests were positive; and
 - The county is administering an average of 3,000 to 4,000 tests per week.
- The Oregon Health Authority's (OHA) requirements for COVID-19 test reporting have changed:
 - Prior testing was based off of an individual person count:
 - One individual may have received multiple tests but it was reported as one test only that had been received.
 - The revised reporting will be based off of the number of tests administered;
 - It is anticipated that the revised testing calculations may decrease the overall test positivity rate for the state; and
 - Marion County Health and Human Services (MCHHS) will be updating the county's data dashboard and the data packet to reflect OHA's testing reports.
- There is the potential for a limited number of vaccine doses to arrive by mid-December:
 - Frontline health care workers will receive the vaccine first; and
 - MCHHS is still finalizing the plan for vaccine distribution:
 - Reports show that three different vaccines have an effective rate of 90 percent or better.
- MCHHS has moved into surge guidance for the following due to an increase in positive COVID-19 cases:
 - COVID-19 case investigation; and
 - Contact tracing:
 - The time period for an interview has decreased;
 - Interview questions have decreased;
 - The interview questions are more focused;
 - Interaction time with individuals has decreased;
 - The number of phone calls to individuals has decreased;
 - Letters via telephone texting are being submitted;
 - Individuals in isolation are contacted at the beginning and at the end of the quarantine period; and
 - Only one household member is contacted.
- MCHHS has been hosting weekly testing events:

- Community response has been positive;
- More COVID-19 tests have been requested; and
- The next testing event is scheduled for November 30, 2020:
 - The event will be held at the Oregon State Fairgrounds;
 - The event is scheduled for 11:00 a.m. through 1:00 p.m.; and
 - Information related to the event has been posted on the county's website.
- Locations for local testing providers and area clinics can be found on the OHA website;
- MCHHS anticipates partnering with the University of Oregon to host weekly testing events:
 - The testing events will be held during the months of January through August, 2021; and
 - Locations for the events are currently undetermined.
- Ms. Rothenberg expressed her appreciation to the following for assisting with testing and COVID-19 response:
 - MCHHS staff;
 - Woodburn Ambulance;
 - Salem Health;
 - Santiam Hospital; and
 - Other community partners.

Board discussion:

- Community members are encouraged to implement their own contact tracing if they test positive for COVID-19 or have been exposed to someone who has:
 - Community members are requested to contact all individuals they may have been in close proximity to at least two days prior to seeing the signs or symptoms for COVID-19.
- Individuals who have been exposed to COVID-19 can contact the MCHHS to address questions or concerns:
 - Questions will be asked related to the timeline for exposure;
 - A 14-day quarantine following the individual's last exposure date will be recommended;
 - Testing is recommended for individuals encountering COVID-19 symptoms:
 - COVID-19 test site options will be provided to individuals:
 - The test will be more accurate if an individual waits five days from the time of exposure before being tested; and
 - MCHHS provides health education related to the signs and symptoms of COVID-19.
 - Individuals encountering unmanageable symptoms are encouraged to contact a physician.
- COVID-19 weekly testing will be provided at the Oregon State Fairgrounds every Monday during the winter months.

(Video Time 00:21:21)

Progress report for the Law Enforcement Assisted Diversion (LEAD) program. –Lisa Miller

Summary of presentation:

Lisa Miller, Marion County Sheriff's Office, LEAD Program Coordinator:

- The program is a tool for law enforcement officers to provide a connection for individuals in the criminal justice system:
 - Officers are able to connect individuals participating in criminal activity with resources that can assist them through a criminal situation versus arresting the individual:
 - The individuals in the program are deemed as non-violent offenders;
 - They are not considered a danger to community members; and
 - The criminal behavior of an individual in the program may be impacted by the following:
 - A trauma in their life; or
 - A crisis in their life.
- Primary partners collaborating in the program include:
 - The Marion County Sheriff's Office (MCSO);
 - The City of Salem Police Department;
 - The City of Salem Attorney's Office;
 - The Marion County Health and Human Services Department (MCHHS); and
 - The Marion County District Attorney's Office.
- An estimated 64 individuals participated in the program in April of 2018:
 - Enrollment in the program has grown since its inception.
- An estimated 99 percent of the program's participants have an addiction issue:
 - An estimated 59 percent are unsheltered; and
 - An estimated 85 percent are unemployed.
- Performance measures are tracked through client assessments:
 - An initial assessment is performed for an individual entering into the program; and
 - Additional assessments are performed every six months after the initial evaluation.
- LEAD program results include some of the following:
 - An increase in individuals acquiring housing;
 - An increase in employment;
 - A decrease in substance abuse;
 - An improvement in a participant's quality of life; and
 - A 50 percent decrease in negative contacts with police.
- Law enforcement officers recommend individuals for the program; and
- The LEAD Navigators assist the individuals through the program addressing issues the clients are encountering.

Josh Lair, Marion County Health and Human Services, LEAD Navigator:

- Mr. Lair has been employed with the MCHHS as a LEAD Navigator for close to three years;
- Positive aspects of Mr. Lair's job include assisting with some of the following:
 - Responding to LEAD clients;
 - The creation of a client's goals list;

- Improving a client's quality of life;
- Sobriety;
- Treatment options;
- Finding housing;
- Connecting clients with their families;
- Court appearances;
- Doctor's appointments; and
- Child custody issues.
- Sober living facilities within Marion County include some of the following:
 - Soaring Heights Recovery Homes; and
 - Oxford House Marion.

Hank Crapser, Marion County Health and Human Services, LEAD Navigator:

- Mr. Crapser has been employed with the MCHHS as a LEAD Navigator for over a year;
- Mr. Crapser was raised in Marion County; and
- Mr. Crapser's prior substance addiction and incarceration issues impacted his life:
 - His life experiences have assisted him with his job as a LEAD Navigator;
 - His job provides him with the opportunity to give back to the community; and
 - He feels blessed to be a part of the LEAD program.

Jennifer Holden, LEAD client:

- Ms. Holden has been a LEAD program client for an estimated 18 months;
- Ms. Holden's history prior to the LEAD program included some of the following:
 - Arrest warrants in multiple counties;
 - Homelessness;
 - Substance addiction;
 - A feeling of hopelessness; and
 - Thoughts of suicide.
- Ms. Holden's acceptance into the LEAD program has had a positive impact on her life:
 - A LEAD Navigator has assisted Ms. Holden with the following:
 - Warrant issues;
 - Court transportation to multiple counties;
 - Advocating in court appearances;
 - Finding housing;
 - Custody issues; and
 - Sobriety.
- LEAD Navigators have always supported Ms. Holden and never stopped their efforts to assist her; and
- Ms. Holden expressed her gratitude to the LEAD program and the LEAD Navigators.

Board discussion:

- The commissioners thanked Ms. Holden for sharing her story:
 - It can be the most challenging for an individual to fight their own addictions.
- The commissioners expressed their gratitude to Ms. Miller, Mr. Lair, and Mr. Crapser for all their work with the LEAD program;
- The LEAD program is funded with grant dollars:

- Multiple programs within the county request grant funding; and
- It can be a challenge to provide grant funding for all of the programs.
- The LEAD program has benefitted Marion County communities; and
- Every community member is important;

(Video Time 00:39:56)

MOTION: Commissioner Brentano moved to remove the following item from the Action Agenda: Consider approval of the Contract for Services with Public Partnerships, LLC for up to \$5,000,000 to provide fiscal intermediary services for economic stimulus funding to businesses located within Marion County through December 31, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Board discussion:

- Commissioner Brentano expressed the contract is still under review; and
- The contract will be presented at a future board session.

CONSENT

(Video Time 00:40:47)

PUBLIC WORKS

Receive notice of hearings officer's decision approving Conditional Use (CU) Case #20-030/ Bridges RV Storage, Inc.

Approve an order converting the Brooks Water Infrastructure loan into a grant, forgiving the repayment of the residual balance in the amount of \$29,250.51, and converting the balance into an inter-fund transfer.

TAX OFFICE

Approve an order for a property tax refund in the amount of \$24,930 to Lynn Clapp.

TREASURER'S OFFICE

Approve an order decreasing the change fund from \$350 to \$150 for the Marion County Health and Human Services Clinic.

Approve an order for the distribution of Oregon State Forestry timber revenue in the amount of \$15,701.87 as per ORS Chapter 530.

Board discussion:

- Commissioner Cameron expressed the following:
 - The county entered into a loan agreement with the City of Brooks Community Service District for pump repairs beneficial to the water supply; and
 - It is rewarding to be able to assist the water district with the loan forgiveness.

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

ACTION

(Video Time 00:42:30)

PUBLIC WORKS

1. Receive and consider an appeal of the hearings officer's decision approving Floodplain/Greenway Case #20-003/Marion County Friends of Historic Butteville and consider scheduling a public hearing for December 9, 2020. –Brandon Reich

Summary of presentation:

- The request before the board is for a floodplain and greenway permit to install a dock and gangway at the Butteville Landing located on the Willamette River;
- The hearings officer conducted a public hearing for the application on June 18, 2020;
- A decision was issued on September 9, 2020, approving the application request;
- The hearings officer's decision was appealed to the board on September 24, 2020, by neighboring property owners who disagree with the decision:
 - The appellants disagree with the following:
 - Some of the hearing officer's conclusions; and
 - Evidence that was accepted into the record with the applicant's final rebuttal.
- The board has the following options:
 - Accept the appeal and schedule a public hearing:
 - The suggested public hearing date is December 9, 2020; and
 - The date meets the statutory timeline.
 - Accept the appeal and remand the matter to the hearings officer; or
 - Deny the appeal and uphold the hearings officer's decision approving the request.
- Staff recommends the board accept the appeal and schedule a public hearing for December 9, 2020; and
- The 150-day deadline for a final decision is January 21, 2021.

Board discussion:

- Commissioner Brentano expressed the following:
 - He agrees with the hearings officer's decision;
 - He is opposed to accepting the appeal;
 - The issue has been a contentious matter for multiple years; and
 - Changes related to the Butteville Landing have already been discussed.
- The evidence brought into the record by the hearings officer is unclear:
 - The appellants disagree with some of the information aspects that the hearings officer considered in the final submittal;
 - The appellants may believe some of the evidence should not have been submitted into the record for consideration;
 - A public hearing would allow an opportunity to address and clear up any concerns; and

- It affords an opportunity for the applicant to provide any additional information that addresses the neighbors' concerns for operating a right-of-way.
- Commissioner Willis expressed the following:
 - He received an e-mail requesting an opportunity to discuss concerns related to the public right-of-way;
 - He responded to the e-mail expressing an appropriate place to provide information to the board would be during a public hearing; and
 - Previous discussions related to the public right-of-way occurred prior to Commissioner Willis' appointment to Marion County Commissioner.
- Commissioner Cameron expressed the hearings officer's public hearing was an appropriate place to submit and address concerns related to the public right-of-way; and
- Mr. Reich expressed that denying the appeal provides the appellant with the opportunity to address the matter before the Oregon Land Use Board of Appeals (LUBA):
 - LUBA may determine there was an error and remand the matter back to the board; and
 - The board may remand the matter back to the hearings officer to consider any concerns LUBA identified.

MOTION: Commissioner Cameron moved to accept the appeal of the hearings officer's decision and schedule a public hearing for December 9, 2020, for Floodplain/ Greenway Case #20-003/Marion County Friends of Historic Butteville. Seconded by Commissioner Willis; motion passed with two commissioners in favor and one commissioner in opposition.

(Video Time 00:50:47)

2. Consider adoption of an administrative ordinance granting Zone Change/ Comprehensive Plan (ZC/CP) Case #20-003/M.F. Bakke Builders, Home Exit, LLC, 25 Years, LLC, Jean M. Miller Family Trust, and Harlan R. Miller Trust. –Lindsey King

Summary of presentation:

- The application before the board is to change the zoning from Special Agriculture to Commercial, and the Comprehensive Plan Designation, on an approximately 21-acre parcel of land located on Gaffin Road SE in the City of Salem;
- The hearings officer conducted a public hearing on August 13, 2020;
- The hearings officer issued a decision on September 22, 2020, recommending the board approve the following if conditions were met:
 - The goal exceptions;
 - The Comprehensive Plan amendment; and
 - The Zone Change.
- The board conducted a duly noticed public hearing for the application on October 21, 2020:
 - During the public hearing the board considered the following:
 - The file submitted by the Marion County Planning Division;
 - The hearings officer's recommendation; and
 - The arguments of all the parties involved.
 - The board moved to approve the application request.

- The Marion County Planning Department prepared the ordinance and findings;
- The notice for the ordinance adoption was submitted on November 18, 2020;
- The ordinance is now set for formal adoption;
- The board has the following options:
 - Adopt the ordinance as written;
 - Direct staff to prepare a modified ordinance; or
 - Choose not to adopt the ordinance at this time.
- Staff recommends the board adopt the ordinance as written.

MOTION: Commissioner Brentano moved to adopt an administrative ordinance granting Zone Change/ Comprehensive Plan (ZC/CP) Case #20-003/M.F. Bakke Builders, Home Exit, LLC, 25 Years, LLC, Jean M. Miller Family Trust, and Harlan R. Miller Trust. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:53:27)

3. Consider approval of a Purchase Order with Withnell Dodge in the amount of \$249,574.86 for the purchase of nine light duty vehicles for the Sheriff's Office as part of the annual scheduled light duty replacement plan of the Marion County Consolidated Fleet Management. –Dennis Mansfield

Summary of presentation:

- County departments pay a monthly lease rate for light duty fleet program vehicles:
 - The funds assist with the following:
 - Vehicle maintenance expenses; and
 - Future replacement of vehicles.
- The history of the fleet program entails the following:
 - The program was started in 2009;
 - A third-party organization was contracted to assist with fleet management; and
 - The county has continued the program since its inception in 2009.
- Marion County Public Works (MCPW) considers the following before replacing a vehicle:
 - The age of the vehicle;
 - Maintenance expenses related to the vehicle;
 - The vehicle's mileage; and
 - The vehicle's reliability.
- The Purchase Order (PO) request is to replace nine Sheriff's Office vehicles;
- The PO is with Withnell Dodge; and
- Staff recommends approval of the PO.

Board discussion:

- The board has discussed the purchasing of vehicles from local distributors located within Marion County in a prior meeting.

MOTION: Commissioner Cameron moved to approve a Purchase Order with Withnell Dodge in the amount of \$249,574.86 for the purchase of nine light duty vehicles for the Sheriff's Office as part of the annual scheduled light duty replacement plan of the Marion County Consolidated Fleet Management. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:55:38)

4. Consider approval of a Purchase Order with McCoy Freightliner of Portland in the amount of \$192,452 for the purchase of one dump truck as part of the Public Works Continuing Equipment Replacement Plan. –Dennis Mansfield

Summary of presentation:

- COVID-19 has negatively impacted the MCPW Roads Fund gas tax revenue;
- MCPW has been monitoring the fund to determine the feasibility for the purchase of one dump truck as part of the Public Works Continuing Equipment Replacement Plan;
- The MCPW determined it was acceptable to move forward with the purchase request that was already included in the county's budget;
- The new dump truck will replace a vehicle that has been in service since 1998; and
- Staff recommends approval of the PO with McCoy Freightliner of Portland.

MOTION: Commissioner Brentano moved to approve a Purchase Order with McCoy Freightliner of Portland in the amount of \$192,452 for the purchase of one dump truck as part of the Public Works Continuing Equipment Replacement Plan. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:56:55)

Recess as Board of Commissioners.

Reconvene as Contract Review Board.

**CONTRACT REVIEW BOARD
ACTION**

FINANCE

1. Consider an order approving the Justification for Noncompetitive Procurement to utilize CARES Act funding with Public Partnerships, LLC in the amount up to \$5,000,000, from the previous approved amount of \$3,000,000, to provide fiscal intermediary services to restaurants, warehouses, commissaries, mobiles, and pools for economic stimulus funding with a term date of December 1, 2020, through December 31, 2021. –Camber Schlag

Summary of presentation:

- The board approved an order approving the Justification for Noncompetitive Procurement to utilize CARES Act funding with Public Partnerships, LLC (PPL) in the amount of up to \$3 million during a board session meeting conducted on November 18, 2020:
 - The contract with PPL provides fiscal intermediary services for the distribution of economic stimulus funding to businesses located within Marion County.
- Ms. Schlag is requesting to increase the approved economic stimulus funding from \$3 million to \$5 million;
- The county did not receive any protests during the time period that the notice was posted for the estimated \$3 million;
- No data related to the request has changed:
 - The county is still anticipating the economic stimulus funding to be distributed to an estimated 2,000 businesses located within Marion County.
- PPL was awarded a contract in May of 2020:
 - MCHHS issued a competitive Request For proposal (RFP):
 - Two proposals were received for the RFP; and
 - PPL submitted the highest ranked proposal.

Board discussion:

- Commissioner Willis expressed the following:
 - The county received more economic stimulus funding from the state than was originally anticipated;
 - As a result, the Justification for Noncompetitive Procurement must also be increased; and
 - The county anticipates providing a portion of the economic stimulus funding to businesses that have been negatively impacted by the COVID-19 pandemic:
 - The county has not been able to trace COVID-19 transmissions to restaurants within the county.
- Commissioner Cameron expressed concerns regarding the dollar amount Marion County has received for CARES Act funding in relation to other Oregon county allotments:
 - Additional investigation may be needed to determine if the funding dollars were distributed appropriately.

MOTION: Commissioner Cameron moved to approve the Justification for Noncompetitive Procurement to utilize CARES Act funding with Public Partnerships, LLC in the amount up to \$5,000,000, from the previous approved amount of \$3,000,000, to provide fiscal intermediary services to restaurants, warehouses, commissaries, mobiles, and pools for economic stimulus funding with a term date of December 1, 2020, through December 31, 2021. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Adjourn as Contract Review Board.

Reconvene as Board of Commissioners.

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(Video Time 01:01:32)

PUBLIC HEARINGS

9:30 A.M.

None.

Commissioner Cameron read the calendar.

Commissioner Willis adjourned the meeting at 10:09 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

Board Sessions can be viewed on-line at

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