

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, December 6, 2023
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

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

Commissioner Willis called the meeting to order at 9:00 a.m.
Commissioner Bethell arrived at 9:08 a.m.

(Video Time 00:03:49)

PUBLIC COMMENT

None.

(Video Time 00:04:06)

CONSENT

BOARD OF COMMISSIONERS

Board Committee Appointments – Public Safety Coordinating Council

1. Approve orders appointing Marion County Undersheriff Jay Bergmann as a Citizen Member and Josh Lair as the Local Alcohol and Drug Planning Committee Representative to the Marion County Public Safety Coordinating Council with terms ending December 6, 2026.
2. Approve an order appointing Kevin Cameron as Chair, Danielle Bethell as Vice Chair, and Colm Willis as Second Vice Chair of the Marion County Board of Commissioners to serve from January 2, 2024, until the first Monday of January 2025.
3. Approve a resolution appointing Jan Fritz as the county’s representative to the Courthouse Square Condominium Association, and a Memorandum of Action electing Jan Fritz and Allan Pollock as directors effective January 1, 2024.

HEALTH AND HUMAN SERVICES

4. Approve Amendment #3 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$32,311 for a new contract total of \$6,988,936.13 for the following Program Elements (PE) through June 30, 2025:

- Decreases funding in the amount of \$29,098 for PE03-02, Tuberculosis Case Management; and
- Increases funding in the amount of \$61,409 for PE51-03, American Rescue Plan Act (ARPA) Workforce Funding (WF).

5. Approve the Contract for Services with A WorkSAFE Service, Inc. in the amount of \$204,000 to provide urinalysis collection services to five Marion County Specialty Court programs retroactive to July 1, 2023, through June 30, 2025.

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

(Video Time 00:06:48)

ACTION

HEALTH AND HUMAN SERVICES

6. Consider approval of the Intergovernmental Agreement with the City of Salem in the amount of \$598,982 for one city police officer to co-respond with a mental health professional and provide mobile crisis response services throughout Marion County retroactive to July 1, 2023, through June 30, 2025. –Ryan Matthews and Ann-Marie Bandfield

Summary of presentation:

- The county has had a contract with the City of Salem for mobile crisis response for multiple years;
- The county has been providing mobile crisis response since 2014;
- The program responds to community members who are either calling 911 or coming to the attention of law enforcement;
- A law enforcement officer and a qualified mental health professional respond to calls that are psychiatric emergencies;
- The programs intent is to defer individuals away from detention and provide them with needed services;
- Contract language changes that are related to the co-response model may be changing at the federal and state levels:
 - The county has been advocating to continue the model; and
 - There are contract negotiations with some of the funding sources that may require the county to reassess how the program was built:
 - Staff may need to evaluate different options.
- In 2016, the Salem Police Department received an estimated 26,000 mental health calls;
- The combination of new funding and prior funding provides for eight crisis teams:

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- Currently there needs to be at least 16 crisis teams to respond to all the incoming calls;
- There is not enough funding to provide the services that are being requested; and
- It is a struggle to meet the needs and the expectations.
- The relationship with local law enforcement officers is positive:
 - Safety and security are provided in difficult situations.
- New crisis teams consist of the following:
 - A qualified mental health professional;
 - A qualified mental health associate; and
 - Peers:
 - These teams respond to 988 phone calls that come into the office;
 - Response is provided to individuals that have the resources to get help when they need it;
 - The 988 phone calls are very different from a 911 involuntary call; and
 - Being able to respond to both 988 and 911 phone calls would be beneficial to providing on-site and in-the-moment crisis response when it is needed.

Board discussion:

- Commissioner Willis expressed that the current program is working well for the county:
 - There are situations where it is important to have a mental health professional and a law enforcement officer co-respond to a crisis.
- The contract negotiations with the Oregon Health Authority (OHA) for the next mental health agreement have been lengthy:
 - A contract for January 2024 is not ready;
 - Old contract language is still being utilized;
 - There is nothing in the current or prior language that would prohibit the service; and
 - This allows the county to continue to advocate to keep the program going.
- It is unclear if the county will continue to receive funding for this service:
 - The county has old program reserves that may be utilized; and
 - The old reserve funds do not have the same restrictions that the new contracts may have.
- Staff is working with federal advocacy and state legislature to show the value of the program:
 - The county would like support for the program to continue; and
 - The federal level is implementing changes that may have negative impacts.
- It is important that communities and staff are safe in a crisis situation;
- The federal government and the American Rescue Plan Act (ARPA) make the decisions that impact state and county government agencies:
 - Prior funding for the program was built using state funds;
 - Medicaid match funds and federal dollars are being utilized to build the mobile crisis services; and

- The federal government has contract language requirements.
- The new federal funding may pay for mobile crisis teams at the Marion County Psychiatric Crisis Center (PCC);
- Law enforcement can help defer individuals from the criminal justice system;
- The crisis response is throughout Marion County:
 - Officers respond to all areas of the county no matter what agency they are employed with.
- The county has four crisis response teams;
- There are several ways that a team may be called to respond:
 - A 911 dispatcher determines if the call is a mental health crisis:
 - A crisis team is alerted;
 - A cover officer is called that will provide the initial contact;
 - The crisis team arrives at the location to provide:
 - A mental health evaluation; and
 - Assist with deescalating the situation.
 - Depending on the situation the following occurs:
 - The individual is transported to the PCC for further evaluation and services; or
 - Individuals with serious needs are transported to Salem Health Hospitals and Clinics for further evaluation and potential hospitalization.
 - An officer responding to a call may determine the individual needs mental health services that are beyond the officer's skills:
 - The officer can alert the crisis team.
 - The teams may receive phone calls from officers that are on site and requesting assistance:
 - The officers may be looking for direction or support; and
 - The team receives dozens of phone calls daily for services.
 - The crisis center may receive a welfare check request from another agency.
- Commissioner Bethell expressed that more teams are needed:
 - The state's requirements are making it challenging to receive funding;
 - The program is a value-added service in the City of Salem that is frequently used;
 - Community partners rely on the teams for safety and access to situations;
 - There is a lot of narrative around having officers respond to a health-related situation in a negative context:
 - This stigma needs to go away;
 - Individuals that are not in favor need to spend time becoming familiar with the program to really appreciate it;
 - There is not one qualified mental health associate that does not value and want a police officer available to provide protection;
 - Often an individual is in an extreme crisis that can lead to violent behaviors; and

- A healthcare associate wants to provide aid in a safe environment.
- It was clarified for the record that the contract is for two law enforcement officers.

MOTION: Commissioner Bethell moved to approve the Intergovernmental Agreement with the City of Salem in the amount of \$598,982 for a city police officer to co-respond with a mental health professional and provide mobile crisis response services throughout Marion County retroactive to July 1, 2023, through June 30, 2025. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:22:22)

7. Consider approval of the Contract for Services with Public Partnerships, LLC in the amount of \$1,000,000 to provide fiscal intermediary services retroactive to October 1, 2023, through July 31, 2026. –Christina Bertschi

Summary of presentation:

- Marion County has worked with Public Partnerships, LLC (PPL) for multiple years;
- PPL is a fiscal intermediary service that processes rental payments for individuals with health challenges;
- PPL provides a web portal that allows county staff to upload provider payment information within 72 hours;
- The system pays providers directly with one of the following:
 - A check; or
 - An automated clearing house.
- The county’s experience with PPL has been positive;
- Currently 60 rent payments are processed monthly:
 - The contract allows for increased fiscal intermediary services; and
 - It is anticipated that there will be an increase over the next year.
- The contract ensures that payments are made on time; and
- The service allows the county to maintain partnerships with the following:
 - Property managers; and
 - Landlords.

Board discussion:

- This is a valuable service; and
- It is important to keep individuals in their homes.

Motion: Commissioner Cameron moved to approve the Contract for Services with Public Partnerships, LLC in the amount of \$1,000,000 to provide fiscal intermediary services retroactive to October 1, 2023, through July 31, 2026. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:24:46)

PUBLIC WORKS

8. Consider the adoption of an administrative ordinance to amend Marion County Rural Zone Code, Chapter 17, to permit accessory dwelling units in the Acreage Residential (AR) zone.

–Austin Barnes

Summary of presentation:

- Recent legislative changes allow the county to permit Accessory Dwelling Units (ADU's) in Acreage Residential (AR) zones;
- Staff discussed initiating amendments to the Marion County Rural Zone Code at a Management Update meeting held on July 11, 2023;
- The board-initiated consideration of the amendments on September 13, 2023;
- A public hearing was held on October 25, 2023, to consider the amendments and receive testimony;
- At the end of the public hearing the board approved the amendments and directed staff to prepare an ordinance for consideration at a future meeting; and
- Adoption of the ordinance has been scheduled for today, December 6, 2023.

MOTION: Commissioner Bethell moved to adopt an administrative ordinance amending Marion County Rural Zone Code, Chapter 17, to permit accessory dwelling units in the Acreage Residential (AR) zone.

Commissioner Cameron seconded the motion.

Board discussion:

- Ms. Vetto expressed that the ordinance will need to be read by title.

Commissioner Willis read the title of the ordinance twice.

Board discussion:

- Ms. Vetto expressed the following:
 - The board is not adopting the ordinance by emergency;
 - The title only needs to be read once; and
 - It is fine if the title is read twice.
- Commissioner Cameron clarified that the ordinance is not being adopted by emergency.

Commissioner Willis stated there is a motion and a second; motion carried. A voice vote was unanimous.

(Video Time 00:27:11)

9. Consider the adoption of an administrative ordinance approving Zone Change/ Comprehensive Plan Change (ZC/CP) Case #23-001/Pacific-Beaverton Land Company, LLC. –Austin Barnes

Summary of presentation:

- Before the board for consideration is an administrative ordinance for Zone Change/Comprehensive Plan Change (ZC/CP) Case #23-001/Pacific-Beaverton Land Company, LLC;
- The Marion County Hearing's Officer held a duly noticed public hearing on May 11, 2023;
- On July 21, 2023, the hearing's officer recommended approval of ZC/CP Case #23-001/Pacific-Beaverton Land Company, LLC.;
- A public hearing for the application was held on September 13, 2023;
- At the end of the public hearing the board considered all the evidence and approved the request for ZC/CP Case #23-001/Pacific-Beaverton Land Company, LLC.;
- Staff has prepared the ordinance and the findings;
- A notice of the ordinance adoption was provided on November 29, 2023; and
- The administrative ordinance is ready for the board to consider adopting.

Board discussion:

- The zone change has already been approved; and
- The ordinance will implement the board's decision.

MOTION: Commissioner Cameron moved to adopt an administrative ordinance approving Zone Change/ Comprehensive Plan Change (ZC/CP) Case #23-001/Pacific-Beaverton Land Company, LLC. Seconded by Commissioner Bethell.

Commissioner Willis read the title of the ordinance once.

Commissioner Willis called for a voice vote; motion carried. A voice vote was unanimous.

(Video Time 00:28:52)

Commissioner Willis recessed at 9:28 a.m.

Commissioner Willis reconvened at 9:33 a.m.

(Video Time 00:33:43)

PUBLIC HEARINGS

9:30 A.M.

COMMUNITY SERVICES

A. Public hearing to consider substantial amendment #3 to the Fiscal Year 2021-2022 Annual Action Plan under the federal Community Development Block Grant (CDBG) and the HOME Investment Partnerships Programs to add the Union Gospel Mission Simonka Place Renovation project. –Steve Dickey

Summary of presentation:

- Staff is requesting to amend the Fiscal Year 2021-2022 Annual Action Plan;
- Amendment #3 allows the county to reallocate grant funding from the Supportive Services category into the Construction category;
- Reallocating the funds will assist with funding for the Simonka Place for Women and Children shelter renovation:
 - The establishment is located in the City of Keizer; and
 - The organization is operated by the Union Gospel Mission (UGM).
- In order for the county to secure American Rescue Plan Act (ARPA) funding, estimated allocations needed to be made for anticipated upcoming projects:
 - The county allocated the dollar amounts into the following:
 - Supportive Services; and
 - Construction.
 - Staff were aware that amendments would be needed as projects came in.
- This is an administrative process; and
- A contract will be presented in the future if Amendment #3 is approved.

Board discussion:

- Commissioner Bethell expressed the following:
 - It has been a difficult process to get the Community Development Block Grant (CDBG) started and operational;
 - The CDBG is an impactful program for communities;
 - The program can change individuals lives and impact future generations;
 - Marion County applied to become an entitlement county so that federal funds could be accessed;
 - While the funding is tax dollars, it is not considered a local burden because the funds benefit communities;
 - The county has a homeless crisis:
 - Women and children are the most vulnerable;
 - The investment will change the lives of the women and especially the children; and
 - Barriers need to be removed so that individuals can change their circumstances.

***Testimony:
Support:***

Kathy Smith:

- Ms. Smith expressed the following:
 - Marion County has women and children that are in dire need;
 - She has worked for UGM for 16 years, and Simonka Place for Women and Children for 14 of the 16 years;
 - The homelessness demographics for women and children has drastically changed over the years;
 - When she started working for UGM, Simonka Place was a shelter for single women;
 - State funding for homelessness women with children ended in 2015:
 - UGM had limited resources available to assist homelessness women and children;
 - A building was utilized that could house eight families every night;
 - There has been an exponential increase in needed shelter for women with children over the last five years; and
 - The current establishment does not have the space to accommodate the increased homelessness population.
 - The UGM was unable to serve 25 children in November 2023;
 - Older adult women needing housing has increased:
 - There are limited resources available for them.
 - Mental health support needs have increased;
 - UGM has partnered with JD Health and Wellness to assist women with severe mental health issues:
 - The women are given the opportunity to stabilize;
 - The women can engage in programs that can move them forward into a productive community life; and
 - This project will allow more women to be served.
 - The plan will assist women and children who are not currently being served.

Board discussion:

- The United Way of the Mid-Willamette Valley are building cottages for older adults that are at high risk for homelessness:
 - Inflation has negatively impacted older adults that are on a fixed income.

Dan Clem:

- Mr. Clem expressed the following:
 - He has been the Executive Director for UGM for seven years;
 - The renovation of Simonka Place for Women and Children has two primary purposes:

- Remodeling the interior space:
 - This will enable the organization to better meet the needs of the increasing population of unsheltered women and children;
 - Provides a private recovery space for women who are experiencing a mental health crisis to stabilize;
 - The renovated space will allow more individuals to seek assistance;
 - The new rooms will accommodate larger families with each room having a private bathroom;
 - Additional features will be added to address the physical challenges of older adult women including:
 - Handrails;
 - Modifications to better support mobility devices; and
 - Ramps that will replace stairs.
- Addressing the overall condition of the 60-year-old facility with improvements to the following:
 - The Heating, Ventilation, and Air Conditioning (HVAC) system;
 - The roof;
 - Lighting;
 - Flooring;
 - Siding; and
 - Windows:
 - The improvements are needed to maintain a safe and efficient facility.
 - The benefits of renovating Simonka Place for Women and Children include:
 - The facility will feel like a home for the individuals seeking assistance;
 - Children will have a space to play that is not a hallway;
 - Women with mental health challenges can receive assistance and stabilize; and
 - The organization can better serve older adult women that have no housing options.
 - These changes will allow the facility to be utilized for years into the future.

Board discussion:

- Simonka Place for Women and Children accepts donations:
 - Donations can help the tax dollars to go further.
- Safety and security are important for women and children experiencing homelessness;
- The commissioners thanked Mr. Clem for all his work on the project; and
- The county wants to invest in programs that benefit communities.

MOTION: Commissioner Willis moved to close the public hearing to consider a substantial amendment #3 to the Fiscal Year 2021-2022 Annual Action Plan under the federal Community Development Block Grant (CDBG) and the HOME Investment Partnerships Programs to add the Union Gospel Mission Simonka Place Renovation project.

(Video Time 00:46:51)

Commissioner Willis proceeded to item #10 on the agenda under Action for a motion.

(Video Time 00:47:34)

PUBLIC WORKS

B. Public hearing to consider proposed changes to the Solid Waste Collection Rates charged by franchise haulers within the unincorporated areas of Marion County. –Dennis Mansfield and Brian May

Summary of presentation:

- Staff performs a Cost Of Service Analysis (COSA) for haulers;
- Waste collection is a service that is provided to all Marion County citizens;
- There are eight private collection companies providing this service:
 - Each company is assigned a territory.
- Three collection services are provided within the county:
 - Roll carts are primarily for residential customers;
 - Containers for commercial customers; and
 - Roll-off drop box services.
- Rate reviews are completed annually:
 - Franchised companies submit annual reports that detail the costs and revenues for providing collection services in their specified territory:
 - The report includes the cost of service for all three of the collection services that are provided.
- The submitted reports were analyzed;
- The county's solid waste rate consultant performed the following tasks:
 - Analyzed and compared route collection hours to the customer counts for each line of business;
 - Ensured the revenues are reasonable for the customer counts;
 - Determined if the expense is reasonable in relation to the customer and operational data;
 - Determined if the disposal expense is reasonable;
 - Determined if the expense is reasonable for the operational data provided in the cost report; and
 - Reviewed the costs between the county and franchised collection operators to determine if the allocations are reasonable.

- The return on revenues for 2022 entailed the following:
 - An estimated 4.83 percent for rural;
 - An estimated 9.25 percent for urban; and
 - An estimated 6.58 percent was reported for the composite:
 - These are considered earnings before income taxes.
- Contributing factors for the estimated 2023 performance report include:
 - Driver wages increased by 5 percent;
 - Health insurance premiums increased by almost 16 percent;
 - Fuel costs decreased by 9.5 percent;
 - The slowing economy contributed to the commingled recycling processing increasing by 60.3 percent; and
 - Inflation contributed to other direct expenses increasing by 4.3 percent.
- To set collection rates the county is split into two regions:
 - Urban for areas located within the City of Salem Urban Growth Boundary (UGB); and
 - Rural identifies the remaining unincorporated areas.
- The county's objective is to set collection rates at or near the cost for the service;
- The board approved rate increases in January 2023:
 - An estimated 2.8 percent for cart collection services in urban areas;
 - An estimated 1.1 percent for cart collections services in rural areas;
 - An estimated 17 percent for small containers per year over a two-year period; and
 - An estimated 10 percent for drop boxes for both haul and zone rates.
- The estimated return for revenue for 2023 entails the following:
 - For the urban regions:
 - Roll carts are 5.6 percent;
 - Containers are 12.5 percent;
 - Drop boxes are 10.7 percent; and
 - Composites are 7.9 percent.
 - For the rural regions:
 - Roll carts are 7.3 percent;
 - Containers are 0.8 percent;
 - Drop boxes have a loss of -0.5 percent; and
 - Composites are 4 percent.
- Staff recommended the following:
 - A 4.9 percent increase for urban cart service;
 - A 3.7 percent increase for rural cart service; and
 - A 1.5 percent increase for container services.
- The last medical waste rate adjustment was in 2019:
 - Medical boxes, labor, and collection expenses have increased by 12.6 percent; and
 - Disposal is scheduled to increase to by 71 percent:
 - Effective January 1, 2024, rates for disposal will be \$150 per ton.
- Customers with heavy usage can dispose 60 boxes or more per month; and

- Staff recommended the following:
 - A 17 percent increase for heavy usage customers; and
 - A 5 percent increase for low usage customers.

Board discussion:

- Franchise rates can differ between jurisdictions:
 - The county charges a 3 percent franchise rate; and
 - The City of Salem charges a 7 percent franchise rate:
 - The franchise rate is a tax on the haulers.
- Residents can benefit from the county’s solid waste system:
 - Other counties may refuse to provide service;
 - Everyone has the right to have their garbage collected;
 - Garbage is consistently collected every day so that it does not pile up in streets and create other issues; and
 - Residents feel secure knowing that their garbage will be collected when a container is pushed out to the street for pickup.
- The rate review process is extensive and in-depth:
 - Staff reviews and verifies information so that rates are fair and reasonable.
- The commissioners thanked staff and the franchise haulers for the service they provide that benefits the citizens; and
- No one signed up for public comment.

Commissioner Willis closed the public hearing and proceeded to item #11 on the agenda under Action for a motion.

(Video Time 00:47:01)

ACTION

COMMUNITY SERVICES

10. Consider a resolution to approve substantial amendment #3 to the Fiscal Year 2021-2022 Annual Action Plan under the federal Community Development Block Grant (CDBG) and the HOME Investment Partnerships Programs to add the Union Gospel Mission Simonka Place Renovation project. **(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)** –Steve Dickey

MOTION: Commissioner Willis moved to close the public hearing and approve substantial amendment #3 to the Fiscal Year 2021-2022 Annual Action Plan under the federal Community Development Block Grant (CDBG) and the HOME Investment Partnerships Programs to add the Union Gospel Mission Simonka Place Renovation project. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 01:06:10)

PUBLIC WORKS

11. Consider an order to approve an increase to the Solid Waste Collection Rates charged by franchise haulers within the unincorporated areas of Marion County as referenced in Exhibit A. **(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)** –Dennis Mansfield and Brian May.

Board discussion:

Commissioner Willis expressed the following:

- He appreciates all the work that has been done with the county's solid waste system;
- There has been inflation over the past couple of years;
- There has not been a rate increase which has benefitted citizens;
- The county's solid waste system needs to continue; and
- Rate increases are needed so that garbage collection services can continue:
 - Franchise haulers need to pay their drivers and maintain their equipment.

Commissioner Bethell expressed the following:

- Franchise haulers are encouraged to reach out for creative marketing ideas to incentivize county residents to improve their waste habits; and
- It is important to educate the next generation so that they understand the importance of recycling and the process.

MOTION: Commissioner Cameron moved to approve an increase to the solid waste collection rates charged by franchise haulers within the unincorporated areas of Marion County as referenced in exhibit A.

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

(Video Time 01:08:22)

Commissioner Willis inquired if Commissioner Bethell would like to vote on the consent agenda:

- Commissioner Bethell expressed that she would; and
- Commissioner Bethell voted yes on the consent agenda.

Commissioner Willis adjourned the meeting at 10:08 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

Board Sessions can be viewed on-line at

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