

# BOARD OF COMMISSIONERS

## MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, June 26, 2024

9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

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

Commissioner Cameron called the meeting to order at 9:00 a.m.  
Commissioner Willis arrived at 9:06 a.m.

*(Video Time 00:01:57)*

### **PUBLIC COMMENT**

David Beem:

- Mr. Beem is a spokesperson for individuals with disabilities living in Marion County; and
- He is an ambassador for the city of Salem's World Beat Festival at Riverfront Park and encourages everyone to attend the event.

Paul Brakeman:

- Mr. Brakeman is the Mayor of Scotts Mills;
- The dam has been crumbling since 2008 and is getting worse:
  - Potentially dangerous with gaps forming.
- Have had meetings over the years discussing with the city and county; and
- Would like to schedule a work session to see what options are available.

Dick Bielenberg:

- Retired from City of Salem Fire Department;
- Scotts Mills resident;
- The dam was built when Mr. Bielenberg was a child:
  - Helped concrete the swimming pool above the dam as a teenager.
- Hartman's Dam was removed some 20 years ago:
  - This is another dam about a mile away.
- Was on the city council when the issue of finding a solution for the dam was first raised our first inclination was to repair the dam but after studying the dam it was decided that the dam and the rocks behind it should be removed while maintain the swimming are and,

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- Asking for a county committee to explore options to make the best choice for future generations.

Robin Fournier:

- Ms. Robin Fournier is Scotts Mills City Manager;
- Would like to schedule a work session:
  - A work session was first discussed in 2021
- Doing nothing is not an option as the dam continues to crumble; and
- There is a liability concern with the parking being open and a death occurring because of the dam.

Chase Stoddard:

- Mr. Stoddard lives just on the border of Scotts Mills Park:
  - He is a student at Silverton High School which strongly supports the removal of the dam.
- Serves as the Vice President of the Silverton FFA Chapter;
- Is a member of the Silverton High Environmental Science club;
- Is determined to see the dam removed as it's the best option for the environment, streams and community;
- If no action is taken, we are extending the negative environmental impact on needed spawning grounds;
- There is growing county liability as the dam continues to crumble into the stream below; and
- As a local youth is eager to see the commissioners hold a work session as promised.

Kurt Berning:

- Executive Director of Pudding River Watershed Council;
- Mr. Berning's priority was to weigh all the options and outcomes regarding what could be done with the dam;
- Mr. Berning spoke with residents, the historical society, Scotts Mills Grange, city council, mayor, and various outside experts;
- Articles and videos were published after discovering all options:
  - This was for the benefit of community interaction.
- The clear worst option is continuing to do nothing, dam gets worse every winter because of floods coming through; and
- Would like to schedule a work session to figure out an action plan.

**Board discussion:**

Commissioner Willis expressed the following:

- There have been multiple Work Sessions regarding this issue:
  - Town Hall meetings were held at the park

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- At the time public opinion was divided on the best course of action
- The understanding is that public opinion is still divided
- Staff can provide prior work session recordings to anyone requesting them

*(Video Time 00:13:42)*

**Motion:** Commissioner Bethell moved to add two items to the Consent Agenda:

- Under Board of Commissioners: Approve the American Rescue Plan Act (ARPA) Subrecipient Agreement with the City of Stayton for improvements to two city parks; and
- Under Information Technology: Approve the Purchase Order with CVE Technologies for firewall equipment to support increased internet capacity.

Seconded by Commissioner Willis: motion carried. A voice vote was unanimous.

*(Video Time 00:13:42)*

Motion to add two items to the agenda was passed.

Commissioner Willis read the Consent Agenda next.

*(Video Time 00:16:57)*

## PRESENTATION

1. Recognizing the donors of K-9 Deputy Marco. –Sheriff Nicholas Hunter and Commander Jason Bernards

**Summary of presentation:**

- Public safety is not a law enforcement issue it is a community issue;
- K-9's are one of the best tools that law enforcement has, and they are a vital part of the team;
- Canines are one of the best tools that law enforcement has
- An employee called Commander Bernards stating friends had a dog that was not fitting in their home:
  - During the first training session Marco's potential was evident;
- Significant time, effort and cost goes into selecting and receiving a K-9:
  - It takes effort and training before they can be used out in the community.
- Eric and Jennifer Larson donated Marco to the Marion County Sheriff's Office:
- Deputy Cheremnov is the first female K-9 deputy and is Marco's handler;
- Marco has been successfully trained and is making a difference;
- Marion County Sheriff's Office has created a token for the Larson's to commemorate this event;
- The Larson's continue to be involved in Marco's life;

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Eric and Jennifer Larson:

- The Larsons are grateful for MCSO and what they have done for Marco who is living his best life;

Deputy Alexandra Cheremnov:

- She is the first MCSO female handler;
- She keeps in touch with the Larson's by giving periodic updates; and
- Every dog brings its own challenges and they have worked through them

***Board discussion:***

- Commissioner Cameron and Mr. Larson previously cooked together:
  - He is thankful for Larson's service to the community.

*(Video Time 00:14:32)*

**CONSENT**

**BOARD OF COMMISSIONERS**

Approve the American Rescue Plan Act (ARPA) Subrecipient Agreement with the City of Stayton in the amount of \$250,000 for improvements to two city parks through December 31, 2026.

(Motion made and approved to add this item to the Consent Agenda)

**BUSINESS SERVICES**

2. Approve the Service Agreement with Cannon Cochran Management Services, Inc. in the amount of \$175,201.48 to provide claims management and administration for the Marion County Self-Funded Workers Compensation Program effective July 1, 2024, through June 30, 2029.

**COMMUNITY SERVICES**

3. Approve an order authorizing the Marion County Chief Administrative Officer (CAO) to execute and authorize payments under the Marion County Down Payment Assistance Program in an amount up to \$125,000 for each application for fiscal year 2025.

4. Approve the incoming funds Grant Agreement with the Oregon Business Development Department (OBDD) in the amount of \$650,000 for the Opal Creek Wilderness Economic Development – Beachie Creek Trail (Santiam Rail Trail) Project through September 22, 2027.

**HUMAN RESOURCES**

5. Approve an order adopting revised Marion County Administrative Policy #305 and Procedure #305-A, Protected Leave.

### INFORMATION TECHNOLOGY

Approve the Purchase Order with CVE Technologies in the amount of \$564,729 for firewall equipment to support increased internet capacity through December 31, 2024.

(A motion was made to add this item to the Consent Agenda)

### PUBLIC WORKS

6. Schedule final consideration to adopt an administrative ordinance for July 3, 2024, amending the Marion County Comprehensive Plan by adopting a 40-acre amendment to the City of Silverton Urban Growth Boundary (UGB) for public land and rezoning land.

### TREASURER'S OFFICE

7. Approve an order to eliminate a petty cash fund in the amount of \$100 for the Marion County Sheriff's Office, Community Corrections Division.

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

*(Video Time 00:30:29)*

## **ACTION**

### COMMUNITY SERVICES

8. Consider approval of the Contract for Services with Ingalls and Associates, Inc. in the not-to-exceed amount of \$299,534 to provide event sponsorship and marketing services for the Marion County Fair. The contracts would be effective October 1, 2024, through October 1, 2027.

–Kelli Weese

#### ***Summary of presentation:***

- Two different items on the agenda today;
- The first item is for event sponsorship and marketing for the Marion County Fair. The county hires a contractor who to assist in developing a marketing campaign as well as to bring in business and non-profit sponsorships:
  - This allows for the fair to remain viable.
- The second is for an events coordination agreement, which is the actual work of putting on the fair, the planning, coordination, management and oversight all of the action items;
- The Marion County Fair Board reviewed the Request for Proposals on May 1, 2024:
  - A recommendation has been made by the fair board that the commissioners award the contract to Ingalls and Associates, Inc.
- The initial contracts are are for three years with options to be extend through the 2030 Marion County Fair;
- The first contract for Event Sponsorship and marketing is for up to \$299,534.
- There are three types of payments within the contract:

- Payment for services:
  - In the amount of \$29,000 for the full contract.
- Potential commission; and
- Potential reimbursement for expenditures
- The second contract for Event Coordination is for a term of 3 years as well, for not to exceed amount of \$914,000. As was the case with the prior proposed contract, this contract contains multiple elements and payment criteria.
  - Payment for Services- \$55,000 annually \$173,368 over the life of the contract:
  - Potential Reimbursement for Expenditures of \$740,632 for reimbursements spent over the 3 years of the contract on behalf of the Marion County Fair.
- The contract will be funded from the Marion County Fair Fund:
  - Funded by Fair proceeds and state subsidies.

***Board discussion:***

- The payment total is for the full contract term.

**MOTION:** Commissioner Bethell moved to approve the Contract for Services with Ingalls and Associates, Inc. in the not-to-exceed amount of \$299,534 to provide marketing and sponsorship campaign services for the Marion County Fair effective October 1, 2024, through October 1, 2027. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

*(Video Time 00:30:29)*

9. Consider approval of the Contract for Services with Ingalls and Associates, Inc. in the not-to-exceed amount of \$914,000 to provide event coordination services for the Marion County Fair effective October 1, 2024, through October 1, 2027. –Kelli Weese

***Board discussion:***

- The contract amount of \$914,000 is for three years.

**Motion:** Commissioner Bethell move to approve the Contract for Services with Ingalls and Associates, Inc. in the not-to-exceed amount of \$914,000 to provide event coordination services for the Marion County Fair effective October 1, 2024, through October 1, 2027. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:35:43)

## HEALTH AND HUMAN SERVICES

10. Consider approval of Amendment #1 to the Contract for Services with Bridgeway Community Health, formerly known as Bridgeway Recovery Services Inc., to add \$541,531.94 for a new contract total of \$641,531.94 to provide substance use disorder services for youth and adults that are not eligible for the Oregon Health Plan (OHP) through June 30, 2025.

–Carol Heard

### ***Summary of presentation:***

- Seeking approval of amendment #1 adding \$541,531.94 to the contract for services with Bridgeway Community Health for a new contract total of \$641,531.94 to provide detox and substance use treatment services to individual through June of 2025.
- This contract is funded through an intergovernmental agreement between Marion County and the Oregon Health Authority for community mental health and addiction recovery services.
- A portion of these funds are then allocated to other community providers to support individuals accessing substance abuse treatment who may lack other resources or the ability to pay for those services.

### ***Board discussion:***

- Commissioner Bethell requested data on the number of youth and adults the program served in 2023.
- Commissioner Colm questioned the original contract amount of \$100,000 and the large amendment.
- A bridge contract was done as an IGA with Oregon Health Authority was not finalized:
  - This allowed Bridgeway to be paid while waiting for the contract.
- Commissioner Cameron, the contract is retroactive to January 1, 2024 and goes through June of 2025.

**MOTION:** Commissioner Willis moved to approve Amendment #1 to the Contract for Services with Bridgeway Community Health, formerly known as Bridgeway Recovery Services Inc., to add \$541,531.94 for a new contract total of \$641,531.94 to provide substance use disorder services for youth and adults that are not eligible for the Oregon Health Plan (OHP) through June 30, 2025. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:38:43)

11. Consider approval of Amendment #2 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$130,000 for a new contract total of \$250,000 for the county to provide housing placement and case management services to families referred by the Oregon Department of Human Services (ODHS), Child Welfare and Self Sufficiency, through June 30, 2025. –Christina Bertschi

**Summary of presentation:**

- Ms. Bertschi clarified for the record that the contract is with ODHS and not OHA;
- Contract allows referrals to be received from ODHS:
  - It is for families enrolled in their Self-Sufficiency or Child Welfare programs.
- Funding is provided for a case manager, and funds to house families, and limited case management services up to six months;
- Have been contracted with ODHS since 2020:
  - Every engaged family is housed; and
  - Contract adds additional barrier removal funding in the amount of \$10,000.
- Services are also available to youth that are aging out of the foster care system to find housing.

**Board discussion:**

- None.

**MOTION:** Commissioner Bethell moved to approve Amendment #2 to the incoming funds Intergovernmental Agreement with the Oregon Department of Human Services to add \$130,000 for a new contract total of \$250,000 for the county to provide housing placement and case management services to families referred by the Oregon Department of Human Services (ODHS), Child Welfare and Self Sufficiency, through June 30, 2025. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:41:08)

12. Consider approval of the Contract for Services with Iris Telehealth Medical Group, PA, in the amount of \$575,000 to provide tele-psychiatric treatment for patients identified and scheduled by Marion County Health and Human Services retroactive to February 1, 2024, through January 31, 2026. –Natalie Stone

**Summary of presentation:**

- The contract has an option to extend;
- Iris Telehealth Medical Group, PA began providing virtual behavioral health in 2013;
- Iris Telehealth Medical Group, PA provides the following staff:
  - Prescribers;
  - Psychiatric Nurse Practitioner;

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- Psychiatrist; and
- Social workers.
- The company was founded with the idea that every community deserves timely access to quality behavioral health care; and
- With the vacancies and shortages of Psychiatrists they are instrumental in filling the gaps in coverage.

***Board discussion:***

- People need care and this contract ensures that the appropriate resources are available.

**MOTION:** Commissioner Willis moved to approve the Contract for Services with Iris Telehealth Medical Group, PA, in the amount of \$575,000 to provide tele-psychiatric treatment for patients identified and scheduled by Marion County Health and Human Services retroactive to February 1, 2024, through January 31, 2026. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:43:57)*

**SHERIFF'S OFFICE**

13. Consider approval of the incoming funds Intergovernmental Agreement with the East Salem Service District (ESSD) in the amount of \$6,101,222 to provide law enforcement services effective July 1, 2024, through June 30, 2027. – Commander Jason Bernards

***Summary of presentation:***

- The contract funds 10 deputies for ESSD;
- ESSD is comprised of Four Corners and Hayesville;
- The initial agreement started December 30, 2018:
  - There was one deputy and during the following six months nine more were added.
- The initial agreement was for 10 deputies for five years;
- East Salem Service District (ESSD) is the county's busiest district:
  - Approximately 38 percent of the incoming calls to the Sheriff's Office are for this district.
- Deputies patrol the area and attend community functions, Meeting and school programs, truly community oriented;
- The initial funding model did not provide enough for personnel cost inflation;
- There is an increase of \$1 per month for five years;
- The contract total is for \$6,101,222:
  - This is based on a 97 percent collection rate.

***Board discussion:***

- There has been a great partnership with the community;

- Commissioner Willis recognized a recent award the team had received from the community.
- In five years, the cost will be \$15 a month:
  - The majority of the community appreciate and understand the value they receive from this agreement.
- Commissioner Bethell stated for the record the following:
  - She grew up in the area and understands the challenges the community has been facing for the last 40 years;
  - Previously the community did not have assigned officers in the area;
  - The officers assigned to ESSD take their roles seriously and love the community;
  - Worldwide law enforcement has faced challenges and negative views;
  - These officers have the opportunity to build relationships with the community they serve;
  - There have been requests from the community to raise the cost so additional deputies may be added;
  - Fees and taxes are a burden, but she is grateful for a supportive community; and
  - Appreciative to the deputies that are involved in the community and help them understand the process.

**MOTION:** Commissioner Bethell moved to approve the incoming funds Intergovernmental Agreement with the East Salem Service District (ESSD) in the amount of \$6,101,222 to provide law enforcement services effective July 1, 2024, through June 30, 2027. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

*(Video Time 00:53:14)*

Commissioner Cameron requested unanimous consent to allow Commissioner Bethell to vote on item #12, the contract with Iris Telehealth. Commissioner Bethell voted yes

(Video Time 00:53:39)

***Recess as Board of Commissioners.  
Convene as Contract Review Board.***

## **CONTRACT REVIEW BOARD ACTION**

### **HEALTH AND HUMAN SERVICES**

1. Consider approval of an order granting an exemption to the Marion County Public Contracting Rules for a class special procurement that allows Marion County Health and Human Services to enter into a series of contracts for Non-Oregon Health Plan (OHP) community and residential assistance. –Toby Giddings and Phil Blea

#### ***Summary of presentation:***

- Toby Giddings- Health and Human Services is seeking approval from the contract review board to approve a contract special procurement for a non OHP community residential assistance this special procurement will enable the MCHHS department to enter into a series of contracts with vendors who provide services under service code Mental Health Services 17 which is a subset of the OHA intergovernmental agreement. For the financing of community mental health addiction treatment, recovery, prevention, and problem gambling services.
- The first step of the process is to publicly notice this request to seek public comment:
  - This posting took place from June 6, 2024, to June 13, 2024; and
  - No comments were received.
- The second step is seeking approval of the special procurement from the board;
- If approved the following step is noticing the approval of the special procurement process:
  - There will be a 7-day waiting period for comments.
- All contracts will be processed following the established standard process and schedule;
- There is a large intergovernmental agreement with OHA which covers alcohol, drug and mental health services:
  - Previously it was a one- or two-year agreement;
  - Contracts are tied to the IGA, delay or issues with the contract cause vendors to receive delayed payments;
  - Carving out to simplify the process?

#### ***Board discussion:***

- The contract was negotiated for eight months as the county was not satisfied with the terms
- This contract encompasses residential foster homes, specific sex offender treatment and other specialty services that the county does not offer:

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- The state chooses the services that are covered and not the county:
  - It would be easier for the state to directly contract with vendors.
- Commissioner Bethell stated she is unsure of the benefit of the process.
- This contract is to help with reimbursement for vendors.
- OHA needs to be more responsive to the needs of the community.

**MOTION:** Commissioner Willis moved to approve an order granting an exemption to the Marion County Public Contracting Rules for a class special procurement that allows Marion County Health and Human Services to enter into a series of contracts for Non-Oregon Health Plan (OHP) community and residential assistance. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

***Adjourn as Contract Review Board.  
Reconvene as Board of Commissioners.***

*(Video Time 01:03:24)*

Commissioner Cameron requested and received unanimous consent to move item # C, the Public Hearing for Administrative Review (AR) Case # 23-033/Prohar and Evdokia Bodunov up next on the agenda ahead of Finance items A and B the public hearings for the budgets.

*(Video Time 01:25:56)*

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

### FINANCE

A. Public hearing to consider adopting the Fiscal Year 2023-24 Third Supplemental Budget.  
–Daniel Adatto

***Summary of presentation:***

- This request increases the budget by \$7.2 million which brings the total county budget just over \$727 million;
- Public notice was done on June 19, 2024;
- Copies of the budget are available on the county’s website, and the board of commissioner’s office;
- The supplemental budget was overviewed at a management update meeting on June 11, 2024;
- The budgets of 23 funds were modified
- There is a reduction of 2.4 full time equivalent (FTE):
  - Elimination of 5.4 FTE in the Marion County Health and Human Services department; and

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- Increase of 3 FTE in the general fund for nursing services in the Juvenile Department.
- The following took place within the General Fund:
  - Transfers to other funds increased by about \$54,000:
    - Allocated \$33,000 to the District Attorney's Grants fund.
  - Fleet Fund in \$21,000:
    - Cover partial costs of patrol vehicle that was totaled.
- Non-departmental Grants Fund recognizes \$659,000 from the Oregon Criminal Justice Commission:
  - In response to House Bill 4002; and
  - Will be allocated to law enforcement in the next fiscal year, for behavioral health deflection.
- Some new capital projects include the following:
  - Brown's Island access repair road in \$66,000;
  - Upgrading modular facility for MCHHS in \$174,000; and
  - New generator at the Crosby Radio site in \$83,000.

***Board discussion:***

- Fresh Start Market improvements costing \$500,000:
  - Kitchen system modifications to make it more industrial;
  - Previously built as a warming kitchen not appropriate for the culinary program; and
  - This contract will come before the board sometime in the future.

**MOTION:** Commissioner Bethell moved to close the public hearing and approve a resolution to adopt the third supplemental budget and make appropriations for fiscal year 2023-24. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

*(Video Time 01:33:46)*

B. Public hearing to consider adopting the Fiscal Year 2024-25 Budget.

–Jan Fritz and Daniel Adatto

***Summary of presentation:***

- Presented the proposed budget to the budget committee on May 22<sup>nd</sup>;
- It was a full day presentation from each department;
- The presentation included the proposed budget, prior year high lights and upcoming focus areas;
- The budget reflects the counties strategic plan along with priorities set by the board of commissioners each department addressed how their budget and goals and objectives support the strategic plan Marion County is a service organization and needs the funds and employees to provide services to our constituents and visitors; ·

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- The county is proud of reopening of parks impacted by the wildfires;
- Economic factors along with the job market are considered when forecasting the budget. Inflation is slowly dropping, and Oregon is currently experiencing all time low levels of unemployment:
- Commissioner Danielle Bethell is the president of Oregon Association of Counties:
  - She wrote a strong legislative agenda during the short session:
    - February and March of 2024.
- Important legislation came out of the short session including:
  - HB 4002:
    - During the budget presentation session, the District Attorney, Sheriff and others were asked to present regarding HB 4002.
  - Wildfire recovery bills;
    - Wildfire tax reset bill;
  - District Attorney's classified as Police Officer and now part of PERs:
- Pending Legislation is factor in the budgeting process:
  - Mossman order regarding the state hospital;
    - Marion County sued the state
- The proposed budget is \$732,810,729;
- There is 1,658.72 FTE:
  - This is a decrease of 16.2 FTE:
    - Mostly from the health department.
- Capital projects totaled \$39.4 million
- Marion County Public Works Road fund has a \$95 million capital project budget with \$30 million in long term road projects:
- There have been vacancy and workforce challenges, overall vacancy rate is improving;
- Proposes reviewing and updating the counties reserve policies and establishing policies regarding debt management:
- Thankful to the finance staff and all their hard work on putting the budget

***Board discussion:***

- All budget information may be found on the county's website.

**MOTION:** Commissioner Willis moved to approve a resolution to adopt the budget, make appropriations, and impose and categorize taxes for fiscal year 2024-25. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

*(Video Time 01:03:25)*

## PUBLIC WORKS

C. Public hearing to consider an appeal of the hearings officer's decision for Administrative Review (AR) Case #23-033/Prohar and Evdokia Bodunov. –Austin Barnes

### ***Summary of presentation:***

- This case was to determine the number of legal lots within two tax lots:
  - The tax lots comprise of 26.65 acres;
  - They are located on the 2100 block on Abiqua Road NE Scotts Mills Oregon;
  - Township seven South, Range 20 East Section 13;
  - Tax lots 300 and 500
- November 17, 2023, planning director determined this was one legal lot;
- November 27, 2023, the decision was appealed to the hearings officer;
- January 4, 2024, the hearings officer held a duly noticed hearing;
- February 8, 2024, the hearings officer issued a decision determining that both tax lots constituted one lot;
- February 22, 2024, the decision was appealed to the BOC with the statemen and appropriate filing fee;
- In summary the case was brought to determine the number of legal lots;
  - A deed from October 2, 1973, showed two legal lots within the tax lots in question;
  - Subsequently on March 11, 1975, a deed was recorded showing one legal lot encompassing the two tax lots;
  - Staff and the hearings officer determined that this is a single lot as the last record states it as a single lot.

*Testimony:*

*Support:*

Don Kelley:

- Attorney for the applicants;
- The two acreages are located on Abiqua Road and were purchased by the applicants:
  - When purchased it was believed that that they were two separate lots.
- The available legal description states that this is two tax lots;
- Historically these were two legal lots, the question is can you lose the rights to the two lots accidentally;
- Many of the documents in question are from the early 1970's;
- The state developed a comprehensive plan in 1980;
- Things were brand new and everyone, including the state, did not understand how things worked yet;
- The contract in 1974 was a Land Sale Contract and planning's decision revolves around it:

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- At that time these were assignments of land sale contracts and then reassignment by a bank often uses as collateral;
- Unsure who wrote the land sale contract;
- Parties of the contract were from Nevada and California:
  - Individuals that were not certain of how the process worked.
- There are two options that can be made:
  - Reversing the decision of the planning department and hearings officer:
    - Legality of lots can only be lost through intentional process; and
    - This was not done in this case.
  - Remand to planning to examine intent:
    - There is no reason for this as there is no evidence of intent; and
    - The code does not allow for losing it.

***Board discussion:***

- The deed from March 1975 references a contract sale which effectively changed the description from 2 lots (1973) to one lot.
- Can the board interpret and modify the historical standing
- Legal Counsel clarified the board's power to interpret its own policies and decisions.
- The contract sale is the description of the tax lots.
- Contract sale did not describe two separate lots;
- Commissioner Bethell stated the following:
  - Since a formal process of joining lots was not recorded is it relevant then?
- The formal process of joining lots was created September 1, 1977
- The staff who made the original decision came from the clerk's office and interpreted the decision based on her in-depth knowledge of the code at the time.

**MOTION:** Commissioner Willis moved to overturn the hearings officer's decision and direct staff to come back with an order recognizing that there are two legal lots of record and approving the application for Administrative Review (AR) Case # 23-033/Prohar and Evdokia Budanov. Seconded by Commissioner Bethell; motion carried. The voice vote was unanimous.

*(Video Time 01:33:04)*

**ACTION**

FINANCE

14. Consider approval of a resolution to adopt the third supplemental budget and make appropriations for the fiscal year 2023-24. **(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)** –Daniel Adatto



*(Video Time 01:49:14)*


15. Consider approval of a resolution to adopt the budget, make appropriations, and impose and categorize taxes for fiscal year 2024-25. **(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)** –Jan Fritz and Daniel Adatto


**MOTION:** Commissioner Bethell moved to approve a resolution to adopt the budget, make appropriations, and impose and categorize taxes for fiscal year 2024-25. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

*(Video Time 01:54:27)*

Commissioner Cameron adjourned the meeting at 10:53 a.m.

  
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CHAIR

  
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COMMISSIONER

  
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COMMISSIONER

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

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