

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, August 4, 2021
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, Jane Vetto as county counsel, and Brenda Koenig as recorder.

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

PUBLIC COMMENT

(Video Time 00:01:49)

David Beem:

- Mr. Beem expressed the following:
 - He is a spokesman for individuals with disabilities in the City of Salem area;
 - He is interested in serving another four-year term on the Marion County Fair Board;
 - He is familiar with the needs of individuals with disabilities; and
 - Mr. Beem would like more funding for the fair.

PRESENTATION

(Video Time 00:04:56)

Wildfire recovery update. –Scott McClure

- Mr. McClure presented a Santiam Canyon Disaster Recovery Report that details the wildfire recovery efforts in the Santiam Canyon as of August 4, 2021:
 - An estimated 27 percent of homes requiring repairs or replacement have been permitted;
 - An estimated 38 percent of the homes requiring either septic repair or replacement have been permitted;
 - A church-based volunteer group has offered to assist with construction projects:
 - The volunteer group will perform the construction; and
 - The property owners will be responsible for providing materials and site planning.

- Oregon requires licensed contractors to perform the main construction trades in Oregon:
 - A Long-Term Recovery Group (LTRG) is developing a process to educate and assist property owners with rebuilding:
 - Advisors will be available to assist property owners with site planning and navigating other building obstacles.
- An estimated 48 percent of the impacted properties have completed the cleanup process;
- An estimated 42 percent of the hazardous trees have been removed;
- Updates for Marion County Recovery Projects entails some of the following:
 - Financial Needs Analysis:
 - A firm has been hired to assist the City of Gates and the City of Detroit;
 - Updates for the City of Gates includes some of the following:
 - The Fiscal Year (FY) 2021-2022 Budget is on track for adoption;
 - A plan for tracking grant money from federal, state, and local sources is in place;
 - The city needs a municipal auditor for both FY 2019-20 and FY 2020-21;
 - Financial forecasts and projections will begin once the financial statements are completed; and
 - Impacts to the following will be reviewed:
 - Water revenues;
 - Property taxes; and
 - Tourism taxes.
 - Updates for the City of Detroit includes some of the following:
 - The Fiscal Year (FY) 2021-22 Budget is on track for adoption;
 - A plan for tracking grant money from federal, state, and local sources is in place;
 - Audits are up-to-date;
 - Work on the (FY) 2021-22 financial statements is scheduled to begin;
 - Financial forecasts and projections will begin once the financial statements are completed; and
 - Impacts to the following will be reviewed:
 - Water revenues;
 - Property taxes; and
 - Tourism taxes.
 - Communications and Outreach:
 - A firm is reaching out to recovery effort partners and will be drafting a survey;

- State funding has been received to assist with upgrading the LTRG website; and
- The City of Gates is setting up a website.
- Economic Impact and Opportunities Analysis:
 - The organization ECONorthwest has started work.
- Housing:
 - County staff has prepared and presented three site proposals for both temporary and long-term housing initiatives to the state; and
 - State staff has requested more information and follow-up.
- Health Impact Assessment:
 - Oregon State University (OSU) has started work; and
 - The team will be contacting partners that are directly involved in the recovery efforts.
- Community Visioning and Strategic Plans:
 - The organization Better City is in the process of completing interviews in areas located within the canyon and the City of Salem;
 - The firm has been provided with a variety of studies to assist with understanding the overall canyon economy; and
 - The county provided imagery file access to the organization to view the wildfire impacts for individual communities.
- Local communities provided good feedback at a meeting that was held on July 22, 2021, at the Santiam High School;
- The City of Mill City is working on a Main Street and Downtown Redevelopment project; and
- The LTRG is working with an organization that gathers information and provides an overall view of the impacts and needs of the wildfire affected areas.

Board discussion:

- The county's permit data is updated at the beginning of each month; and
- The wildfire cleanup efforts in the canyon are ongoing.

CONSENT

(Video Time 00:17:26)

BOARD OF COMMISSIONERS

OLCC Application – Recommended Approval

South Falls Cafe, LLC, dba, South Falls Cafe – Sublimity, Oregon

FINANCE

Approve two quitclaim deeds for the sale of Property Tax ID's #R26731 from Marion County to Laura's Investments, LLC and #R47517 from Marion County to William R. Pease III Family Trust.

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

ACTION

(Video Time 00:19:43)

HEALTH AND HUMAN SERVICES

1. Consider approval of the Contract for Services with A WorkSAFE Services, Inc. in the amount of \$189,600 to perform urinalysis collection services for the Marion County 2021-2023 Specialty Court Programs retroactive from July 1, 2021, through June 30, 2023. –Ryan Matthews

Summary of presentation:

- The contract for urinalysis services will support Marion County's five specialty courts;
- On July 21, 2021, a Special Procurement request was presented to the Marion County Contract Review Board and approved:
 - Approval of the Special Procurement was posted to allow for any protest;
 - The county received no protests; and
 - The execution of this contract is a direct result of the approved Special Procurement.
- Marion County Health and Human Services (MCHHS) is the third-party administrator for a Criminal Justice Commissioner (CJC) grant:
 - A WorkSAFE Services, Inc. is a vendor that was named in the grant to support the five specialty courts; and
 - MCHHS is fulfilling their position as both the grant administrator and the third-party administrator to execute the contract on behalf of the Marion County Circuit Courts.
- MCHHS responsibilities will include some of the following:
 - Receiving the invoices;
 - Processing the payments; and
 - Performing financial reporting for the CJC grant.

Board discussion:

- The commissioners expressed their appreciation to Mr. Matthews and the MCHHS team for all the work they are performing to assist the courts.

MOTION: Commissioner Willis moved to approve the Contract for Services with A WorkSAFE Services, Inc. in the amount of \$189,600 to perform urinalysis collection services for the Marion County 2021-2023 Specialty Court Programs retroactive from July 1, 2021, through June 30, 2023. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:22:54)

2. Consider approval of the Intergovernmental Agreement with the Oregon Health Authority (OHA) in the amount of \$200,000 to administer the Foodborne Illness Prevention Program (FIPP) on behalf of OHA through June 30, 2023. –Katrina Rothenberger and Alisa Zastoupil

Summary of presentation:

- The county is entering into the final two years of a typical five-year Intergovernmental Agreement (IGA) with the Oregon Health Authority (OHA);
- In 2019, the OHA began the process of cleaning up the contract language and consolidating the IGA;
- Changes to the IGA were put on hold during 2020 due to the impacts of COVID-19:
 - Now both the county and the state are ready to move forward.
- Changes to the IGA include some of the following:
 - Clarification for using the statewide data base known as Health Space; and
 - Clarification for the remittance report process.
- The OHA provides translated materials and language related to the oversight of the following:
 - Tourist facilities;
 - Pools;
 - Restaurants;
 - Bed and breakfasts;
 - Commissaries;
 - Mobile units;
 - Warehouses; and
 - Vending machine licensing programs.
- The proposed IGA's financial impacts remain the same as the prior contract;
- The county remits a percentage of the fees received to the OHA to carry out the Foodborne Illness Prevention Program (FIPP);
- The program assists with some of the following:
 - Food outbreaks; and
 - Tracking potentially contaminated food when there is an outbreak.

Board discussion:

- The IGA with the OHA provides for some of the following:
 - Training twice a year with all counties statewide;
 - Translated materials and business handouts;
 - Technical advice and assistance with interpreting rules; and

- Assistance with foodborne outbreak investigations if needed.
- Counties do not have the option of choosing which facility programs they participate in;
- The Tourist Facility Program includes some of the following:
 - Hotels;
 - Bed and breakfast establishments; and
 - Organizational camps:
 - The county's role is to provide annual or semi-annual sanitation inspections of the establishments.
- The county has the authority to collect the licensing fees on behalf of the state from the participating organizations:
 - The county then remits a portion of the collected fees back to the state.
- Without the county's participation, the state would be required to perform some of the following:
 - Enforcing the rules; and
 - Inspecting the establishments.
- Language has been revised so that not only the counties but also the state will have the authority to enforce the rules; and
- The changes to the IGA will not impact how county departments and employees perform their job.

MOTION: Commissioner Bethell moved to approve the Intergovernmental Agreement with the Oregon Health Authority (OHA) in the amount of \$200,000 to administer the Foodborne Illness Prevention Program (FIPP) on behalf of OHA through June 30, 2023. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:31:35)

INFORMATION TECHNOLOGY

3. Consider approval of Amendment #2 to the Software License and Maintenance Agreement with EnSoftek, Inc. to extend the project completion date, add \$569,280.70 for a new contract total of \$4,447,439.70, and incorporate multiple change order requests through August 31, 2025, for the Marion County Health and Human Services Electronic Health Records (EHR) system. – Gary Christofferson and Ryan Matthews

Summary of presentation:

- MCHHS's current Electronic Health Records (EHR) system is aging and no longer meets the department's business needs;
- The county entered into a contract with EnSoftek, Inc. to provide a new records management system:
 - The system is a full software service application that is hosted in the vendor's cloud service; and
 - The software's implementation date was initially scheduled for December 2021.

- EnSoftek, Inc. was required to submit a map and gap process at the beginning of the project that entailed the following:
 - Mapping the business requirements to the systems functionality; and
 - Identifying any gaps that were missed during the procurement process:
 - The vendor's initial forecast to complete the process was two weeks;
 - The project encompassed several months of analysis instead of the two weeks that were initially forecasted;
 - The vendor may have underestimated the complex needs of the project; and
 - Amendment #2 encapsulates the 21 individual change orders that were a result of the map and gap process.
- The changes will add an estimated 7.8 months to the project:
 - Supplemental changes are anticipated in the future.
- The county's additional expenses to accommodate the business requirements to date is estimated to be \$569,280.70:
 - The vendor will also be bearing an estimated \$370,000 for additional expenses associated with the project.
- A large percentage of the changes are a result of creating interfaces between multiples systems that MCHHS communicates with and utilizes;
- The software needs to communicate with multiple county and state systems that MCHHS reports information to so that employees only need to input data once;
- Additional challenges that impacted the initial go live date included some of the following:
 - COVID-19:
 - Work with the vendor needed to be performed remotely.
 - Wildfires; and
 - Ice storms:
 - The MCHHS program was not able to participate in the map and gap analysis because the departments resources were deployed to respond to the needs created by the crises.
- Benefits to the software upgrade include some of the following:
 - Employees will more easily be able to perform their jobs;
 - The software will support community needs;
 - It will improve the delivery of services to community members;
 - Clients will have access to their patient portals; and
 - Clients will be able to schedule appointments.

Board discussion:

- MCHHS provides a broad and diverse range of services and programs;
- Departments and employees need to adapt their business practices and processes to work in conjunction with the new software;
- The county will be paying for the change orders and for half of the original contract penalty:

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- Information needed from MCHHS or from the Information Technology (IT) department may have taken longer than anticipated for the vendor to obtain;
- The vendor under-forecasted the map and gap process; and
- The vendor has agreed to absorb some of the additional expense.
- County general fund dollars are not being utilized for Amendment #3:
 - Funding will be utilized from some of the following MCHHS sources:
 - Behavioral Health;
 - Intellectual and Developmental Disabilities (IDD); and
 - Public Health.
- Multiple change orders for the project contributed to the delayed completion date;
- At least two more change orders have been submitted to the vendor for a proposal request:
 - The county is waiting for the vendor to bring a proposal back.
- Commissioner Bethell expressed on the record that the project has required a lot of money;
- It is anticipated that the software system will reshape how employee jobs are performed;
- MCHHS is modifying work flows to ensure uniformity across all the programs:
 - Training and onboarding for staff will be an integral part of the process.
- Additional resources and staffing may be needed to meet the county's commitments:
 - Penalty payments may apply if the county fails to meet the commitments; and
 - The vendor also has commitments that need to be achieved.
- The vendor is required to provide a work performance deadline date for contract change requests;
- The county needs to successfully implement a go live date to implement the software system; and
- Any future change orders may need to be part of a new project.

MOTION: Commissioner Willis moved to approve Amendment #2 to the Software License and Maintenance Agreement with EnSofttek, Inc. to extend the project completion date, add \$569,280.70 for a new contract total of \$4,447,439.70, and incorporate multiple change order requests through August 31, 2025, for the Marion County Health and Human Services Electronic Health Records (EHR) system. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:49:18)

Commissioner Cameron expressed that Action Items #4, #5, and #6 will all be summarized in one presentation followed by three motions.

(Video Time 00:49:36)

PUBLIC WORKS

4. Consider approval of the Contract for Services with River City Environmental, Inc. in the amount of \$3,000,000 for the transportation and disposal of leachate wastewater from the ash monofill located at the North Marion Recycling and Transfer Station through June 30, 2026.

–Brian May

Summary of presentation:

- Mr. May's presentation provided a detailed explanation for Action Items #4, #5, and #6;
- Leachate is moisture that gradually spreads and filters through the ash monofill:
 - Rainfall contributes to the leachate;
 - The county has approximately eight acres engineered to collect moisture;
 - The county accepts ash during the dry months;
 - The county sheds the moisture or leachate during the winter months in an effort to prevent it from collecting; and
 - Any leachate that is not shed is required to be properly disposed of in a facility approved by the Department of Environmental Quality (DEQ).
- The county currently has one transportation contract to dispose of the leachate that is generated at the North Marion Transfer Station ash monofill:
 - The leachate is transported to Coffin Butte Landfill where it is used as alternate daily cover:
 - The landfill has a larger active area to handle the daily cover requirements;
 - The county is able to meet the reuse requirements and also avoid the expense of leachate generation; and
 - The county generates approximately 2.5 million gallons of leachate wastewater during the winter months.
- An Invitation To Bid (ITB) was published on March 29, 2021:
 - The county generally receives one transportation bid in response to the ITB;
 - This year the county received transportation bids from three companies; and
 - Each bid provided a different leachate disposal location.
- The county has been transporting the leachate to a landfill in Boardman, Oregon during the winter months:
 - The journey time to the City of Boardman can be impacted by some of the following:
 - Ice storms;
 - Mud slides; and
 - Traffic accidents.
- Utilizing three contracts will provide the county with the following:
 - Increased transportation options;
 - Increased leachate disposal options at three different DEQ approved locations;
 - The flexibility to move from one contractor to another contractor; and
 - Having more options eliminates the need for the county to store or retain the leachate.
- The term date on all three contracts is June 30, 2026:
 - All three contracts can be extended for another five years.

- Each contract is set-up in the event that only one of the three contractors is needed to provide 100 percent of the leachate transport;
- The combined total for all three contracts is over \$14 million dollars;
- The county anticipates spending less than \$5.6 million for leachate disposal transportation;
- All three contracts clearly define that the transportation of the leachate wastewater for disposal is at the direction of the county:
 - There is no guarantee that any of the three contractors will be transporting the leachate wastewater; and
 - The county will utilize the most affordable option when disposing of the leachate.
- Staff recommends approval of all three contracts for the transportation of leachate wastewater.

Board discussion:

- The county has a contract with Covanta Marion, Inc., for the transportation and disposal of ash:
 - The contract does not include the disposal of leachate wastewater.
- There is no guarantee that the county will utilize any of the three contractors for leachate wastewater transportation;
- The contract with River City Environmental, Inc., utilizes Covanta Marion, Inc. for leachate wastewater disposal:
 - Covanta Marion, Inc., injects leachate into their boiler space in order to reduce temperatures;
 - This allows the company to burn more waste; but
 - It is unclear if Covanta Marion Inc., will be able to handle the county's leachate wastewater volume.
- The county would like more options available for the transportation and disposal of the leachate wastewater;
- Currently Covanta Marion, Inc., has not taken a single load of the county's leachate in the year 2021:
 - In 2020, the company utilized an estimated 56 loads of the county's leachate wastewater;
 - In 2019, the company utilized an estimated 160 loads; and
 - Currently the company is utilizing other paying customers for their leachate wastewater needs.
- The contract amount with River City Environmental, Inc. is reduced because the leachate wastewater will be transported to a nearby location which requires less expense;
- There is no guarantee of work in any of the three contracts for transportation services;
- The total budget for the transporting of leachate wastewater is estimated at \$5.6 million;
- Each contract is written in the event that the county decides to utilize only one contractor to fulfill all the leachate transportation needs;

- The county may decide to utilize one contractor for a period of time and then decide to utilize another contractor in the future:
 - The county will have more transportation options and more location options for leachate wastewater disposal.
- The volume of leachate wastewater to be transported may be determined by the amount of rainfall in a given year:
 - Transportation expenses that exceed the budget will require a contract amendment;
 - Staff does not anticipate the need for a contract amendment unless the county endures a harsh winter;
 - The county's lagoon has a capacity for 12 million gallons; and
 - In the event of a harsh winter the county has the option of utilizing the lagoon to retain the leachate wastewater, however it is not the preferred option.
- Commissioner Bethell expressed that the motions for Action Items #4, #5, and #6 would be condensed into one motion.

MOTION: Commissioner Bethell moved to approve the Contract for Services with River City Environmental, Inc. in the amount of \$3,000,000, and with Patriot Environmental Services, Inc. in the amount of \$5,600,000, and with Finley Buttes Limited Partnership in the amount of \$5,600,000 for the transportation and disposal of leachate wastewater from the ash monofill located at the North Marion Recycling and Transfer Station through June 30, 2026. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 01:01:45)

5. Consider approval of the Contract for Services with Patriot Environmental Services, Inc. in the amount of \$5,600,000 for the transportation and disposal of leachate wastewater from the ash monofill located at the North Marion Recycling and Transfer Station through June 30, 2026.
–Brian May

(Video Time 01:01:50)


6. Consider approval of the Contract for Services with Finley Buttes Limited Partnership in the amount of \$5,600,000 for the transportation and disposal of leachate wastewater from the ash monofill located at the North Marion Recycling and Transfer Station through June 30, 2026.
–Brian May

(Video Time 01:02:31)

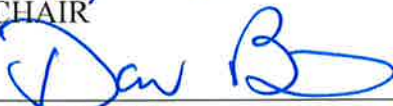
**PUBLIC HEARINGS
9:30 A.M.**

None.


Commissioner Bethell read the calendar;
Commissioner Cameron adjourned the meeting at 10:12 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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