

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, September 21, 2022
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

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

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

(Video Time 00:00:59)

PUBLIC COMMENT

David Beem:

- Mr. Beem would like showers installed in the bathrooms downtown so that individuals that are homeless can take showers;
- There are not a lot of services offered after 5 p.m.; and
- Mr. Beem would like the Marion County Sheriff's Office to be involved with the homeless population downtown.

Board discussion:

- The downtown area is within the jurisdiction of the City of Salem; and
- The county has invested dollars into a partnership with the following entities for a mobile shower trailer that is moved to different locations:
 - The Church at the Park;
 - The United Way of the Mid-Willamette Valley; and
 - Other partners:
 - Requests for the mobile shower can be made through the ARCHES organization.

(Video Time 00:02:53)

Kyle Palmer:

- Mr. Palmer is the Mayor for the City of Silverton;
- The city identified the need for a sensory park several years prior;
- The Rotary Club of Silverton has been working on a project to build an all-abilities park:

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- The project's design phase has been completed;
- An estimated \$127,000 has been committed from the City of Silverton;
- The Silverton Urban Renewal District has committed a \$127,000;
- A public fundraising campaign is underway;
- The goal is to have the park built in the spring of 2023;
- The park will be situated north of the Silverton Community Pool parking lot and will share parking with the pool:
 - The area is known as Old Mill Park; and
 - The location is near Silver Creek.
- The restrooms located at the Silverton Information and Visitors Center will be utilized until park facilities can be built in the future;
- The total cost of the park will be approximately \$390,000:
 - The high cost is largely due to the wheelchair access that will be provided along with other amenities.
- The rotary club is looking for partnerships with the city, the county, and donors; and
- The park will be an amazing addition to the City of Silverton.

Board discussion:

- Bricks for the project are available for purchase.

(Video Time 00:07:43)

PROCLAMATION

BOARD OF COMMISSIONERS - Action

1. Consider approval of a proclamation designating the week of September 17-23, 2022, as Constitution Week in Marion County. –Day Westine, National Society Daughters of the American Revolution (NSDAR), Chemeketa Chapter

Summary of presentation:

- The local Daughters of the American Revolution (DAR), Chemeketa Chapter has been in the City of Salem for 107 years;
- The following information is from an article Ms. Westine read about the constitutional framers that was printed in a Medford newspaper on January 10, 1991:
 - The powers of war troubled the constitution's framers;
 - When the Constitutional Convention took up the proposal that Congress should have the power to make war, most of the men assembled in Philadelphia in the summer of 1787 had known war firsthand:
 - Only a few years prior, most of the framers had served in the Revolutionary War.
 - The unresolved conflict over the Constitution's provisions on waging war stems partly from the difficulty of translating the framers experience as defenders of a fledgling nation into the military challenges facing a modern superpower;

- The framers were torn by the logistical concerns of having Congress decide whether the country should engage in war, and the philosophical problems of investing such weighty responsibilities in one person:
 - Charles Pinckney of South Carolina feared that the legislators would act too slowly and meet too infrequently to be able to handle a war emergency.
- Pierce Butler from South Carolina suggested that war making power should be held by the President:
 - No one took up Mr. Butler's suggestion.
- James Madison and Elbridge Gerry sought to address Mr. Pinckney's concerns, and they moved that Congress should have the power to declare war, rather than to make war;
- Mr. Madison and Mr. Gerry also acknowledged that they wanted to leave to the President the power to repel sudden attacks; and
- The change to "declare war" was approved eight to one.
- The following are some facts about the Constitution of the United States:
 - The document contains 4,544 words including the signatures;
 - The document consisted of four sheets of paper, with the paper dimension being 28 3/4 inches by 28 5/8 inches;
 - Thirty-nine delegates signed the Constitution;
 - Two Presidents, George Washington, and James Madison, signed the Constitution;
 - The oldest signer, Benjamin Franklin, was 81 years old;
 - The youngest signer, Jonathan Dayton, was 26 years old; and
 - It has been 235 years since the Constitution was signed on September 17, 1787.

Board discussion:

- The DAR organization has hosted contests in the past that have helped to educate youth about the Constitution of the United States.

MOTION: Commissioner Willis moved to approve a proclamation designating the week of September 17-23, 2022, as Constitution Week in Marion County. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

The commissioners read the proclamation.

(Video Time 00:18:17)

CONSENT

PUBLIC WORKS

2. Approve an order vacating a portion of a public alley within the Trullinger Tracts subdivision in Marion County, Oregon, and vesting the alley to the property owners to the west, Ross and Shellee Newkirk.

TAX OFFICE

3. Approve an order for a property tax refund in the amount of \$20,456.90 for Lumen Technologies Inc., tax account number 356836.

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

(Video Time 00:19:05)

ACTION

BOARD OF COMMISSIONERS

4. Consider approval of an order delegating authority to the Marion County Chief Administrative Officer to sign the Funding Approval Agreement with the United States Department of Housing and Urban Development (HUD), Office of Community Planning and Development, for the 2022 Community Development Block Grant (CDBG) Program. –Tim Glisson

Summary of presentation:

- The request is for an order that will delegate authority to the Marion County Chief Administrative Officer to sign the Funding Approval Agreement with the United States Department of Housing and Urban Development (HUD):
 - The agreement is for the 2022 Community Development Block Grant (CDBG) Program; and
 - The funding amount is for \$1,446,086.
- The funds will be utilized for programs and projects identified in the county's five-year Consolidated Plan, and in the one-year Annual Action Plan.

Board discussion:

- There have been multiple meetings regarding the funding agreement; and
- The agreement is a new funding option for Marion County that will have positive impacts into the future.

MOTION: Commissioner Willis moved to approve an order delegating authority to the Marion County Chief Administrative Officer to sign the Funding Approval Agreement with the United States Department of Housing and Urban Development (HUD), Office of Community Planning and Development, for the 2022 Community Development Block Grant (CDBG) Program. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:21:09)

5. Consider approval of an order delegating authority to the Marion County Chief Administrative Officer to sign the Funding Approval and HOME Investment Partnership Agreement with the United States Department of Housing and Urban Development (HUD), Office of Community Planning and Development, for the 2022 HOME Investment Partnership Program. –Tim Glisson

Summary of presentation:

- The request is for an order that will delegate authority to the Marion County Chief Administrative Officer to sign the Funding Approval and HOME Investment Partnership Agreement with the United States Department of Housing and Urban Development (HUD):
 - The agreement is for the 2022 HOME Investment Partnership Program;
 - The funding amount is \$638,631; and
 - The funds are for fiscal year 2022.
- The funds will be used for programs and projects identified in the county’s five-year Consolidated Plan, and in the Annual Action Plan.

Board discussion:

- The board requested Mr. Glisson provide a short presentation on the CDBG and HOME programs at a future Board Session meeting:
 - The funding is new to the county; and
 - The presentation will help identify what the programs are about.
- It is anticipated that there will be future contracts that can utilize the funding; and
- The funding goes back into Marion County communities to assist with housing and other functions.

MOTION: Commissioner Cameron moved to approve an order delegating authority to the Marion County Chief Administrative Officer to sign the Funding Approval and HOME Investment Partnership Agreement with the United States Department of Housing and Urban Development (HUD), Office of Community Planning and Development, for the 2022 HOME Investment Partnership Program. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:23:15)

HEALTH AND HUMAN SERVICES

6. Consider approval of the incoming funds Intergovernmental Agreement with the Oregon Health Authority in the amount of \$6,318,421.64 for behavioral health housing through June 30, 2023. –Ryan Matthews

Summary of presentation:

- The incoming funds Intergovernmental Agreement (IGA) will increase bed capacity for behavioral health housing across the system:
 - This may help reduce the capacity issue at the Oregon State Hospital.
- An estimated \$100 million has been earmarked to be distributed to Oregon counties:
 - Marion County's portion is estimated to be \$6,318,421.64.
- The goal is to invest in the behavioral health housing system at all levels of care;
- With the current system individuals can end up getting stuck in the housing level that they were initially placed in:
 - There is no continuum process to move individuals into the level that best meets their needs;
 - A shortage of beds has hindered the transition of individuals out of the Oregon State Hospital into a secure residential treatment facility; and
 - New individuals coming into the system cannot get the housing level that they need.
- The funding allows counties to invest in opportunities with developers and operators of housing facilities:
 - Marion County Health and Human Services (MCHHS) is looking into potential possibilities for investing the funds;
 - The next step will be to post a solicitation for grant opportunities to see if the funds can be leveraged with developers to increase capacity; and
 - The county is looking to increase bed capacity and transition individuals out of higher levels of care into lower levels of care when appropriate, which can include:
 - Secure residential treatment facilities; or
 - Rental assistance and the guidance of a housing navigator.
- Currently none of the funds have been earmarked for a specific project; and
- Future submitted solicitations will be utilized to determine how the funding will be allocated.

Board discussion:

- Commissioner Willis expressed the following:
 - The county has some work ahead to determine how the incoming funds will be invested;

- Following a recent court case, it is anticipated that approximately 100 individuals may be released from the Oregon State Hospital even though they have not completed their treatment:
 - There are not good treatment options for individuals that will be coming back into communities across Oregon.
- The Oregon Health Authority (OHA) is giving the county the funding with the hope that the county can figure out how to provide treatment for individuals who arguably should be in the state hospital or require treatment in a hospital level setting;
- The state hospital system is not functioning at the level that it should be;
- The state administration and the legislature do not want to expand the state hospital setting:
 - They do not want to put more resources into it.
- The state is trying to shift responsibility for individuals who need hospital level care to the counties:
 - Counties do not have the resources that the state has.
- The funding will hopefully improve some situations and provide healthcare and resources to individuals in the communities who need it; but
- The funding will not solve the state hospital problems:
 - Individuals requiring hospital level care should receive hospital level care;
 - Providing counties funding for lower-level settings will not solve the problem for individuals needing hospital level care;
 - The county is willing to be a part of the solution; but
 - This is not going to solve the state hospital crisis.
- Another challenge is that it takes years to build this kind of healthcare infrastructure, but the decisions for the state hospital are occurring now:
 - People may potentially be released before there is enough time to develop the resources in the communities; and
 - If funding had been provided two or three years prior, it is possible the infrastructure may have already been in place to assist individuals being discharged from the state hospital.
- Many of the individuals that the state hospital plans on releasing have criminal challenges, and may not be capable of assisting in their own defense:
 - They may be at the state hospital under an aid and assist order until they can achieve a baseline where they can understand what is going on;
 - OHA is requiring counties to absorb the risk and try to manage the individuals who are going to be released; but
 - There is no facility for the individuals to go to that provides the needed services.
- Individuals released from the state hospital are not mandated or forced into treatment:
 - There are limitations to what the county can do once an individual is released:
 - Community restoration efforts may be available to engage an individual in treatment;

- The state hospital has mandated medications and services for individuals in their care: but
 - There are fewer options available for individuals once they are released from the state hospital.
 - There is a concern that individuals will not engage in treatment, and that they may become involved in the criminal justice system again; and
 - There is a difference between individuals that want to receive treatment, versus an individual that is required to receive treatment.
- The state holds all the money for this specific healthcare system:
 - Counties are not able to provide the level of care needed to assist individuals being released from the state hospital;
 - The individuals being released matter; but
 - The \$6,318,421.64 in funding is not enough to provide individuals discharged from the state hospital with good healthcare at the level that they require.
- The individuals being released from the state hospital are from counties across the state, but they will be released into Marion County:
 - Individuals released from the state hospital are supposed to be sent back to their county of origin, but it often does not happen; and
 - There is also a concern that the criminal charges against an individual will be dropped, so then that individual does not need to be relocated back to their home community:
 - The individuals are then free of their criminal charges, and they may remain in Marion County potentially utilizing county resources and supports:
 - Marion County Health and Human Services may not have an existing relationship with the discharged individual because they were treated in another county.
- Concern was expressed that the \$6 million in funding will be utilized for the construction of facilities, but funding to staff and sustain the facilities for a long period of time is also needed;
- The shutdown of state ran facilities has negatively impacted the county and continues to exacerbate community issues:
 - This could potentially contribute to making county communities unsafe.
- The Commissioners would like to postpone the vote on this agenda item so they can discuss it further at future Work Session meeting:
 - The funds were originally discussed before the county was notified that of the state's hospital plans to release individuals before they have completed their treatment; and
 - The Commissioners would like to invite the OHA and possibly the Oregon Department of Justice (DOJ) to participate in the discussion.

MOTION: Commissioner Cameron moved to table item #6 with a date to be determined. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:39:44)

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

CONTRACT REVIEW BOARD ACTION

PUBLIC WORKS

1. Consider an order approving the Sole Source Justification with Valley Landfill in the amount of \$14,742,000 for the acceptance of incinerator ash for alternate daily cover at the Coffin Butte Landfill through August 31, 2032. –Brian May and Camber Schlag

Summary of presentation:

- The county went through a competitive bid process in December of 2010 for a demonstration project to show that ash is equivalent to six inches of soil and can be used as an alternate daily cover for landfill space:
 - Three bids were received;
 - Valley Landfill was awarded the contract as the low bidder; and
 - The Department of Environmental Quality (DEQ) required a 12-month demonstration to show that ash could be equivalent to soil:
 - Valley Landfill submitted a report in April of 2012; and
 - The county received approval in May of 2012 to utilize ash as daily cover at the Coffin Butte Landfill.
- The 10-year contract with Valley Landfill ended in May of 2022;
- DEQ has informed the county that Coffin Butte is the only entity that is able to take incinerator ash from Covanta as alternate daily cover;
- Marion County public contracting rules under sole source procurements indicates that a sole source is when the goods or services are available from only one source; and
- Upon board approval the document will be posted on OregonBuys for seven days:
 - If a protest is received, staff will work through the protest; and
 - If no protests are received within seven days, the county can move forward with the contract.

Board discussion:

None.

MOTION: Commissioner Willis moved to approve the Sole Source Justification with Valley Landfill in the amount of \$14,742,000 for the acceptance of incinerator ash for alternate daily cover at the Coffin Butte Landfill through August 31, 2032. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

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

(Video Time 00:43:09)

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

BOARD OF COMMISSIONERS

A. Public hearing to consider Substantial Amendment #2 to the Fiscal Year 2021-2022 Annual Action Plan pertaining to the HOME-American Rescue Plan (ARP) Allocation Plan.

–Tim Glisson and Erinn Miller

Summary of presentation:

- HOME-ARP was passed on March 11, 2021, as part of the American Rescue Plan:
 - The plan is a \$1.9 trillion package;
- An estimated \$5 billion was appropriated by Congress and distributed by the Department of Housing and Urban Development (HUD) for homelessness assistance;
- Marion County was allocated \$2,251,172 of HOME-ARP funds in September of 2021;
- HOME-ARP funds must be allocated to activities dealing with the following qualifying populations:
 - Homeless;
 - At risk of homelessness;
 - Fleeing or attempting to flee the following:
 - Domestic violence;
 - Dating violence;
 - Sexual assault;
 - Stalking; or
 - Human trafficking.
 - Other populations where providing supportive services or assistance would prevent a family's homelessness or would serve those with the greatest risk of housing instability; and
 - Veterans and families were included in the HOME-ARP plan, but they must meet one of the top four criteria.
- Eligible activities for the HOME-ARP funds include the following:
 - Rental housing;
 - Tenant based rental assistance;

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- Supportive services;
- Acquisition and development of non-congregate shelter; and
- Non-profit operating and capacity building assistance.
- Following is the timeline for the HOME-ARP Allocation Plan:
 - The funds were first allocated to Marion County in September of 2021;
 - Use of the funds is contingent on approval of an Allocation Plan:
 - As part of developing a plan county staff has conducted the following:
 - A survey;
 - Multiple public meetings; and
 - Consultations with other groups and individuals.
 - The board allocated funding in August of 2022;
 - The public comment period ends today, September 21, 2022:
 - The public comment period started on August 19, 2021; and
 - To date one public comment has been received.
 - Today, September 21, 2022, is the public hearing;
 - The plan will go before the board for approval on October 5, 2022; and
 - Pending approval from the board the plan will be submitted to HUD for final approval.
- Staff consulted various Marion County departments and private organizations while developing the plan including the following:
 - Marion County Health and Human Services;
 - The Center for Hope and Safety; and
 - Other providers.
- The board directed funding allocations as follows:
 - An estimated \$1 million for non-congregate shelters;
 - An estimated \$913,496.20 for supportive services; and
 - An estimated \$337,675.80 will be reserved for administration.

Board discussion:

- Clarification for a comment or statement on page 11 of the documentation was requested:
 - The document states that according to the Point-in-Time (PIT) count, a disproportionately greater number of men are currently homeless when compared to women:
 - In the 2022 PIT count, 35 percent of those recorded were women, while 64 percent were men;
 - There is a comment at the bottom of the statement that says that feedback received from service providers indicates that the ratio of homeless men to women is skewed toward women, not men;
 - The official data says that more men than women are homeless in Marion and Polk counties combined;
 - Union Gospel Mission and other providers say that according to their own data more women than men are homeless;

- Staff is unsure about why there is a discrepancy in the data; and
- It was suggested that the entities with differing data may submit their data for review.
- The only input that has been received was from Ms. Jayne Downing who provided updated domestic violence numbers.

No one signed up for public comment.
The public hearing was closed with no motion made.

(Video Time 00:51:22)

Commissioner Bethell adjourned the meeting at 9:51 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

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