

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, May 6, 2015
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron and Commissioner Sam Brentano. Also present were John Lattimer as chief administrative officer, Gloria Roy as county counsel and Kim Hulett as recorder.

ABSENT: Commissioner Carlson

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

PUBLIC COMMENT

None.

CONSENT

ASSESSOR

Approve a resolution approving the amended Marion County Assessment and Taxation Grant Application, reducing expenditure amount from \$6,664,729 to \$6,322,401.

BOARD OF COMMISSIONERS

Approve an order upholding the Personnel Officer's classification review determination of the Department Specialist 3, Sheriff's Office, Parole and Probation Division.

PUBLIC WORKS

Receive Planning Commission's decision approving subdivision/variance, case SUB/VAR #15-001, Shamberger Family Trust. – Joe Fennimore

Receive hearings officer's decision approving conditional use, case #CU 15-006, Sonnen, Clerk's File #5694. – Joe Fennimore

TREASURER

Consider approval of resolutions regarding petty cash and change funds accounts for the following departments:

- Establish a \$500 petty cash account for the administrative division of the District Attorney's office;
- Reclassify a change fund account to a petty cash account in the District Attorney's office;

- Establish a \$100 petty cash account for the dog services division of Community Services office;
- Establish a \$300 change fund account for the dog services division of Community Services; and
- Reduce the petty cash account at Parole and Probation from \$200 to \$100.

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

ACTION

BOARD OF COMMISSIONERS

1. Consider approval of a resolution supporting reopening the Willamette Falls Locks. – Commissioner Brentano

Summary of presentation:

- Locks are before Willamette Falls and allow passage of goods;
- Association of Oregon Counties, Clackamas County, Oregon City, West Linn, Wilsonville and Metro regional government adopted formal resolutions in support of repair and reopening of Locks; and
- Resolution from Marion County would demonstrate regional need to keep Willamette River open to commerce, transportation, recreation, and tourism;

MOTION: Commissioner Brentano moved approval of a resolution supporting reopening the Willamette Falls Locks. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

2. Consider approval of a resolution supporting the creation of the Willamette Falls National Heritage area. – Commissioner Brentano

Summary of presentation:

- Willamette Falls Heritage Area Coalition requesting Marion County's support urging Congress to create the designation of the Willamette Falls National Heritage Area;
- Designation would highlight one of the historical centers in Oregon; and
- Area would be able to apply for some tourism grants.

MOTION: Commissioner Brentano moved approval of a resolution supporting the creation of the Willamette Falls National Heritage area. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

COMMUNITY SERVICES

3. Consider reexamination of decision by the Marion County Hearings Officer in case #15-4238 and case #15-4239 and remand back to the hearings officer or schedule a public hearing before the Marion County Board of Commissioners. – Tami Goettsch, Bruce Armstrong

Summary of presentation:

- March 10, 2015, hearings officer issued a decision involving two dogs of Sheraya Martin;

- One dog (Zulu) was found to have chased livestock (chickens) and one dog (Cooper) was found to have killed livestock (a chicken);
- On March 24, 2015, Ms. Martin requested that the board reexamine this decision as it relates to the hearings officer's determination that Cooper must be relocated;
- Board considered the request and agreed to accept review of the matter;
- Unusual situation where individual requested re-examination; and
- Under case hearings officer ordered dog be relocated due to killing a chicken.
- Under Oregon statute chickens are livestock;
- Marion County has developed its own ordinance to deal with running at large, trespass, and items of the nature:
 - When it involves livestock the county follows Oregon Statute specifically; and
 - When it was determined Cooper had killed livestock there was a limited array of choices that the hearings officer could consider that only included euthanasia or relocation.
- At the Martin hearing, dog control officer involved in case was unaware that Ms. Martin and the owner of the chickens resided within the City of Gates;
- The fact that events occurred in the City of Gates was not raised at Martin hearing;
- As a result, hearings officer was not aware that events occurred in the City of Gates;
- Did not analyze any potential issues associated with city's allowance of chickens within its boundaries;
- Hearings officer did not consider the fact that dogs were located in a city where they would not normally be viewed as a threat to livestock when determining the appropriate corrective action dog owner must take; and
- In one prior case involving a dog that killed chickens, the hearings officer considered that the dog owner resided within a city when the appropriate remedial measures were determined that did not require relocation.
- Board has two courses of action:
 - Schedule a hearing where board can take evidence and consider argument; or
 - Remand case back to hearings officer for determination of appropriate remedial measures to impose on dog owner.

Board discussion:

- No Gates ordinance to address this issue;
- Gates does not have a dog control program; and
- Falls under Marion County dog control.

MOTION: Commissioner Brentano moved approval of an order remanding case #4238 and #4239 back to the hearing's officer for reconsideration. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

4. Consider approval of a grant agreement with the Oregon Department of Transportation for \$734,910 for improvements to the Wheatland and Buena Vista ferries and their related systems.

– Alan Haley

Summary of presentation:

- IGA with ODOT to approve the spending of ferry boat funds;
- Used to be a grant program that county would apply for;

- Was changed to an allocation for ferry programs by the federal government and requires a 20 percent match by the county; and
- Total project cost will be \$918,638.
- Enters county in a three-phase approach:
 - First phase includes:
 - Purchase and installation of electronic signs to inform public of times when ferries are closed;
 - Purchase of a haul-out dry dock system; and
 - Purchase of replacement parts and equipment to improve ferry operation.
 - Completion of first phase within 90 days of December 31, 2015.
 - Second phase includes:
 - Additional electronic signs along I-5 that require an ODOT right-of-way permit;
 - New catwalk for north tower at Wheatland Ferry;
 - Paving of gravel area currently used for parking at Wheatland Ferry; and
 - Completion of second phase to be completed within 90 days of December 31, 2016.
 - Third phase includes:
 - Most complicated construction projects that require more design and additional permitting through resources agencies;
 - Includes extension of concrete ramps at both ferries to improve operations during higher and lower flows;
 - Replacement of bumpers for dock at Wheatland Ferry;
 - A slot drain with catch basins at Wheatland Ferry; and
 - Completion of third phase to be completed within 90 days of December 31, 2017.

MOTION: Commissioner Brentano moved approval of a grant agreement with the Oregon Department of Transportation for \$734,910 for improvements to the Wheatland and Buena Vista ferries and their related systems. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

5. Consider approval of a resolution initiating consideration of amendments to concur in the City of Mill City Comprehensive Plan amendments. – Brandon Reich

Summary of presentation:

- City of Mill City has prepared an update to their comprehensive plan;
- First reading of their ordinance is completed and submitted amendment package to county for consideration;
- City will finalize its ordinance once county holds public hearing and considers amendments;
- Amendments primarily update city's land use, economic, and natural resources elements of comprehensive plan; and
- City did not identify a need for any additional land for residential, public or employment needs at this time;
- Amendments include two areas that city previously added to city in 2005 without notifying the county:
 - Runyon property on eastern city limits because of a failed septic system; and

- City's north water reservoir site in the middle north of the city adjacent to city limits in order that site is inside city limits.
- Request signing of resolution to initiate the county process and set public hearing date for Wednesday, June 24, 2015.

MOTION: Commissioner Brentano moved to approve a resolution initiating consideration of amendments to concur in the City of Mill City Comprehensive Plan amendments and schedule a public hearing for June 24, 2015. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

CONTRACT REVIEW BOARD

6. Consider approval of an ordinance amending the Marion County Public Contracting Rules and Marion County Code, Chapter 3.25, by emergency procedure. - Camber Schlag, Bruce Armstrong

Summary of presentation:

- Marion County Public Contracting Rules are adopted by local contract review board pursuant to authority set forth in ORS Chapter 279, 279A, 279B, and 279C to govern country procedures regarding purchasing, contracting and competitive process;
- The 2014 Oregon Legislature adopted legislative changes affecting public contracting code;
- Public Contracting Code changes that occurred during 2014 legislature become effective July 1, 2014;
- Marion County has revised its public contracting rules to meet new statutory requirements outlined in recent legislative changes;
- Marion County's Finance and Legal Counsel reviewed the rules correcting any grammatical errors, clarifications regarding definitions, and policy recommendations around rule practices by the county; and
- Ms. Schlag reviewed changes made to Public Contracting Rules (attachment A).

Board discussion:

- Commissioners complimented Camber on her work.

MOTION: Commissioner Brentano moved that the chair read the ordinance by title only twice. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Chair Cameron read the ordinance by title only twice.

MOTION: Commissioner Brentano moved approval of an ordinance amending the Marion County Public Contracting rules and Marion County Code, Chapter 3.25, by emergency procedure. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

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

None.

Commissioner Cameron read the weekly calendar.

Commissioner Cameron adjourned the meeting at 9:45 a.m.

Attachments: None.

Not Present at meeting

CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7178>.