

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, June 10, 2009
Marion County Courthouse Square

9:00 a.m. Board Session
Senator Hearing Room

PRESENT: Commissioner Patti Milne and Commissioner Janet Carlson. Also present were John Lattimer as chief administrative officer, Jo Stonecipher as legal counsel and Kim Hulett as recorder.

ABSENT: Commissioner Sam Brentano

PRESENTATION

Commissioner Milne stated that the board would be presenting a check to Ron Hays of the Marion-Polk Food Share. Tom McGirr, board chair of the Marion-Polk Food Share was also in attendance. Commissioner Milne said that the Marion County annual food drive began April 1, 2009, and finished on May 1, 2009. The goal was to increase the donation over previous years. During the month there was a fanfare of activity and opportunity for donations. There were raffles, breakfasts, cookie Fridays, pizza feeds, bake offs, walk offs and silent auctions. The current economic conditions in Oregon make the donation extremely valuable. This is the true meaning of community, people caring for each other, neighbors helping neighbors. Marion-Polk Food Share only works because 65 percent of the food is distributed and 75 percent of the operating funds come from local donors.

Marion County employees raised 3,219 pounds of food and \$11,632.66, supporting this worthy cause. The outcome of the friendly competition between departments resulted with Public Works coming in first, Legal Counsel second and the Board of Commissioners office third and the Treasurer's Office won the per capita award. Commissioner Milne asked everyone to please remember that the Sustainer's Circle provides the opportunity to support the food share throughout the year. This type of contribution is conveyed on a regular basis so that the food share can obtain and distribute food and other groceries to our hungry neighbors day-in and day-out all year long. To donate, just determine the monthly amount charged to your credit card or checking account. This entitles the person who donates to receive the quarterly newsletter and each January a receipt will be received for tax purposes totaling the yearly donation.

The commissioners presented a check for \$14,992.09 to Ron Hays and Tom McGirr as the county's contribution to the Marion-Polk Food Share. All departmental representatives involved in the food drive were thanked and awards were presented.

PUBLIC COMMENT

None.

CONSENT

BOARD OF COMMISSIONERS

OLCC APPLICATIONS – Recommend Approval

Monitor Market & Deli, Woodburn

Select Neighbor-to-Neighbor, Inc. as the eligible grantee to receive Oregon Office for Community Dispute Resolution (OOCDR) funds.

Approve an order reappointing Matthew Barber to serve as a backup hearings officer.

BUSINESS SERVICES

Approve an order reappointing Jack Chapin and Dennis Taylor to the Farm Advisory Board to terms beginning July 1, 2008, through June 30, 2010.

FINANCE

Approve the sale of tax foreclosed real property, tax property ID #R77411 to the former owner of record for back taxes, interest/penalties and fees.

PUBLIC WORKS – PLANNING

Receive hearings officer's decision granting variance, case #V08-007, Reed, Clerk's File #5616.

Notice of adoption of administrative review, case #ZC09-02, Brady, Clerk's File #5615; final adoption scheduled for June 17, 2009.

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

ACTION

HEALTH

1. Consider approval of an agreement to pay \$265,000 to Bridgeway Recovery Services, Inc. for providing addiction services. – Rod Calkins

Rod Calkins, health department director, introduced Cary Moller, who is the program director for the Health Department's Community and Provider Services program. Mr. Calkins requested the board approve the advance on payment to Bridgeway Recovery Services, Inc. in the amount of \$265,000. He said that Marion County contracts approximately \$6.5 million of addiction services each biennium and the majority is actually contracted out to community agencies to provide services. Cascadia Behavioral Healthcare has been doing business in Marion County as Bridgeway, Inc. for a number of years and is ending services as of June 30, 2009. Mr. Calkins said that the county is in the process of transitioning those services to a new provider panel. Creating that panel has been in the works for over a year. The Department of Human Services,

Addictions and Mental Health Division, loaned Marion County a consultant to insure the system that was being developed was satisfactory with what they wanted to see in terms of overall addiction services. Mr. Calkins stated that there were two big conclusions that came out of the system redesign. The first was there was a need for a diverse panel of provider agencies. Cascadia had been the main provider of alcohol and drug services in Marion County for a number of years. Having only one provider did not work out well when they got into some financial trouble. The second was that Marion County needed to have enough alcohol and drug services so that they could provide a safety net in case one of the contract agencies ran into trouble.

Mr. Calkins said they have added Clear Paths as a new provider and have enhanced an existing provider, Catholic Community Services New Step program. The New Step program had been a provider under the Oregon Health Plan, but funding was added for indigent services to their contract. He said the other piece of the system redesign was to preserve the positive aspects of what Cascadia had created in their Bridgeway program. Part of the consultation that was received and the work that was done focused on creating a new locally managed, locally owned not-for-profit agency called Bridgeway Recovery. Most of the services and facilities that Bridgeway had been occupying before are going to be part of that new company. The new company is already incorporated and ready to go. This advance on payment is basically to handle the cash flow issue of being able to make payroll and expenses for the first two months. In addition, there is a repayment clause where the county will reduce future payments starting in January 2010 to recoup the advance payment over the course of the biennium. Mr. Calkins reiterated that this was an advance on payments that the county will be paying Bridgeway Recovery for services.

Cary Moller said that Bridgeway specifically would be providing residential services for drug, alcohol and gambling, as well as outpatient drug, alcohol and gambling treatment. There is also a detox in the residential services.

Commissioner Carlson asked how it is determined who gets the service and if there are people in the criminal justice system. Ms. Moller answered that it could be people in the criminal justice system. She said the admission criteria has something to do with income and there are some federal guidelines around block grant money, which includes services to pregnant women, I.V. drug users and court involved people. She said there is a continuum of criteria that is looked at. People that move from the Oregon Health Plan or become ineligible would be eligible for the indigent services based on their income level. Commissioner Carlson asked how people find out about these services. Ms. Moller said they are in the process of doing a public campaign and have information distributed to all crisis services. In addition, there is a network of providers that are available on a monthly basis and they are researching how to distribute that information into the community. Commissioner Carlson clarified that they would take people on a self-referral if eligible or if referred by another agency. She asked if they currently had a wait list of people and Ms. Moller said they did not, but residential services is full right now.

Commissioner Carlson said the legislature is wrapping up and wanted to know in terms of funding what it looked like for addiction services. Mr. Calkins said it looked much better than it did a couple months ago. He has heard that gambling, which funds both beds and outpatient services for Bridgeway, would have a reduction at the state budget level, but the county's funding should remain flat. In addition, he is also hearing that there are not huge cuts coming to the state general fund that funds indigent services on an outpatient basis. On the capitated

Oregon Health Plan side, the capitation rates are expected to increase substantially beginning in January.

Jo Stonecipher informed the board that the contract was drafted realizing that the county is putting a lot of money upfront into a new organization with every possible safety clause they could think of. If the provider contract doesn't come through the money must be returned. The money will be secured against any asset available in case the county needed to recover those funds.

Commissioner Milne confirmed that the total amount does not exceed \$265,000, and these funds cover salaries, start-up and initial payments on benefits for two months.

MOTION: Commissioner Carlson moved approval of an agreement to pay \$265,000 to Bridgeway Recovery Services, Inc. for providing addiction services. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

PUBLIC WORKS

2. Consider approval of an intergovernmental agreement with Oregon Department of Transportation for the provision of American Recovery and Reinvestment Act of 2009 funding for the Lancaster Drive/Durbin Avenue traffic signal project. – Cindy Schmitt

Cindy Schmitt, county engineer, shared a PowerPoint with the commissioners (attachment A). She said the issue is whether to sign an intergovernmental agreement between Marion County and the department of transportation to allow the replacement of a traffic signal at the Lancaster Drive and Durbin Avenue intersection. This is in the Four Corners area. The project would be funded under the federal funds attached to the American Recovery and Reinvestment Act (ARRA). This is a project that public works has been promoting for quite a while and the funds the county have secured to fund the project is part of the overall \$2.5 million that the county was allocated.

Ms. Schmitt said the slides illustrate the general area. She said it is a very wide intersection on Lancaster Drive and a relatively high-speed area. The signal has been there since 1971 and is fairly old and has become obsolete. The signal is undersized, difficult to see and has been repaired many times. Ms. Schmitt said it is time to replace it with something that will last another 30-40 years. The project is estimated at \$450,000 and the money has to be obligated by the early part of December 2009. The project is scheduled for construction in the fall of 2009 or spring of 2010 and should only take a couple months to complete. No matching funds are required for this project.

MOTION: Commissioner Carlson moved approval of an intergovernmental agreement with the Oregon Department of Transportation for the provision of American Recovery and Reinvestment Act of 2009 funding for the Lancaster Drive/Durbin Avenue traffic signal project. Seconded by Commissioner Milne, motion carried. A voice vote was unanimous.

3. Consider approval of an intergovernmental agreement with Oregon Department of Transportation for the realignment of the intersection of Highway 99E and Checkerboard Road. – Karen Odenthal

Karen Odenthal, transportation planner, said she had been working with the Oregon Department of Transportation (ODOT) to help develop the project of Checkerboard Road/99E intersection. She said it is a skewed intersection and has a tavern with open frontage along the front. There has been a serious accident problem with this location, which has put it on ODOT's top 10 percent list. ODOT is working on a project to realign the intersection. Ms. Odenthal said she is asking for approval today of the intergovernmental agreement that states ODOT can do this project on a county road. She said it is ODOT funded and there are no county funds involved. Checkerboard Road is approximately three quarters of a mile south of Gervais. The intersection will be moved about 800 feet north. It will come in at a 90-degree angle, north of the existing tavern. The existing Checkerboard Road will end at a cul-de-sac and a left turn lane will also be put on 99E for the northbound traffic. The access to the tavern will come solely from Checkerboard Road and there will be no direct access to 99E. The projected cost is \$2.3 million and the construction is anticipated to be in the summer of 2010. The county obligation is to accept the jurisdiction of the new alignment, which is approximately 400 feet. The county will be responsible for the maintenance and everything involved with the new alignment, including the renaming of the new cul-de-sac. There will be a small portion of right-of-way that is no longer needed between the cul-de-sac and 99E. Public Works has decided that the vacation of that small portion should be initiated. She requested that the board sign the intergovernmental agreement between ODOT and Marion County.

Commissioner Milne commented that access off of 99E is a good thing. She asked if this realignment would affect the property owner's address. Ms. Odenthal said it probably will affect the address, but the owner would most likely have a choice. She said they could probably still have a 99E address, but they may actually want a Checkerboard address so that people can locate the business. Commissioner Milne asked how the parking is going to be affected at the tavern. Ms. Odenthal said the parking at the tavern now is basically in ODOT right-of-way. She said their septic system is where a natural parking would be. She said this is one of the reasons the owner would like us to vacate that excess right-of-way because it would be an area they could use for parking. She added that no guarantee has been given to the owner and it is something that will be decided by the board. Ms. Odenthal said because there is no land being taken from the tavern's property, the parking is illegal now. Ms. Odenthal clarified the only thing the tavern has lost is their non-permitted access.

Commissioner Milne said she had a concern about the angle and requested that the engineers look at it very carefully. She said it is so awkward when going north on 99E and making a left hand turn onto Lower Boones Ferry Road and she is afraid there will be an accident there.

MOTION: Commissioner Carlson moved approval of an intergovernmental agreement with the Oregon Department of Transportation for the realignment of the intersection of Highway 99E and Checkerboard Road. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

PUBLIC WORKS - PLANNING

4. Consider approval of a resolution initiating amendments to the Marion County Urban Zoning Ordinance (MCUZO) to update the code to include new legislation, perform periodic clean up of unused or unnecessary provisions and other miscellaneous amendments. – Sterling Anderson/Joe Fennimore

Sterling Anderson, planning division, said this pertains to whether or not the board should adopt a resolution to initiate consideration of amendments to the Urban Zoning Code. Since its original adoption in May of 1990, the code had one significant revision in 2004. However, since that time there have been changes in statutes, rules, and city codes. Staff has also found some other areas that need cleanup that would make the ordinance easier to administer and easier for the public to comply with. Mr. Anderson said the amendments are ready to go to the planning commission and he is requesting that the board consider adopting this resolution initiating the process. It will then be forwarded to the Marion County Planning Commission for review and a recommendation to the board regarding the proposed amendments.

MOTION: Commissioner Carlson moved approval of a resolution initiating amendments to the Marion County Urban Zoning Ordinance (MCUZO) to update the code to include new legislation, perform periodic clean up of unused or unnecessary provisions and other miscellaneous amendments. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

SHERIFF

5. Consider second reading and adoption of Alarm System Control Ordinance; first reading of ordinance was May 27, 2009. – Undersheriff Jason Myers, Christine Wilson and Bruce Armstrong

Bruce Armstrong, assistant legal counsel, reported this is the second reading and adoption of the Alarm System Control Ordinance. He said the Sheriff's Office has been working with an ordinance that was adopted in 1992 and they are looking to update the ordinance to reduce the amount of false alarms that pull deputies away from other law enforcement duties. This will also allow the Sheriff's Office to have alarm user information updated more frequently. What has been proposed in the ordinance is that a permit must be obtained within 30 days after an alarm system becomes operative. It will be a two-year permit that has to be renewed and this will allow the Sheriff's Office to get updated user information. If the permit is not renewed, it is terminated. There is a process that allows the Sheriff's Office to impose fines. If there is a third false alarm in a permit year, a fine can be imposed and if there is a fifth false alarm the Sheriff could revoke the permit. Other ways permits can be revoked are if fines are imposed and are not paid within 60 days, if a permit is not renewed or if there are five or more false alarms. If a permit is revoked then the alarm user's address can be put on the "no response" list. This is also an addition to the ordinance. If a property is put on the "no response" list, there is no obligation from the Sheriff's Office to respond. There are also other times when an individual could be cited and those are if an alarm user fails to get a permit, has a false alarm and doesn't have a permit or has a false alarm and their permit has been revoked. In the ordinance, alarm businesses also have responsibilities under the ordinance such as submitting a list to the Sheriff's Office of new users.

MOTION: Commissioner Carlson moved to have the chair read the ordinance by title. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Milne read the ordinance by title.

MOTION: Commissioner Carlson moved adoption of the Alarm System Control Ordinance. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

6. Consider approval of an order establishing fees, fines and civil penalties for the new alarm system control ordinance. – Undersheriff Jason Myers, Christine Wilson and Bruce Armstrong

Bruce Armstrong, assistant legal counsel, said the new alarm ordinance takes effect October 1, 2009. The new ordinance allows for fees, fines and civil penalties to be imposed. The Sheriff’s Office is seeking an order designating what the amounts would be for fines and civil penalties (attachment C). Mr. Armstrong explained the new fee schedule.

Commissioner Milne asked Jason Myers to comment on the \$40 application fee. He said that under the old alarm ordinance the fee that was established did not cover the Sheriff’s Office costs because of the type of mailing done back to the homeowner. Under this new ordinance it will just basically cover their costs and there is no additional revenue that’s created from the fee. Commissioner Milne asked if property owners with alarm systems would get a timely renewal notification to take advantage of the discount. Undersheriff said that was correct and would probably be sent out 60 days in advance.

MOTION: Commissioner Carlson moved approval of an order establishing fees, fines and civil penalties for the new alarm system control ordinance. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

PUBLIC HEARING
9:30 a.m.

Commissioner Milne read the weekly calendar.

Commissioner Milne adjourned the meeting at 10:10 a.m.

- Attachments:** A – Lancaster Dr/Durbin Avenue Signal Project
B – Checkerboard Road/OR 99E Realignment Project
C – Order establishing fees, fines and civil penalties for Alarm System Control Ordinance.

ABOVE MINUTES APPROVED

If you require interpreter assistance, an assistive listening device, large print material or other accommodations, call 503-588-5212 at least 48 hours in advance of the meeting. TTY 503-588-5168.

Si necesita servicios de interprete, equipo auditivo, material copiado en letra grande, o cualquier otra acomodacion, por favor llame al 503-588-5212 por lo menos 48 horas con anticipacion a la reunion. TTY 503-588-5168 Marion County is on the Internet at: www.co.marion.or.us