

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, April 29, 2009
Marion County Courthouse Square

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

PRESENT: Commissioner Patti Milne, Commissioner Janet Carlson and Commissioner Sam Brentano. Also present were Jo Stonecipher as legal counsel and Kim Hulett as recorder.

PRESENTATION

SEDCOR 2008-09 Third Quarter Report – Ray Burstedt, Nick Harville

Ray Burstedt and Nick Harville presented SEDCOR’S third quarterly report for 2008-2009 activity (attachment A).

PUBLIC COMMENT

None.

CONSENT

CHILDREN & FAMILIES

Approve amendment #3 to reduce funds received from the Oregon Commission on Children and Families by \$77,222 for the 2007-2009 biennium.

Approve amendment #1 to reduce funds to the Catholic Community Services contract by \$117,792 for Healthy Start services.

FINANCE

Approve an order appointing Don Judson as a citizen member to the Marion County Budget Committee completing an unfinished term expiring June 30, 2010.

HEALTH

Approve amendment #84 to receive \$301,881 from the Department of Human Services for the 2007-09 agreement for the financing of community mental health, developmental disability and addiction services.

Approve a five-year lease for up to \$345,000, including tenant improvements, with Khoury Development, LLC for consolidating health services at one location in Woodburn.

PUBLIC WORKS

Approve a price agreement to purchase rock products from X-Rock, LLC.

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

Commissioner Milne commented that Johnnie Jordan was unable to complete his term on the budget committee and thanked him for all of his hard work. She said she was happy to have Don Judson on the committee.

ACTION

DISTRICT ATTORNEY

1. Consider approval of a proclamation designating April 26, 2009 – May 2, 2009 as National Crime Victims' Rights week. – Walt Beglau, Kim Larson

Kim Larson, victim assistance director, said this is Crime Victims' Rights week and this time is an opportunity to look back at some of the progress that has been made with victims' rights. In Oregon victims have constitutional and statutory rights that provide the opportunity to have balance in the system for victims. She said some of the most basic rights are due dignity and respect, fair and impartial treatment in the system and the right to have a meaningful role in the system. These are very fundamental rights that guide what is done with victims. Victims often express appreciation for the support, encouragement, services and information provided by victim advocates. She said it is a primary goal to make victims feel valued.

Walt Beglau, district attorney, said he couldn't really overstate the value of acknowledging victim rights. The goal is to empower victims and there is no victim too small to be served. He said there are several events this week such as Awareness Day, training, a commemorative ceremony that occurred yesterday with the attorney general and a rally tomorrow at noon.

MOTION: Commissioner Brentano moved approval of a proclamation designating April 26, 2009 – May 2, 2009 as National Crime Victims' Rights week. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

The commissioners then read the proclamation.

FINANCE

2. Consider approval of a resolution authorizing the loan of funds from Environmental Services to the Marion County General Fund. – Jerry Woelke

Jerry Woelke, finance department, reported that he was requesting approval of a resolution authorizing the loan of funds from the environmental services fund to the Marion County general fund. This would enable the county to make necessary improvements to the Marion County courthouse and the Marion County Work Release Center. If approved, the loan would be authorized for not more than \$1.4 million to the county's general fund to complete phase 1 of the

courthouse and work release center capital improvement projects. In the resolution, the general fund will make payment in full on or before April 29, 2014. The interest rate for the loan will be 1.1 percent.

Commissioner Milne commented that the commissioners had an opportunity to talk about this recently and ask questions about pros and cons of doing it, other ways of finding the funding and the merits of the work that needs to be done at the courthouse and work release center. They are projects that need to be completed and the board is mindful of other current budget constraints. The facilities need to be maintained to assure their safety and it is important to insure they are cost effective.

Commissioner Brentano said the rate of interest is equal to what the funds would receive if they were otherwise deposited in an investment pool.

Commissioner Carlson said the board looked at this and some other options for bonding. She then asked about the time frame of five years for repayment. Local budget law currently allows for a five-year repayment. Commissioner Carlson asked if Senate Bill 916 were to pass, if that would make a difference in the future. Jo Stonecipher said there is no prepayment penalty, so the board could make a ten-year loan and pay back the five-year loan from that point forward if Senate Bill 916 were to pass.

Commissioner Milne commented that there are benefits to having a five-year term and getting the debt paid off to free up money for other things.

Commissioner Carlson agreed that it is better to pay off debt as quickly as possible. The issue associated with the work release center is that it is repaid with the general fund, which may equate to public service employees.

MOTION: Commissioner Carlson moved approval of a resolution authorizing the loan of funds from Environmental Services to the Marion County General Fund. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

HEALTH

3. Consider approval of the 2009-2012 Local Public Health Authority Comprehensive Plan. – Pam Heilman

Rod Calkins, health department administrator, asked the board to consider approval of the Local Public Health Authority Comprehensive Plan for the next three years for public health services in Marion County. Public health is overall on a triennial cycle, even though some programs require annual updates and plans. This triennial plan covers years 2009-2012 beginning July 1, 2009. The health department just had a triennial review in January and this plan is shaped by the feedback from the review, by the community assessments done for local priorities and through consultation with various advisory boards. It is also shaped by state and federal funding and regulations that govern public health.

Pam Heilman reported on the community health status assessment. A group of community partners looked at different criteria for measuring the health and well being of Marion County. That information is available on the health department's web site. There is also a chronic disease

coalition that brought partners together to review ways for preventing health concerns, such as obesity and diabetes.

Mr. Calkins noted that there are several public health problems in Marion County, which the health department collaborates with other agencies to address.

Commissioner Milne asked if they would like to comment on any issues that really stand out or any new programs or new data that might be of interest. Mr. Calkins said some of the newer efforts have been associated with tobacco education and prevention activities and some of the chronic disease management activities. The population is spending a lot of money on things that are making us sick and not much money on helping people break some of those bad habits and begin healthy lifestyles.

Commissioner Milne spoke about healthy worksites and healthy food choices available to school age children. Mr. Calkins said there are vending machines currently filled with high sugar, high fat and non-nutritional foods without providing a healthier option. The intent is to increase the amount of choice and give the option of healthier choices. Health insurance premiums have increased over the past few years and that creates a difficult situation. To stop the increasing cost of healthcare, the population needs to be healthier. Some of the preventable and chronic diseases are largely self-inflicted.

Commissioner Milne talked about North Marion and Salem/Keizer public schools having one of the following requirements added to their wellness policy: no food of minimal nutritional value will be sold as fundraisers, given out as rewards or sold in vending machines. She asked what the intent of the program is. Ms. Heilman replied that this is about providing choice and the current vending machines typically have many more unhealthy choices than they do healthy choices. The schools are making the choice and this was added as a community suggestion.

Commissioner Carlson commented that Stand for Children worked with the Salem-Keizer School District several years ago and now has a policy to have juice instead of soda pop in the vending machines and healthier choices in the vending machines. She indicated that starting on page 18 of the plan there is a summary of the five basic health services which are required in statute: epidemiology and control of preventable diseases and disorders, parent and child health services, health statistics, health information referral services and environmental health services.

Commissioner Milne said the plan is put together very nicely. She then talked about the birth control portion of the plan and said she couldn't vote for it.

Commissioner Brentano said he agreed with what Commission Milne was saying, but he felt it was good for the county to pass the plan.

MOTION: Commissioner Brentano moved approval of the 2009-2012 Local Public Health Authority Comprehensive Plan. Seconded by Commissioner Carlson; motion carried. A voice vote was two for and one against (Commissioner Milne voted against).

Commissioner Milne asked Mr. Calkins to give a few facts on the swine flu and share the web site people can access to get information. Mr. Calkins said that the health department is in constant contact with the Center for Disease Control and state public health.

He said there is a lot about the virus that is unknown. One of the best things to do is get people to turn their worry into action by thinking about their own preparedness for disease prevention and helping to stop the spread of the virus. They advise people to wash hands frequently and not to touch your eyes or mouth. The other piece of advice is that if you cough, cover the nose and mouth with tissue and then discard the tissue and stay away from sick people. If you have symptoms of the flu, you should stay home and not go to functions. He suggested that people not focus on the numbers, but make good decisions to help prevent spread of the virus.

Ms. Heilman said if a person comes down with flu-like symptoms they need to go to the doctor. The antiviral is most effective if used within the first 48 hours of symptoms and would need to be prescribed by a doctor if needed. Mr. Calkins said it is still too early to tell how big this will get.

PUBLIC WORKS – PLANNING

4. Consider approval of a resolution initiating the process to amend the Marion County Comprehensive Plan by adopting new population forecasts for Marion County and its cities, and scheduling a public hearing before the Planning Commission for June 16, 2009. – Brandon Reich

Brandon Reich, planning division, reported that cities in Oregon use a 20-year forecast horizon to help make decisions on how to accommodate a population in the urban growth boundary and how to provide public facilities inside the city. Counties are required to coordinate the population forecasts for the cities within the county. Marion County does this on an ongoing basis when a city submits a plan amendment to the county. The county also periodically coordinates a countywide forecast for all of the cities at once. The last time this was done in Marion County was 1998 for the year 2020. We are now nine years into the forecast period, and it is appropriate to start looking at the development of a new 20-year forecast for the year 2030.

Last year, the county contracted with Portland State University to prepare a study to develop a forecast for the year 2030. The study was presented at a joint work session of the board of commissioners and the Marion County Planning Commission last November. Since then, staff has been working with cities to discuss the forecasts and made presentations to the Salem and Keizer city councils. At this time, most of the cities have submitted written responses to the county in support of the forecast or have submitted a request for a different forecast number and reasons for the difference. Staff believes it would be appropriate at this time to initiate the process for considering amendments to the background inventory of the Marion County Comprehensive Plan, including new forecasts for the unincorporated and incorporated areas of Marion County. Staff recommends the planning commission hold the first public hearing on the matter since it involves population estimates in the urban areas of cities and urban growth boundaries. Staff has planned a work session with the planning commission on May 5 and has identified a joint hearing date for June 16 to hold a hearing and provide a recommendation to the board. The recommendation is for approval of the resolution.

Commissioner Carlson said the board of commissioners attended a Keizer Economic Development and Governmental Affairs Committee meeting yesterday to provide a state of the county presentation and one of the city councilors had some questions about the proposed number for the City of Keizer. She suggested that the city councilor contact the person at Portland State University who provided the survey results and suggested that Nate Brown be included in that discussion. Mr. Reich said he would coordinate the meeting.

Mr. Reich said this is the first time a separate forecast was developed for Salem and Keizer's incorporated portions.

Commissioner Brentano asked what some of the response has been from the cities. Mr. Reich said the cities have been very supportive of the forecast. There have been four or five cities that requested a slightly different number based on different unique, local situations and conditions that had not been taken into account with the Portland State University forecast. The forecast is very strong with a lot of good detailed information for each city.

MOTION: Commissioner Carlson moved approval of a resolution initiating the process to amend the Marion County Comprehensive Plan by adopting new population forecasts in Marion County and its cities, and scheduling a public hearing before the Planning Commission for June 16, 2009. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

MEASURE 49 VESTED RIGHTS CONSENT CALENDAR

Approve case #M06-104, Hunegs, to place a dwelling, Clerk's File #5253.

MOTION: Commissioner Brentano moved to approve case M06-104, Hunegs, to place a dwelling, Clerk's File #5253. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

PUBLIC HEARING

9:30 a.m.

PUBLIC WORKS - PLANNING

A. Public hearing to consider City of Salem request for concurrence by Marion County with proposed urban area policy amendment to Salem Area Comprehensive Plan Industrial Development Policy #12 pertaining to the land division of large industrial parcels. – Les Sasaki

Les Sasaki, planning division, explained the urban area policy amendment to the City of Salem Area Comprehensive Plan and the procedures for dealing with urban area policy amendments. Since the policy at issue involves the City of Salem and Marion County in this instance, concurrence by the county is required. Industrial Development Policy #12 deals with the land division of large urban industrial parcels that are 40 acres or more. The policy provides criteria for consideration for land division of large parcels. Section F of the policy, which deals with the division of three specific parcels that have been identified through a city and county agreement, is being considered for amendment. It sets forth size requirements for the division of those parcels and provides a special review process for the land division of the three parcels. The staff report provides a historical perspective of how the policy was developed and the industrial land inventory that is part of the City of Salem Comprehensive Plan.

There are three components to section F. The first component is the identification of three particular sites between Kale and Hazelgreen Roads in the northeast part of the Salem urban

growth boundary, the Kuebler Interchange area at 36th Avenue and Boone Road and on Gaffin Road between Gaffin Road and Culver Drive. Since the designation of these sites in the early 1980's there has been no industrial development. Two of the three sites are outside of the city, but inside the urban growth boundary. The Gaffin Road site is in the City of Salem and it is currently being developed.

The second component of section F of the policy deals with the size requirements for the partitioning of the large parcels. It requires that if the parcels were to be divided, the new parcels would have to meet a certain size requirement with one parcel at least half the size of the original parcel. The three parcels vary in size and are 45 acres, 80 acres and 80 acres. If the land divisions were to occur, the 80 acre parcels would divide into a 40 acre parcel and two 20 acre parcels and the 45 acre piece would divide into a 20 acre parcel and two 10 acre parcels. The amendment may allow for sizes based on changes in the market. The ideal situation would be to provide smaller sites in order to market the locations for employment uses.

The third component of section F is the review process. Section F defines a specific review process, which is more time consuming than the regular review process used for other industrial sites. It requires city and county concurrence, a special pre-application review and notification and concurrence throughout a review process with the ultimate decision being made by the entity that has jurisdiction over the site in question. Staff is recommending removal of the special review process. Staff recommends that the board concur with the policy amendment proposal requested by the City of Salem.

TESTIMONY:

Support:

Glenn Gross, planning administrator for the City of Salem, and Lisa Anderson-Ogilvie, associate planner for the City of Salem, have reviewed the staff report prepared by Marion County staff and concur with the findings and recommendations. They offered to answer any questions from the board of commissioners.

Commissioner Carlson thanked them both for coming and indicated that this makes sense for the county. She agrees with the sentence Mr. Gross wrote, "In summary, Marion County states that their support of the removal of the section is contingent on the retention of the rest of policy 12, continued coordination by the city with the county and the county being provided notice and the opportunity for review and comment on division of large industrial parcels." It takes out the language that makes it cumbersome, but it does not sever the working relationship and opportunity to comment.

Mr. Gross said the City of Salem is working on an intergovernmental agreement with the county to put procedures into place for coordination for public improvements.

Les Sasaki said this includes direction for staff to provide an ordinance for the concurrence. That would be before the board of commissioners next week.

MOTION: Commissioner Carlson moved to closed the public hearing and direct staff to come back with an ordinance as early as next week that would respond to the City of Salem's request for concurrence by Marion County with the proposed

urban area policy amendment to the Salem Area Comprehensive Plan Industrial Development Policy #12, which pertains to the land division of large industrial parcels. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Milne read the weekly calendar.

Commissioner Milne adjourned the meeting at 10:55 a.m.

Attachments: A – SEDCOR Third Quarterly Report

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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 culaquier 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