

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, July 1, 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 John Lattimer as chief administrative officer, Jo Stonecipher as legal counsel and Kim Hulett as recorder.

PUBLIC COMMENT

None.

Commissioner Milne stated that there is an item to be removed and an item to be added to the agenda today.

MOTION: Commissioner Carlson moved to remove item 1A under the action calendar for the video lottery distribution to Metal Innovations in Aurora due to some additional information that was just received this morning and it will be added to the board session calendar on July 8, 2009. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

MOTION: Commissioner Carlson moved to add an intergovernmental agreement from the State Commission on Children and Families for the Juvenile Department as item #4 on the action calendar. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

CONSENT

BOARD OF COMMISSIONERS

OLCC APPLICATIONS – Recommend Approval

Gilgamesh Brewing, Turner

CLERK’S OFFICE

Approve a contract with ACS to extend the current contract through August 1, 2009, at the current pricing until a new contract is in place.

FINANCE

Approve a contract in the amount of \$125,000 with Redwood Toxicology Laboratory for lab services to Health, Sheriff/Corrections and Juvenile departments.

Approve the sale of tax foreclosed property, tax lot #R55723 and enter into a Land Sale Contract with the purchaser.

HEALTH

Approve contract renewal with Oregon Housing and Associated Services in the amount of \$454,412 to provide transportation services for individuals with developmental disabilities; pass through funds from the Department of Human Services intergovernmental agreement.

Approve amendment #90 in the amount of \$209,885 to the 2007-2009 intergovernmental agreement with the Department of Human Services for the financing of community mental health, developmental disability and addiction services.

PUBLIC WORKS

Approve the 2009-10 materials contracts for rock products, asphalt concrete and asphalt cement.

Cemex	PNP Quarry
Delbert Hupp	River Bend Sand & Gravel
Houck Construction Materials, Inc.	Turner Gravel, Inc.
Knife River Inc.	Windsor Rock Products
Mid Pacific Enterprises, Inc.	X Rock, LLC
North Rock, Inc.	

SHERIFF

Approve contract renewal in the amount of \$462,493 with the Bureau of Indian Affairs-Education Programs for law enforcement protection on the property of Chemawa Indian School.

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

ACTION

BOARD OF COMMISSIONERS

1. Consider approval of a resolution approving distribution of video lottery receipts to promote economic development in Marion County. – Dan Estes

- a) \$58,500 for Metal Innovations, Aurora – **(taken off agenda by motion at beginning of meeting).**
- b) \$30,000 for Oregon Garden Foundation, Silverton

Dan Estes, senior policy advisor, stated this is an application for a video lottery grant from the Oregon Garden Foundation. The requested amount was originally for \$40,000 to assist in paying for a development director for the foundation, which would help get the garden on strong financial footing. He added that this application came to the Economic Development Advisory Board (EDAB) at their June meeting and consensus was not reached on the application itself. However, the Economic Development Advisory Board did vote to refer this application to the board of commissioners for their approval with one recommendation that the grant application fit within the \$30,000 tourism cap. EDAB and the board of commissioners had established the cap previously.

Commissioner Brentano commented that this was important to reach out and find community support of the garden to keep it healthy. He said he would support the grant.

Commissioner Milne commented that she didn't feel it necessary for her to disclose a conflict of interest. Technically and legally there isn't a conflict because there is no financial gain personally for Commissioner Milne. She did want the public to know that she sits on the Oregon Garden Foundation Board. She wanted everyone to know her position in this and the process in interviewing and choosing a development director has been very open. There has been full disclosure of everything the board has done. She added that processes have been implemented to hire someone that meets all public entity guidelines and procedures. A Marion County human resource professional also was involved in putting the process together as well as a human resource person from the City of Silverton and Chemeketa Community College. The reason for those three governmental entities was the fact that the foundation board is largely representing these three entities because of the financial interest and responsibilities with the Oregon Garden Foundation. She added that the actual choosing of a development director is one that she would be involved in because it is through the foundation. Commissioner Milne said it is important that the garden foundation receive this money so they can make that step to having a development director, which is so critical right now. She said the garden is moving forward and there have been a lot of successes over the last couple years.

Commissioner Carlson said she is supportive of this grant. She said it is important to recognize that there has been quite a bit of lottery money invested in the garden in the past. She is hoping this money will leverage additional outside money so the garden can become self-sustaining.

MOTION: Commissioner Carlson moved approval of the resolution distributing video lottery receipts to the Oregon Garden Foundation of Silverton in the amount of \$30,000 to promote Economic Development in Marion County. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

CHILDREN AND FAMILIES

2. Consider approval of the 2009-11 intergovernmental agreement between the Oregon Commission on Children and Families and Marion County. – Alison Kelley

Alison Kelley, Children and Families, said this is the 2009-11 intergovernmental agreement between the Oregon Commission on Children and Families and Marion County. She said it provides for continuing operations and implementation of the county's responsibilities under ORS 417.770. The county's legal counsel has reviewed this document. For the last 30 days it has been under review by legal counsels of other counties across the state in consultation with the Association of Oregon Counties (AOC). She said she compared this document with the IGA from 2007-09 that expired June 30, 2009, and has identified some new sections. All other sections are essentially the same. The new sections are the ones that receive the greatest scrutiny from the counsels across the state and the Association of Oregon Counties. She then reviewed some of the changes. She said that the continuing resolution would be in affect until the governor has signed the 2009-11 budget and the state approves all the allocation plans at their meeting on July 9, 2009. At that time this IGA will be amended to include the full allocations as outlined by the legislature.

Ms. Kelley said that the funding on exhibit C does not include allocations for the "relief nurseries" because those numbers are still being negotiated and have not been finalized. She said

that the board could expect to see those new numbers in the new IGA when the state commission approves it. She added that they also did not include an allocation formula for runaway and homeless youth. She said that Marion County is one of eight counties that received a runaway and homeless youth grant and the allocation of the new money for that program is still being negotiated. She said that Marion County is participating in those conversations. Ms. Kelley said that she recommends approval of this intergovernmental agreement.

Commissioner Carlson said that there was a draft agreement sent out a few weeks ago and some language in it that she found concerning. She asked the AOC human services subcommittee to review the agreement. She said there was full agreement of the county commissioners and the subcommittee to recommend to the state commission to pull the language so there was more time to respond. She reminded everyone that Marion County has been signing a partnership agreement for the last two or three bienniums. She said it basically said that the state commission would provide a timely response to the county. The county commissioners will then assure that the county's commission is covered with adequate staff. She said the State Commission completely revamped the document this year and sent it out with the agreement approximately four weeks ago. Commissioner Carlson said the document has some things in it that look just fine on the face, but it could mean a number of different things underneath it. The State Commission required a signature as part of the current agreement. There would be no money unless the agreement was signed and the agreement had never been attached to the money before. It had always been a separate agreement that the county had signed off on.

Commissioner Carlson said the issue was raised and the state commission staff came over and were very gracious about everything. They immediately requested the Attorney General's office remove that language. She said the other piece is the youth investment funds and there was a line in the draft agreement and a line in the agreement that was signed last biennium by the county that tied those youth investment funds to a statute requiring evidence based practices. This came into being in 2003 and there has been a lot of discussion on this in the context of community corrections and in the context of the juvenile department. This line has been removed from this agreement as well. Commissioner Carlson said there has been some research done and they have learned that the line applies to state monies, not federal monies. Since these are federal monies the line had been removed.

The childcare dollars are discussed as funding areas in the regulations, but those were removed by the legislature and given to the department of human services. There is no child care funding in the commission system this biennium.

Commissioner Carlson asked Jo Stonecipher if there are two separate agreements in Marion County because the juvenile department actually receives the funding. Jo Stonecipher said since the county is a legal entity all contracts are with the county and the board signs all contracts. At the state level the heads of these agencies would sign these contracts. She didn't think it was legally significant, but just a different management and divisional approach that the state has.

Commissioner Brentano asked about the shortfall or cessation of services. Ms. Kelley said the intent is that there will be no cessation of services. She did notice language in the inter-governmental agreement that it was effective July 1, 2009, as soon as all parties sign it. The funding should be retroactive to July 1, 2009.

MOTION: Commissioner Brentano moved approval of the 2009-11 intergovernmental agreement between the Oregon Commission on Children and Families and Marion County. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

JUVENILE

3. Consider approval of the 2009-11 intergovernmental agreement between the Oregon Commission on Children and Families and Marion County. – Faye Fagel

Faye Fagel, Juvenile Department director, said she appreciated the willingness of the board to act on this grant at the last moment. She also recognized Peggy Mitchell for the extraordinary job of organizing and moving the contracts through the system. Ms. Fagel said that the county has a contract for juvenile crime prevention dollars. The contract is for a 90-day allocation of the funding and it is a biennial contract that expires in 2011. The contract is for the entire amount of time and the dollar amount is for 90 days, which will then be amended to the full allocation. She added that the contract does reflect an expectation of a 20 percent reduction for the county from last year's allocation. The county would be receiving approximately \$518,000 under this contract when it is amended with the full amount. The current contract amount is \$464,858 for the 90 days. Ms. Fagel requested the board approve the intergovernmental agreement between the county and the Oregon Commission on Children and Families.

MOTION: Commissioner Carlson moved approval of the 2009-11 intergovernmental agreement between the Oregon Commission on Children and Families and Marion County with the funding going through the Juvenile Department. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

SHERIFF

4. Consider approval of a contract in the amount of \$220,000 with Correct RX Pharmacy to provide pharmaceutical services for inmates housed at the Marion County Correctional Facility. – Undersheriff Jason Myers and Chris Wilson

Undersheriff Jason Myers said this a contract for the board's consideration in the amount of \$220,000 for pharmaceutical services at the correctional facility. He then introduced Chris Wilson and asked her to explain the request for proposal (RFP) process. Ms. Wilson said this contract was sent out as a RFP early in January. There were three responses to the RFP from national companies and several others interested, but they could not meet the qualifications of what the RFP required. Correct RX is the county's current supplier of pharmaceuticals for the jail. She added that they average between \$18,000-\$20,000 per month on prescription drugs. Many of these are psychotic types of medication. Ms. Wilson said that the three vendors that submitted their proposals were very close. She said the award came down to a "take back" in the contract and went on to explain that there are a lot of prescriptions returned. The reason is that a prescription is usually for 30 days and the inmate might only be there nine days before being released. The county needs to have the ability to send those drugs back to the supplier and get a refund. She said that Correct RX was the most responsive and willing to give refunds for the unused portions of the prescriptions so they created a contract with them.

Commissioner Milne asked how long the county has used Correct RX. Undersheriff Myers said that we have used them for about two years and it has been very cost efficient for the county.

Ms. Wilson added that this contract was compared with the state contract with the Oregon Pharmaceutical Board where they contract with ODS. She said ODS is a great company and provide good service, but because of their structure they have no take back program. Although their prescriptions were less money, with no take back program it was not cost effective.

Commissioner Brentano asked if this was better than other years. Undersheriff Myers stated that was correct.

MOTION: Commissioner Brentano moved approval of a contract in the amount of \$220,000 with Correct RX Pharmacy to provide pharmaceutical services for inmates housed at the Marion County Correctional Facility. 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 9:40 a.m.

Attachments:

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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