

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, April 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 Jo Stonecipher as legal counsel and Kim Hulett as recorder.

**PUBLIC COMMENT**

Aileen Kaye, 10095 Parrish Gap Road SE, Turner, said her comments were addressed to Commissioner Brentano (see attachment A).

**CONSENT**

BOARD OF COMMISSIONERS

OLCC APPLICATIONS – Recommend Approval

DeDe's, Salem  
Illahe Hills Country Club, Salem  
Portland Travel Center, Aurora  
Trexler Farm Gifts, Stayton

Approve an order reappointing Seantel Heisel, Ed McKenney, Chief Jerry Moore, Lt. Eric Judah, Bob Royer and Anna Peterson to the Marion County Public Safety Coordinating Council for three-year terms expiring April 9, 2012.

BUSINESS SERVICES – HUMAN RESOURCES

Approve recommendation to uphold the classification of management analyst 2.

FINANCE

Approve proposed changes to the Council of Economic Advisors Charter.

HEALTH

Approve a seven-year price agreement with Mallinckrodt Pharmaceuticals, Inc. Covidien to purchase pharmaceuticals for the county's methadone program.

Approve amendment #80 to remove \$100,000 from the intergovernmental agreement with the Department of Human Services for the financing of community mental health, developmental disability and addiction services.

## PUBLIC WORKS

Approve releasing four 1-foot reserve strips deeded to Marion County and dedicating them to the public for road right-of-way purposes.

## PUBLIC WORKS – PLANNING

Approve an order reappointing George Grabenhorst and Mike Fischer to the Marion County Planning Commission for terms expiring on March 31, 2013.

**MOTION:** Commissioner Carlson moved approval of the consent calendar. Seconded by Commissioner Brentano; motion carried.

Discussion followed on the Finance Department's item regarding approving proposed changes to the Council of Economic Advisors Charter. Commissioner Carlson asked if the commissioners had seen the final changes to this charter. Commissioner Milne said that Dan Estes had made edits to the charter and Commissioner Carlson said she had gone through and edited his edits. She didn't think the edits were reflected in what they were approving today. Commissioner Milne said the intent was that Commissioner Carlson's edits were included. Ms. Stonecipher said it was her understanding that Commissioner Carlson requested that Mr. Estes look at the templates that the county had for charters and bylaws and insure the charter included the materials. Ms. Stonecipher said the materials have not been updated in the copies the commissioners have. She added that the board did not have to have a document in their binders to approve it today, but if they have not seen the updated version and are not satisfied with signing something they haven't seen they should remove it from the consent calendar.

**MOTION:** Commissioner Carlson moved to withdraw her previous motion to approve the consent calendar and remove the item under finance for the Council of Economic Advisors Charter from the consent to the action portion of the calendar and remove the Fultz case (item #2 of action portion) from the calendar completely. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

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

## **ACTION**

### CHILDREN AND FAMILIES

1. Consider approval of a proclamation designating April as Child Abuse Prevention Month. – Walt Beglau, Gretchen Bennett and Tamra Goettsch

Tamra Goettsch, Marion County Children and Families, reported they were happy to be here today to present this proclamation designating April as Child Abuse Prevention Month. She said it was her goal today, along with her colleagues, to heighten the awareness of the need for supports and services for kids who have experienced child abuse and neglect in their lives. She also wanted to raise the awareness that there is hope through the partnerships that exist in Marion and Polk County.

Ms. Goettsch said that there are over 1600 children in Marion County that have experienced abuse or neglect during the last year. She said this is not something that is acceptable and the theme for the entire month is "Steps To a Brighter Future". She asked the commissioners to sign a community supported proclamation (large cardboard proclamation signed by members of the community) as well as the original that is signed by the commissioners.

Gretchen Bennett introduced herself and said she was representing Liberty House, the community's child abuse assessment center. She said she was excited to open the Statesman Journal and see the great report of a young volunteer at Liberty House offer her story as a way to inspire others to feel comfortable to talk. She said the paper contains critical information for parents about how to respond to abuse and neglect concerns. There is no more important message for us in the county. She said she was pleased to be part of the task force and that there are many steps that are proactively being taken in Marion County to lead children to a brighter future. The school district is a member of the task force and they offer training for parents as part of the collaboration. It teaches parents how to access more information about how to recognize those early symptoms or signs that abuse is occurring. Easter Seals is also a member of the task force and they provide on-going children's mental health support for many children who are in foster care or have other types of special needs.

Marion County District Attorney Walt Beglau said that no matter what the challenges are that we face in the arena of neglect or abuse and no matter how dreary the economy gets, this community at large will protect its children from the insidious harm of neglect and abuse. He added that this is what the month of April is all about, which is prevention to intervention and to enforcement. He added that this month will allow the sharpening of a year long focus on kids who are at risk for neglect and abuse, and reinforce the community's support in allowing them to step up and forward in difficult times. He thanked each commissioner for being champions for kids.

Commissioner Milne thanked them all for the work they do. She added that she would be honored to sign the community proclamation. She reiterated that April 9 is the open house for the ten-year anniversary of Liberty House. Ms. Goettsch said the rally tomorrow is the kick off event for the April activities. The rally on April 2, 2009 will be held rain or shine on the Capitol steps. There will be a free lunch and all are encouraged to attend and stand up for what is good and strong and supportive of kids in our community. She said another theme they are using is that there is no excuse for child abuse.

Commissioner Carlson thanked everyone for the hard work they do. She said there have been several cases recently about "shaken baby syndrome". Child abuse comes from all walks of life that might include drug or alcohol abuse, mental illness, stress and just bad people that prey on children. She added that sometimes people don't understand the consequences of their actions. Children are so delicate and parents get under stress and take it out on the kids. There are horrendous consequences of brain damage and often death that happens to a baby when a parent or caretaker loses control. She said it was heartbreaking to her to read these stories about what happens to children and in some cases, the life long consequences that they suffer.

Commissioner Carlson thanked them all for their work. She asked Ms. Bennett to speak about "Chefs for Kids". Ms. Bennett said this will take place on April 19, 2009, and she was proud to have several area chefs who will be presenting "Chefs for Kids" at the Chemeketa Viticulture Center. She said there are not many tickets left for this function.

Commissioner Brentano said he watched Portland General Electric hanging blue ribbons on the tree at the courthouse. Each ribbon represents a case of child abuse and he was hoping for fewer ribbons this year, but it didn't appear there were any less than last year.

**MOTION:** Commissioner Brentano moved approval of a proclamation designating April as Child Abuse Prevention Month in Marion County. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

The commissioners then read the proclamation.

**(THIS WAS REMOVED WITH A MOTION )**

**PUBLIC WORKS – PLANNING**

2. Consider decision regarding zone change, case #ZC08-05, Fultz, Clerk's File #5597 and partition, case #P08-78, Fultz, Clerk's File #5596. – Sterling Anderson

3. Consider adoption of an administrative ordinance amending Marion County Ordinance No. 958, an administrative ordinance that amended the City of Idanha's urban growth boundary, by correcting exhibit B to the ordinance; notice of adoption was March 25, 2009. – Les Sasaki

Les Sasaki, planning, reported that this was an unusual item to come before the board. He said this involves an administrative ordinance to correct an exhibit to a prior county ordinance that was approved. This dates back to 1992 when the City of Idanha approved some boundary amendments to both the urban growth boundary and the city limits, to remove and add property to the boundary. The city approved it in 1992 and the county approved the amendment proposal in 1993 by ordinance 958, which had exhibits attached that basically showed which properties were involved. Subsequently, what happened was that in 2005 the Department of Revenue notified the city that the way the properties were described in the approvals was not correct as far as trying to finalize those boundary changes. Also, what was included in the ordinances back then was a tax lot identification description of the properties. The Department of Revenue requires a metes and bounds description of those properties. The city had to then develop the metes and bounds description of those properties. This included revision of a map and reapproval of the city ordinance and then submission to the county for its approval. Mr. Sasaki said the administrative ordinance is now before the board for approval that corrects that exhibit to the prior ordinance that had been approved. In addition, there is a metes and bounds description of the properties involved in the removal from the Idanha urban growth boundary back in 1992, as well as a corrected map. Mr. Sasaki said that staff's recommendation is to approve the administrative ordinance correcting the exhibit to the county ordinance No. 958.

**MOTION:** Commissioner Carlson moved approval of the adoption of an administrative ordinance amending Marion County Ordinance No. 958, an administrative ordinance that amended the City of Idanha's urban growth boundary, by correcting exhibit B to the ordinance; notice of adoption was March 25, 2009. – Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

**(THIS WAS ADDED TO THE ACTION CALENDAR BY MOTION )**

**FINANCE**

Approve proposed changes to the Council of Economic Advisors Charter.

Jeff White, finance, reported this is an updated charter dealing with scheduling and the level of dollars that are looked at by the Council of Economic Advisors. It also includes the frequency of meetings of the Council of Economic Advisors. Mr. White said that during the process of finding the correct format for the charter, he also realized that the role of vice chair had not been defined. This too has been added to the updated charter.

Commissioner Carlson said she is really proud that Marion County has the Council of Economic Advisors. She said that at the time she was elected as a commissioner there was no Finance Department in Marion County. She said the county now has a Finance Department, policies and the Council of Economic Advisors. She said there are several very qualified people on this council and they are people that have information on a Marion County level about what our economic forecasts might be. They are then able to apply the forecasts to the revenues the county receives. She said that their service is really appreciated. She said that she reviewed the charter and bylaws and found one item that needed to be changed. On page 8, under Meetings B, the word “advisory” needs to be deleted.

Mr. White said that the information Paul Warner was able to bring to the council from the state actually resulted in the county revising their estimated revenues. He said there are fifteen members on this council and there was a lot of debate regarding the county’s property tax revenues. Mr. White said that the Finance Department does a better job with these advisors support and help.

**MOTION:** Commissioner Brentano moved to approve the revised charter for the Council of Economic Advisors with the removal of the word “advisory” on page 8 that Commissioner Carlson noted. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

## **PUBLIC HEARING**

### **9:30 a.m.**

#### PUBLIC WORKS – ENVIRONMENTAL SERVICES

A. Public hearing to consider raising rates for commercial medical waste collection within Marion County. – Alan Haley

Alan Haley, public works, talked about raising the rates for commercial medical waste collection within Marion County. He said that medical waste generated in Marion County is managed by Marion Environmental, Inc., a consortium created to represent all of the haulers within the county to provide this specific service. Their customers include hospitals, clinics, dental offices and other generators of infectious waste. Due to rising costs, Marion Environmental, Inc. has requested a rate increase for their “low-volume” commercial customers. These customers are defined as companies or organizations that require pickup of less than 75 boxes of infectious medical waste per month. The proposed rate increase for these customers would equate to an increase of 11.2 percent. There is no rate increase is proposed for “large volume” commercial or residential customers. Additionally, they are proposing price increases for some medical waste disposal supplies that they also sell to their customers. Marion Environmental is requesting that the rates be made effective as of May 1, 2009. Mr. Haley said he met with members of Marion

Environmental, Inc., and discussed what the increases would be. He said that he requested some changes because Marion Environmental, Inc.'s first proposal was over a 20 percent increase. Marion Environmental then made some adjustments to their proposal and came back with a rate increase of 11.2 percent. Staff has reviewed these costs and the proposed increases and feel they are reasonable. Mr. Haley said this public hearing is to consider the revised proposal. He said the proposed changes would have a minimal impact to other departments; however, low volume commercial medical waste customers would see a rise in the costs by approximately 11.2 percent.

#### TESTIMONY:

##### Support:

Jamie Pederson, P.O. Box 9130, Salem, said she was in attendance to represent the local garbage haulers and to officially request a rate increase for the commercially generated, potentially infectious medical waste. She then introduced their accountant Dan Porth who summarized the financials that were submitted to the commissioners.

Mr. Porth said that Marion Recycling Center is the company that collects the medical waste under the name of Marion Environmental Services. Marion Recycling Center has other lines of business that have been separated out for purposes of presenting this financial information. He added that the financial data provided further separates the medical waste revenue and expenses into the two volumes of business, the high volume and the low volume. He said it is done because there is a different set of circumstances with the two customers. The high volume customer may be daily pickup with multiple boxes. The low volume may be once every other week, once a month or one box at a time and takes a lot more resources to pick up that one box. He said that the 75 box limit is a delineation in the business, but somewhat arbitrary by looking at the customer base. Most of the revenue generated is from the high volume customers. There are only about 25-26 high volume customers out of a total customer base of approximately 550. Very few customers generate most of the revenue. Mr. Porth said that there has been no rate increase on medical waste since July 2006. By the time this increase is implemented, if approved, it will be almost three years since the last increase. He said the high volume customer base is operating at a profitable level and no request for an increase will be made to these customers. The low volume customer base is not operating at a profitable level. The increase is needed and is what is being requested. The 11.2 percent increase will bring the entire company up to an overall profit level on a projected basis of 10 percent before taxes. This has been the target for all rate increase requests proposed to the Board of Commissioners over the years.

Commissioner Milne said any rate increases at this time are difficult and usually get passed on to the customer. She said everyone is having a hard time making ends meet and she knows that the purpose of this increase is so Marion Environmental can survive. She said an 11.2 percent increase is huge and asked him to put this increase into perspective. Mr. Porth said that it had been nearly three years since the last increase so the 11.2 percent is approximately 3.5 percent a year if it had been increased on an annual basis.

Ms. Pederson said most of the low volume customers are dental offices or small doctor offices. The large volume customers are hospitals such as Salem, Santiam and Silverton. The impact on most of the customers will only be approximately \$2.00 per month.

Commissioner Carlson summarized that in 2007 Marion Environmental Services showed their net income was a deficit of \$5,800 and in 2008 the deficit was \$9,900. She said there definitely needs to be an increase in the fees. After the increase it appears the overall net income would be \$2,600. She then reviewed some of the protocols used to protect the haulers such as the Sharp containers and boxes. She asked Ms. Pederson to comment on what medical waste really is and why it has to be picked up in special ways.

Ms. Pederson said that Marion Environmental Services does follow safety standards in accordance with Oregon laws. They asked that all their customers use Sharp containers and they are issued a box and a bag to seal the containers off. She added that their medical waste drivers pick up the material and it is incinerated the same day at Covanta. Each customer is actually issued an invoice when the material is picked up stating that they are certified to dispose of the material.

Commissioner Carlson stated that several years ago there was discussion regarding outside medical waste from other parts of the state. She said the commissioners opted to not increase that medical waste. The Solid Waste Advisory Council started investigating what the concerns were surrounding medical waste and it was mainly the plastic being burned in the Covanta facility. More PVC emissions come out of a burn barrel than out of the large waste-to-energy facility and that is why the county passed a backyard burn ordinance last year.

**MOTION:** Commissioner Carlson moved to close the public hearing, approve an order adopting the rate increase table (attachment B) raising rates for commercial medical waste collection and some additional supply increases within Marion County effective May 1, 2009. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Milne read the calendar.

Commissioner Milne adjourned the meeting at 10:17 a.m.

**Attachments:** A – Public Comment from Aileen Kaye  
B – Commercial Medical Waste Collection Rate Increase

ABOVE MINUTES APPROVED

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CHAIR

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COMMISSIONER

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COMMISSIONER

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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 503-588-5168Marion County is on the Internet at: [www.co.marion.or.us](http://www.co.marion.or.us)