

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, April 23, 2008
Marion County Courthouse Square

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

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

Commissioner Brentano called the meeting to order.

PUBLIC COMMENT

None.

CONSENT

BOARD OF COMMISSIONERS

OLCC Applications

Recommend approval of:

Elkhorn Valley Golf Course, Lyons
M. Merriman Wines, St. Paul
Silver Crest Store, Silverton
T & C Hwy 99 Market, Woodburn

Approve an order appointing Willis Worcester as the Marion County Public Works Director.

Approve an order appointing Willis Worcester as the Marion County Emergency Management Director.

BUSINESS SERVICES – HUMAN RESOURCES

Appoint Jason Myers to the Health Insurance Study Committee.

Approve recommendation to exempt a management analyst 2 position as confidential pursuant to ORS 243.650(6) and place in Unit 12.

FINANCE

Approve the sale of tax-foreclosed property at 21477 Highway 99E, Aurora, to the former owner of record for back taxes, interest/penalties and fees in the amount of \$7,319.69 and transfer title by quitclaim deed.

Approve amendment #3 to add \$60,000 to the master service contract with Vanderhouwen and Associates, Inc. to provide technical consulting services for McBee through June 30, 2008.

HEALTH

Approve amendment #3 to the contract with Salem Hospital to add \$26,400 to provide prenatal care to moderate to high-risk women referred by the county health department at a rate of \$600 per each referral and extend the term until August 31, 2008.

Approve amendment #2 to the contract with Willamette Family Medical Center to add \$14,400 to provide prenatal care to moderate to high-risk women referred by the county health department at a rate of \$600 per each referral and extend the term until August 31, 2008.

PUBLIC WORKS – PLANNING

Approve Planning Director's recommendation to grant vested rights determination, case #M05-62, Kampstra, Clerk's File #5059.

MOTION: Commissioner Milne 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 proclamation designating April 27 – May 3, 2008 as National Volunteer Week. – Glenis Chapin

Glenis Chapin, volunteer coordinator, introduced Mikki Trowbridge who is the Director of the Volunteer and Mentor Center. Ms. Chapin stated they were in attendance to request the board proclaim April 27 – May 3, 2008, as volunteer week in Marion County. She added that this has been designated as National Volunteer Week and they want to celebrate it locally as well.

Ms. Chapin said that in 2007 Marion County had volunteers that numbered more than 2,800. The accumulative hours for these volunteers were greater than 160,000 and the value would approximately be \$2,500,000.

Mikki Trowbridge said the Volunteer and Mentor Center is a fairly new launch in Salem and covers Marion, Polk and Yamhill Counties, with the goal of creating a culture of volunteerism in the three counties. She said volunteers are so important to every organization that the county works with. She said she just heard that Marion County ranked 36 out of 36 counties in measurement of education including mathematics, reading and graduation. She added that without volunteers none of these organizations could accomplish the work that is done now.

Ms. Trowbridge said that some of the partner organizations that she works with have listed needs of almost 1,000 volunteers. If these volunteers were taken away, just the basic daily operations of non-profits would not be possible.

Commissioner Milne thanked both guests for coming and the wonderful jobs they do. She said it is a wonderful thing that the volunteers are recognized and as commissioners they could not do what they do without these volunteers.

Commissioner Carlson thanked both for coming to the board session and asked Ms. Trowbridge to talk briefly about what the Volunteer and Mentor Center is and does. She asked Ms. Chapin to follow up with information directing people to our website who would like to volunteer.

Ms. Trowbridge said the Volunteer and Mentor Center is both a virtual and a physical volunteer center. Their website is www.givebacktoday.org and on that website there are postings from approximately 90 organizations in this area. When volunteers want to get involved in Marion, Polk or Yamhill Counties, they can go to the website and create a volunteer profile that tracks their own personal skills and interest, as well as search opportunities that are posted. Ms. Trowbridge said they run matches for the volunteers for opportunities that specifically fit their needs and skills. Behind the scenes is also a physical volunteer center working to create awareness of volunteerism in the community, working with volunteers to insure they find the right opportunity and that they are happy in their volunteer service. Ms. Trowbridge said they are located at the United Way and if volunteers want to contact them by phone the number is 503-363-1651.

Ms. Chapin said that Marion County's web access is on our main page, which is www.co.marion.or.us and click on the volunteer link. This will take people to the volunteer opportunities page. Direct contact information is on the website for specific programs and links to departmental volunteer opportunities.

MOTION: Commissioner Carlson moved to approve the proclamation designating April 27 – May 3, 2008, as volunteer week in Marion County. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Brentano read a list of organizations that used volunteers so the viewing audience had an understanding of what these volunteers do.

The commissioners then read the proclamation.

2. Consider approval of Marion County's Oregon 150 Committee Charter. – Glenis Chapin, Nelsa Brodie

Glenis Chapin, volunteer coordinator, said she was here to request that the board approve a charter forming a Marion County Oregon 150 committee to determine the types of events or activities that the county might host in the scope of those for the sesquicentennial events in Marion County. Ms. Chapin said they have had a few people indicate interest, but are still looking for variety of representation from various communities in Marion County. They are looking at city governments, associations, civic groups, museums, historical sites, parks, and just interested citizens. Ms. Chapin said that anyone who is interested can again contact the county's website and there will be information for them to review regarding Marion County's Oregon 150 Committee. Interested persons may also contact Ms. Chapin at 503-588-7990. She said one of their goals is to connect and cooperate with the cities of the county. They are currently in touch on a regular basis with the City of Salem's Oregon 150 committee. She said it was nice to already have that cooperation with the City of Salem and they hope to build that with other cities in the county as well.

Ms. Brodie said that statehood began in Marion County so there is a wonderful opportunity to build on some of the enthusiasm that is brewing. She said they want to look for volunteers throughout many of the communities. Their goal is to get participation and

interest throughout the entire county and really celebrate and acknowledge this opportunity. The committee's goal is for people to remember the 150th and to create something really memorable that people can look back on.

Commissioner Milne said this is very exciting and it is nice to have something to celebrate that everyone can get involved in. She said there is a lot of buzz about this celebration.

Commissioner Carlson said the commissioners meet monthly with the city officials from Keizer, Woodburn and Stayton. She said if a one page contact information was provided they would be glad to take those fliers out and connect with some folks in the different communities.

Ms. Chapin said that would be great and that information will be provided at management update on Monday.

Commissioner Brentano said he was very happy if the commissioners could be involved. He said he does remember the 100-year celebration.

MOTION: Commissioner Milne moved for approval Marion County's Oregon 150 Committee Charter. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

BUSINESS SERVICES – HUMAN RESOURCES

3. Consider approval of the recommendations from the 2008 Marion County Compensation Board regarding compensation for elected officials. – Theresa VanDusen

Theresa VanDusen, human resources manager, said she is here to present the recommendations from the Marion County Compensation Board. The compensation board is a statutorily governed body of volunteers. These are individuals that have expertise in compensation and personnel management and they have volunteered their time to work with human resources to evaluate and review information regarding the compensation for elected officials. Ms. VanDusen said the current compensation board members include Alice Bentsen, Jerry Bumgarner, Barbara Barrie and Lisa Snivel.

Ms. VanDusen said the compensation board reviews information from market comparators and evaluates whether the current salary of the elected officials needs to be adjusted to better align with the market at this point in time. She said that as a result of their work, the compensation board makes recommendations to the board.

Ms. VanDusen said the compensation board reviewed information from the Human Resources Department. She said they have some challenges because Marion County has a couple of elected officials that it is very hard to find market comparators for. Those officials are the justices of the peace and the treasurer. She explained that over the last two years the compensation board has also looked at the market in terms of weighted averages. The compensation board has looked at other county organizations in terms of how they fit relative to budget, numbers of employees and population of the county, etc.

Ms. VanDusen said the Compensation Board also has practices that they have outlined that govern the work that they do. She explained what they have typically done is that as long as an elected officials salary falls within plus or minus 5 percent of market, they typically do not make recommendations to change the salary. She said that using the information

the compensation board requested as well as the weighted averages in some cases, they determined that the Assessor is 1.91 percent below market; the County Clerk is 2.66 percent below market; the Commissioners are .34 percent above market; the District Attorney is 5.80 percent below market; the Justice of the Peace are 4.97 percent above market; the Sheriff is .27 percent above market and the Treasurer is 12.48 above market. Ms. VanDusen explained that the Compensation Board is recommending adjustments for only the District Attorney, which is a 3 percent adjustment; to better bring that position into alignment with market. She said the others fall within the plus or minus 5 percent with the exception of the Treasurer. The Treasurer's position has historically been above market and the Compensation Board's have historically recommended leaving it status quo. She said they usually don't recommend cost of living adjustments for that position in an effort to continue to get it closer to the market.

Ms. VanDusen said the Compensation Board's recommendations are a 3 percent increase for the District Attorney position and the others remain status quo. She said what the Compensation Board has historically done is that if the appointed department heads of the county receive a cost of living adjustment, they feel the elected officials should receive the same. However, the cost of living adjustment that would be received by elected officials should not place them more than 5 percent above the market. Anyone that is very close to the 5 percent above market such as the Treasurer and the Justices of the Peace would not be eligible for a cost of living adjustment.

Ms. VanDusen stated the board has two options. One is to take no action on the Compensation Board's recommendations at which time the Compensation Board's recommendations shall become effective or refer the recommendations of the Compensation Board to the Marion County Budget Committee for further review and consideration. She stated that the board has historically done the latter of the two. This gives an opportunity for the Budget Committee as a whole to look at the information, ask questions and deliberate further.

Commissioner Carlson thanked Theresa and her staff for the hard work they do to pull this information together. She also thanked the Compensation Board.

MOTION: Commissioner Carlson moved to refer by board order the county Compensation Board's recommendations to the Marion County Budget Committee for further review and consideration at which time the county Compensation Board's recommendations shall not become effective and shall be a recommendation of the Marion County Budget Committee. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Gloria Roy asked Ms. VanDusen if she had a board order. Ms. VanDusen said no and she would be working with Ms. Roy to get the order.

PUBLIC WORKS - PLANNING

4. Consider approval of the intergovernmental agreement on the coordination of growth management and transportation issues between the City of Aurora, Marion County, and the Oregon Department of Aviation. – Brandon Reich

Brandon Reich, Planning Department, said before the board is an agreement with the Aurora Airport. It describes how the City of Aurora, the Oregon Department of Aviation and Marion County will provide notice to each other of land use and airport related actions that affect the parties, citizens in each jurisdiction and neighbors to the airport.

Previously, an Aurora Airport intergovernmental agreement had been agreed to and signed by Marion County, but not by the other parties to the agreement, which then included Clackamas County as well. Mr. Reich said that in January of this year the agreement was brought back to the board for discussion at a work session, to try and get the agreement signed by all parties. Subsequently, the City of Wilsonville expressed an interest in being a party to the agreement.

Mr. Reich said the board considered the potential impacts to coordination among parties if Wilsonville were a signor and decided to prepare an agreement with only the City of Aurora, Department of Aviation and Marion County as parties to the agreement. The agreement as revised by Marion County has been agreed to by the City of Aurora and Aviation and is presented for the board's consideration.

Mr. Reich said that in discussions with the Department of Aviation, they agreed to sign this agreement if the county indicated a willingness to update county zoning ordinances to comply with Oregon Revised Statutes pertaining to the airport planning rule as soon as the county is able to, apart from triggers in state law that describe when the county has to comply. This is expressed in a letter from the county to Aviation that is also before the board for consideration.

Commissioner Milne said that this agreement is to coordinate the growth management and transportation related development processes and decisions with in this impact area. She said it is an agreement to communicate with each other, work together, share information and then coordinate these decisions. She said she is happy this is ready to sign and thanked Brandon for all his work on this agreement.

Commissioner Carlson echoed what Commissioner Milne said. She said an agreement was signed several years ago and then was tangled up in the complexities of land use laws. She said that in signing this agreement the board is clear this is about process, not about the policy around the airport. This agreement is not being signed to signal that the board is taking a position one way or another on the growth of the airport itself. It is simply a statement that everyone will work together. Commissioner Carlson said that in a prior work session discussion was held that if Clackamas County and Wilsonville wanted an agreement they would need to work with aviation to create their own. She asked Mr. Reich if this had taken place. Mr. Reich said that aviation had conveyed they might be preparing an agreement similar to the one that Marion County is signing.

MOTION: Commissioner Milne moved to approve the intergovernmental agreement on the coordination of growth management and transportation issues between the City of Aurora, Marion County and the Oregon Department of Aviation, and authorize the chair to sign the letter to Dan Clem of the Oregon Department of Aviation. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

SHERIFF

4. Consider approval of the Law Enforcement Use of Deadly Force Response Plan. – Sheriff Isham, Walt Beglau

Walt Beglau, Marion County District Attorney, said that in 2007 the regular session of the Oregon Legislature enacted Senate Bill 111. This bill required each county to create and convene a local planning authority, and secondly, that authority in the community would develop a comprehensive response plan to address public safety situations

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involving the use of deadly physical force by law enforcement in the scope of their employment. Mr. Beglau said that he and Sheriff Isham, by statute, co-chaired this group along side Salem Police Chief Jerry Moore, Detective Mike Beach (Marion County law enforcement union member), Lieutenant Mike Peterson (Oregon State Police member) and Bert Ortiz (Marion County citizen member). Mr. Beglau said they would also like to acknowledge the contributions of Sergeant Molly Kotter of the Oregon State Police. She has worked along side the planning authority, but the others previously mentioned are the statutory six that met and developed this particular plan. Another individual that also stepped in and helped was Lieutenant Bledsoe of the Oregon State Police.

Mr. Beglau said that when they set out to create this planning authority their goals were three fold: 1) to fulfill the requirements of the law; 2) to develop a plan that really worked for Marion County; and, 3) to meet the expectations of our community. This included all of the community, not only in law enforcement and the concerns they have as they enter situations in the use of deadly physical force, but the community at large across Marion County. Mr. Beglau said they wanted to insure that the plan was fair, that it was transparent and that it could stand up to scrutiny.

Mr. Beglau said their proposed plan is complete and before the board today. He said they believe incorporated the key elements in Senate Bill 111, many of which were adopted by Marion County law enforcement agencies long before the enactment of this bill. He said a good example is outside agency investigation. He said that when you have an involved officer in a particular agency, they have brought in an outside agency to lead the investigation to insure it is objective and it has the actual and appearance of integrity and objectivity to the community and those involved in the situation.

Mr. Beglau said they started the process last December and he believes they will meet the deadline for completion, which is July 1, 2008. He said the plan is currently in front of all cities in Marion County. Mr. Beglau said that he and Sheriff Isham decided to go to all the cities with this plan, although the law only requires that you go to one that has a police agency. Upon approval of two-thirds of those cities and the commissioners, the next step is to present this plan to the Attorney General. The Attorney General will have the final say of whether the requirements of those key elements have been met. The deadline for this step is July 1, 2008.

Sheriff Isham added that the emphasis of the fact that the planning authority did come together to put this all together, but they also incorporated a lot of different comments and suggestions from people in the community. All police chiefs had an opportunity to send in comments and review the plan before the final draft was completed, as well as Judge Hart who had some very good comments from his perspective. He reiterated it wasn't just the planning authority that came together and developed the plan. He said it is a plan for all persons in Marion County. He said Mr. Beglau was truly the lead force on this plan and thanked him for keeping everything on track.

Commissioner Milne said it was her pleasure to have the Public Safety Coordinating Council help facilitate this. She said that all members of the council stayed for the public hearing and it was a great interest to them. Commissioner Milne asked if there were any issues that came forward as the authority went from community to community? Mr. Beglau said there weren't any issues that came up and they had some wonderful comments from Anna Peterson at the public hearing. She is on the governor's task force for methamphetamine and also very involved in the law enforcement community. Ms. Peterson suggested that the authority

insure the minority community has a good appreciation and understanding of the plan as well. He said this would be a future approach to insure that those connections are being made.

Mr. Beglau said they were relying very heavily on the chiefs and other law enforcement officials to be their ambassadors into our communities. He said they gave advance notice of what they were doing and sent letters out to all cities in December and there really weren't any issues or comments.

Sheriff Isham reiterated that there were not a lot of comments, but there were some suggestions and ideas regarding wording. He said they did not change the plan overall.

Commissioner Carlson commented this is a very serious issue and although deadly force doesn't happen often, there have been incidents. She asked if the Senate Bill specified the appointment of the authority members. Mr. Beglau said the bill designates the district attorney of each county and the sheriff as co-chairs and requires that the two co-chairs select a public member. This was presented to the Public Safety Coordinating Council and Mr. Ortiz' name came forward. The remaining positions, the state police, the labor union representative and the police chief are clearly articulated by statute and the police chief has to be selected by the police chiefs of the county. Mr. Beglau said they went to a chief's meeting and they nominated and selected Chief Jerry Moore.

Commissioner Carlson stated that she thought some bills were passed due to an incident in Multnomah County, where a young man had a mental illness and was killed by a police officer there. She thought that part of the reaction by the legislature was to pass this bill to come up with a plan. She said she realized that Marion County had done some training with its employees regarding how to deal with folks that have mental illnesses. She asked Walt Beglau to speak about how this plan prepares people so that perhaps an incident like the one in Multnomah County could be avoided in Marion County.

Mr. Beglau said uses of deadly physical force in Multnomah County were a driving force around the legislative effort to address this issue statewide. Over two sessions this has been a very key issue and this is the result of that. Mr. Beglau said they have been addressing crisis intervention training to address contacts with law enforcement and those impacted by mental health illness. They try to diffuse and educate law enforcement in a way that allows those situations to be resolved peacefully and safely for everyone involved. Mr. Beglau said that this particular plan does not have a crisis intervention component. He said it was not one of the key elements required by the legislature to implement. He added there is a huge training component to this and a response that involves law enforcement and how agencies respond to the officers needs and the communities needs relative to use of force situation. Mr. Beglau said they would be spending more time in conversation and dialog with agencies about how to conduct our education to reach our community to talk about these issues relative to the different ways that these cases come up. One of which is the arena of mental health and those contacts with law enforcement.

Commissioner Carlson suggested that as this authority is going out in the community and refining the plan, that the mental illness issues are looked at. She said sometimes these are triggers for things that get volatile and it certainly was a very controversial matter in Multnomah County. Mr. Beglau agreed that it was a great recommendation.

Sheriff Isham said that the crisis intervention training is done at least a couple times a year and it is something that is opened up not only for our agency, but other outside agencies also attend that training. Sheriff Isham felt that the county had a very good start on the training and is something that needs to continue.

Commissioner Carlson stated she was provided the policy on tasers and her concern was that they could be deadly force if people have certain medical conditions. She said she did research over the weekend and found that if a woman is pregnant, a taser can actually kill a fetus. Other examples are people with nerve problems or asthma. She wanted to know if there was any discussion regarding the use of tasers and how it works with this plan.

Sheriff Isham said that any force that law enforcement use has the potential of being deadly force. He said it could be from a baton or being hit with a flashlight. He added that they try to insure that law enforcement understand the correct applications when in training. If there were any of the indicators that Commissioner Carlson discussed, such as a pregnant woman, they certainly wouldn't consider using a taser. He said it was not addressed in the plan because it was specifically designed for deadly physical force; it is designed as a lower level of force.

Mr. Beglau said the statute requires that each of the departments have use of force policies. The statute requires that those policies are aligned with the requirements of our countywide planning authority and that they are included, attached and submitted to the Attorney General.

Commissioner Brentano asked if there was anything particularly unique in this plan to Marion County and were there any big change from prior policies and procedures. Sheriff Isham said there are a few small things that might be changed to fit more closely with the plan.

Mr. Beglau said that the county's previous and current practice actually exceeds the expectations of the plan. He said that in Marion County they use the Oregon State Police or the Homicide Assault Response Team (HART) as an investigator from an outside agency if there was a use of deadly physical force.

MOTION: Commissioner Carlson moved to approve the Law Enforcement Use of Deadly Force Response Plan as presented. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

None.

Commissioner Milne commented that today was Administrative Professionals Day and she wanted to thank everyone for his or her work.

Commissioner Carlson said this started in 1952 as National Secretaries week and in 1955, the date was changed from June to April. In 1981 it was changed to Professional Secretaries week and in 2000 it was changed to Administrative Professionals Day. She wished everyone a very happy day that served in that role.

Gloria Roy also echoed those appreciations mentioned and how the role has changed.

Commissioner Brentano said he knew how much we need and appreciate the Administrative Professionals.

Commissioner Brentano read the weekly calendar.
Commissioner Brentano adjourned the meeting at 10:15 a.m.

Attachments: Agenda

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

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