

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, May 28, 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 Kim Hulett as recorder.

Commissioner Brentano called the meeting to order.

MOTION: Commissioner Milne moved to add a proclamation to the action calendar recognizing the dedication of the Cascade Futbol Club's new soccer field and the leadership of their club president, Eric Johansen. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

PUBLIC COMMENT

None.

PRESENTATION

OEMA awards for John Vanderzanden and Krista Rowland – Bill Worcester

Bill Worcester, Public Works director, presented Oregon Emergency Management Association (OEMA) awards to John Vanderzanden and Krista Rowland. Mr. Worcester thanked the board for giving him the chance to highlight these Public Works staff members and their achievements. He said that emergency management involves laying groundwork that is often inconspicuous and unappreciated until it is needed. In April, Mr. Vanderzanden and Ms. Rowland went to the OEMA conference in Sunriver, where they received these awards.

Krista Rowland received the OEMA Member Award for Coordination. She coordinated mandated training for staff within the six-country region. For the 12 classes, two hosted by each county, she found instructors, helped develop their curriculums, created flyers advertising the classes, enrolled the students, and insured that they all had the printed course materials. Ms. Rowland's efforts helped the six counties comply with federal training requirements and resulted in over 450 emergency response personnel receiving their required training.

John Vanderzanden received the OEMA President's Award for his extensive contributions to the emergency management profession. Mr. Vanderzanden came to the county as Emergency Manager in 2002, following a 30-year military career. Some of his accomplishments include overseeing the development of the county's emergency disaster and homeland

security plans, re-organizing the Emergency Operations Center (EOC) to make it more effective, and overseeing emergency drills and exercises. Marion County opened the EOC to coordinate snow removal in Detroit and Idanha in February 2008.

Mr. Vanderzanden has also secured multiple years of grant funding for emergency service providers within the county. He created and currently facilitates the Marion County Interoperability Council, which is aimed at improving interagency radio communications. He has participated in many public outreach events to educate citizens on emergency preparedness, often attending public meetings on his own time.

Commissioner Carlson congratulated both of the award recipients and said she appreciated all they have done on behalf of the county.

Commissioner Milne congratulated both recipients and Mr. Worcester. She said she always enjoys recognizing people for their hard work and accomplishments.

Commissioner Brentano praised the county's award-winning emergency management program. He presented the award plaques to Mr. Vanderzanden and Ms. Rowland.

CONSENT

FINANCE

Approve the sale of tax-foreclosed real property located at 2827 Salamander Road, Jefferson, and transfer title by quitclaim deed.

Approve the sale of tax-foreclosed real property located at 4765 Niles Avenue, Salem, and enter into a contract of sale with purchaser.

PUBLIC WORKS – PLANNING

Receive hearings officer's decision dismissing conditional use for a composting operation and granting conditional use for a grass seed operation, case #CU 07-75, Sonnen, Clerk's File #5585.

Receive hearings officer's recommendation to grant zone change, case #ZC 08-03, AB Valley Properties, LLC, Clerk's File #5586.

Notice of adoption of administrative ordinance granting zone change, case #ZC 08-02, Satter, Clerk's File #5581. Final adoption scheduled for June 4, 2008.

TREASURER

Approve a resolution authorizing the treasurer to make loans from the general fund to other funds to avoid negative cash balances.

Approve an order authorizing the treasurer to invest surplus county funds.

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

ACTION

One action item was added to today's calendar per Commissioner Milne's request at the beginning of the meeting. Commissioner Milne said this proclamation recognized the dedication of Cascade Futbol Club's new soccer field and the leadership of their club president, Eric Johansen. She said the history of this club goes back to 1993 and their vision involves bridging cultures and communities. Commissioner Milne will be participating in the dedication of the field this Friday. This proclamation is a way to provide the county's official recognition of an important community effort. The field is located at State Street and Cordon Road.

Commissioner Milne talked about the history of the Cascade Futbol Club. She spoke of the mission statement. She said the club has teams in all age groups. The club began as the Salem United Soccer Club in June 1993. The club is a safe place for members to develop soccer skills, character development, and leadership skills. In 2004, Salem United merged programs with the Cascade Surge, which has led to some changes. They now have their own playing field and look forward to providing recognition to their president, Eric Johansen, who has provided outstanding leadership since the club started.

MOTION: Commissioner Milne moved approval of a proclamation recognizing the dedication of the Cascade Futbol Club's new soccer field and the leadership of their club president, Eric Johansen. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

The commissioners then read the proclamation.

BOARD OF COMMISSIONERS

1. Consider adoption of an ordinance correcting or updating ordinances Nos. 647, 663, 696, 753, 809, 865, 955, 1025, 1067, 1072, 1078, 1105, 1111, 1173, 1192, 1193, 1214 and 1230, by emergency procedure. – Jo Stonecipher

Jo Stonecipher, legal counsel, said she thought there might be a typographical error that needed to be corrected in one of the ordinance numbers. She said she would check to make sure this all ends up being correct in the final version of the order.

Ms. Stonecipher explained that this item is the penultimate step in the final codification of the board's ordinances, which will get the ordinances codified and put online to be available for the public to search on the internet. She said the process would never be completely finalized because the board periodically comes up with new ordinances and also amends older ordinances from time to time.

Ms. Stonecipher said the county has been working with a codifier, Code Publishing from Seattle, on this project. She said the final ordinances are now ready to go online. Part of preparing these ordinances involves getting rid of outdated materials. They also need to make changes to citations in cases where the county ordinances rely on the Oregon Revised Statutes and the language in the statutes has been changed over the years. She explained that the new language going into the ordinances will be in bold type and the language being removed is crossed out so that the readers can see the actual changes that are being changed along with the language that is being removed.

Commissioner Brentano asked why there had been a change from “wrecking yard” to “motor vehicle dismantling business” in Ordinance No. 663, since he thought “wrecking yard” was clear enough language to begin with. Ms. Stonecipher explained that in this case, they are required to change the language because “motor vehicle dismantling business” is the term now used in the statute, and the county has to bring their language into accordance with the language in the state statute.

Commissioner Carlson asked about the language referencing Ordinance No. 1230 on the last page, which strikes the content from some sections but leaves the numbering. Ms. Stonecipher said that only certain subsections of the ordinances are being removed, so the numbering of the main sections would stay in the ordinance although the content of the subsections would be removed. Ms. Stonecipher said the professionals from Code Publishing have checked all of this.

Ms. Stonecipher said she is asking the board to approve this emergency procedure so they can have the code up and online sooner. This means they will approve the ordinance by reading it by title only twice.

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

Commissioner Brentano read the ordinance by title only twice.

MOTION: Commissioner Carlson moved approval of the adoption of an ordinance correcting or updating ordinances Nos. 647, 663, 696, 753, 809, 865, 955, 1025, 1067, 1072, 1078, 1105, 1111, 1173, 1192, 1193, 1214, and 1230, by emergency procedure. Seconded by Commissioner Milne; motion carried.

2. Consider adoption of an ordinance repealing outdated or superseded county ordinances, by emergency procedure. – Jo Stonecipher

Jo Stonecipher, legal counsel, explained that this ordinance involves the other part of today’s business, which requires repealing Marion County Ordinances numbers 352, 442, 467, 567, 603, 615, 632, 633, 648, 728, 731, 746, 1117, and 1146.

Ms. Stonecipher summarized each ordinance and the changes that have occurred. Ordinance number 352 established a bike path at Minto-Brown Island that was created by ordinance and was long ago completed. Ordinances 442, 467 and 648 are related to the Keizer Service District, which does not exist since the City of Keizer was established in 1982. Ordinance 603 is an outdated ordinance establishing clerk’s fees, which has been superseded by a new ordinance. Ordinance 615 is a solid waste management ordinance that was replaced by a new ordinance when it was “amended in whole.” Ordinance 632 is an ordinance that was adopted when statutory counties were given home rule power in 1973. It incorporated the contents of various state statutes that governed matters of county interest and were being repealed at the time. Since then, all the contents of those statutes have been adopted in the form of new county ordinances, and therefore Ordinance 632 is no longer necessary. These newer county ordinances deal with such matters as the qualifications of undersheriffs, duties of administrative aides to the sheriff, regulation of county forests, and the county’s authority to license ferries.

Ms. Stonecipher said Ordinance 633 is an enforcement ordinance that has been pre-empted. Ordinance 648 is another ordinance related to Keizer and therefore no longer necessary. Ordinance 567 is an outdated ordinance regarding assessor's fees. Ordinance 728 was adopted in response to a federal lawsuit regarding the number of people who could be held in the old county jail on the fifth floor of the courthouse, and Number 746 was an amendment to that earlier ordinance. Ordinance 731 provides for the clerk to file documents with the Secretary of State for the Voter's Pamphlet, and it is no longer necessary since Marion County now has its own Voter's Pamphlet. Ordinance 1117 is an ordinance adopted by the board under the old procurement laws in order to avoid having to follow the Attorney General's model rules. It is no longer needed, since a whole new procurement process with new statutes has been adopted since that time. Ordinance 1146 is the Intergovernmental Agreement establishing CARTS, which has since been dissolved. Ms. Stonecipher requested that the ordinance be approved by emergency procedure, so the ordinance will be read by title twice

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

Commissioner Brentano read the ordinance by title only twice.

MOTION: Commissioner Milne moved approval of an ordinance repealing Marion County Ordinance Nos. 352, 442, 467, 567, 603, 615, 632, 633, 648, 728, 731, 746, 1117, and 1146 and declaring an emergency. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Ms. Stonecipher said that now that the superseded ordinances have been repealed and the existing ordinances have been corrected or updated, the only issue remaining is that of adding approximately five ordinances that have been adopted since the last revisions were done on the code. Ms. Stonecipher said she would arrange to have a representative of Code Publishing meet with the board in an upcoming board session in order to present the new code to the board and to present the final codifying ordinance. This will allow them to put the new code online.

PUBLIC WORKS – PLANNING

3. Consider approval of a resolution initiating process to consider amending the urban growth boundary for the City of Hubbard and setting a hearing date for July 16, 2008. – Brandon Reich

Brandon Reich of the Planning Division reported that the City of Hubbard, working with their planner, the Mid-Willamette Valley Council of Governments, is proposing to expand its urban growth boundary to include approximately 19 acres of land to meet an identified community need for industrial and commercial land. Mr. Reich said the city has completed its local review process and approved the urban growth boundary amendment. The city is submitting the amendments to the county for review and concurrence. The City of Hubbard is also proposing to adopt planned policies regarding economic development and county coordination.

Before the board at this time is a resolution to initiate the process for the county to consider the amendments proposed by the City of Hubbard and to schedule a public hearing for July 16, 2008. Mr. Reich said staff recommends that the resolution be adopted as described.

Commissioner Brentano asked Mr. Reich if he could offer a short summary of the changes that would be involved in the approval of this resolution.

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Mr. Reich said that the 19 acres of land consists of six parcels, including right-of-way, located on the southern boundary of Hubbard west of Highway 99 on either side of Schmidt Lane NE adjacent to the existing Hubbard urban growth boundary and city limits. Two of the parcels are already developed with commercial uses and are zoned commercial in the county. These are proposed to be added to the urban growth boundary so they can be more efficiently provided with the services necessary for commercial development. The other four parcels are currently undeveloped and are zoned acreage residential. County staff participated in the local review process for the proposed amendments, which were submitted by the city to the county for consideration.

MOTION: Commissioner Carlson moved approval of a resolution initiating the process to consider amending the urban growth boundary for the City of Hubbard and setting a hearing date for July 16, 2008. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

**PUBLIC HEARINGS
9:30 A.M.**

None.

Commissioner Brentano read the calendar.
Commissioner Brentano adjourned the meeting at 9:45 a.m.

Attachments: Agenda

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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