

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, June 25, 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 John Lattimer as chief administrative officer, Jo Stonecipher as legal counsel and Kim Hulett as recorder.

Commissioner Brentano called the meeting to order.

PUBLIC COMMENT

None.

PRESENTATION

2008 Marion County Fair – Kelly Walther

Kelly Walther, chair of the Marion County Fair, gave a PowerPoint presentation providing an overview of the exciting activities, exhibits, performances, and shows for the July 10-13, 2008 fair. She distributed a flyer describing the many events. This year’s fair theme is “Summer Days and Country Ways.”

The commissioners thanked Ms. Walther for chairing the Marion County Fair and praised all the hard work the volunteers do in presenting this event. Commissioner Carlson gave some further comments on the fair and thanked H.A. “Mac” MacDonald for putting together the Veterans Uniform Display for the fair. Volunteers are still needed, and further information is available at the fair website at www.mcfair.net or the fair’s office at 503-585-9998.

CONSENT

BOARD OF COMMISSIONERS

OLCC Application: Recommend Approval
Stop N’ Save #2, Brooks

Approve an order reappointing Pete McCallum, Bert Ortiz and Joe Parrott to the Marion County Public Safety Coordinating Council for a three-year term expiring July 6, 2011.

BUSINESS SERVICES – HUMAN RESOURCES

Approve recommendation to uphold the classification and pay range of office manager, Public Works.

CHILDREN AND FAMILIES

Approve an order reappointing Marilyn Dedrick, Karen Elliott, Randy Franke, Connie Green, Chuck Lee and Sam Skillern to the Children and Families Commission for a four-year term expiring June 30, 2012.

FINANCE

Approve the sale of tax-foreclosed property located at 3604-3614 Hermosa Court NE, and enter into a contract of sale with the purchaser.

Approve the sale of tax-foreclosed property located adjacent to the Monitor-McKee Road and the Union Pacific Railroad right-of-way, to an adjacent owner and transfer title by quitclaim deed.

Notification of bid awards for the following projects:

- 1) Gelco Construction Company for \$145,000 for the Lancaster Dr. NE from Winema Place to La Palms Lane pedestrian crossing improvements.
- 2) Contract #2008-01 for \$516,775 to Salem Road and Driveway and contract #2008-102 for \$250,480 to North Santiam Paving for resurfacing various county roads.

HEALTH

Approve a renewal to receive \$1,641,000 from the Department of Human Services to provide Medicaid administrative claiming services for Title XIX administrative activities for Marion County residents.

Approve reducing the intergovernmental agreement with the Department of Human Services by \$2,500,295 for the 2007-09 financing of community mental health, developmental disability and addiction services. – Rod Calkins

JUVENILE

Approve the renewal of an annual contract with North Valley Medical Staffing, Inc., for \$240,000 to provide nursing services for youth involved with the Juvenile Department.

Approve a three-year fee-for-service intergovernmental agreement with the Department of Human Services for reimbursement for providing Behavioral Rehabilitative Services to juveniles within the Guaranteed Attendance Program.

PUBLIC WORKS

Schedule a public hearing on July 23, 2008, to consider raising the minimum solid waste charge at Marion County transfer stations.

PUBLIC WORKS – PLANNING

Schedule a public hearing on July 16, 2008, to consider Administrative Review, case #07-045, Parsian Trust, Clerk's File #5578.

SHERIFF

Approve an amendment to the agreement with the Bureau of Indian Affairs to receive \$422,812 to provide law enforcement services at the Chemawa Indian School through June 30, 2009.

Commissioner Milne asked about the seventh candidate for reappointment to the Children and Families Commission, who is scheduled to be discussed at the board's next management update meeting. The expiration date for this individual is the same as for the others. She asked why this member is not on the same list with the others. Commissioner Brentano said he was not sure, but his impression was that the other six reappointees are long-term members of the CFC who have not generated any controversy. He said there might be some further discussion required regarding the seventh reappointee. Commissioner Milne said she would have liked to know about this previously so the board could have discussed it in a work session. Commissioner Carlson said it was a surprise to her as well when she saw it on the agenda. Commissioner Brentano suggested further discussion of this item at Monday's management update.

Commissioner Milne said that another Marion County board was currently proposed for further discussion regarding membership, terms, and other issues. She said this usually is an open process with open discussion, and the board members have been included in the discussion, work sessions, and public meetings on this topic. She said she was not comfortable when one board or commission is dealt with differently than another board or commission, and she asked that the process be open and that all boards and commissions be treated the same.

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

ACTION

FINANCE

1. Consider approval of a contract with McKinstry Essention, Inc. to provide energy savings performance contracting services for the courthouse and work release center renovation project. – Peggy Mitchell, Bob Hutchinson

Peggy Mitchell and Bob Hutchinson came forward to explain this is an award of a contract. Ms. Mitchell said that out of the four companies that sent proposals as a part of their Request for Proposal process, McKinstry Essention was the company that rose to the top. She said today's contract would be executed in multiple components. Today they are asking the board to enter into a master agreement with McKinstry. They will be executing Phase I, which involves having them do the technical energy audit portion. The cost for that portion of the contract is \$10,247. Once this contract is signed and put into effect, McKinstry will come in and perform the energy audit. From that point, they will enter into Phase II, which will be a project development plan. Following Phase II would be the actual design and construction contract.

Bob Hutchinson said they have found out that this type of contracting provides energy tax incentives,

and McKinstry is one of the best companies for providing information on accessing these incentives. He said McKinstry has been very active in determining these incentives and helping the county apply for them.

Commissioner Carlson said she was happy to see the county moving forward with a green energy contract for these projects.

MOTION: Commissioner Milne moved approval of the contract with McKinstry Essention, Inc. to provide energy savings performance contracting services for the courthouse and work release center renovation project. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

2. Consider adopting third supplemental budget for fiscal year 2007-08 (**TO BE ACTED ON FOLLOWING PUBLIC HEARING**) – John Lattimer, Jeff White, Richard Minaker, Jerry Woelke

FINANCE/CONTRACT REVIEW BOARD

3. Consider approval of a board order granting a class special procurement authorized under board order #06-165 for the business process improvement project. – Jeff White, Peggy Mitchell

Peggy Mitchell reported on this project. The board approved a board order #06-165 granting a class special procurement that would allow the use of alternative procurement methods for the Marion County Business Enterprise Enhancement (MCBEE) project, which is the county's ongoing business improvement project. The current class special exemption is due to expire on June 30. They have special projects that are still being worked on and completed at this time, so they wanted to extend the exemption to allow alternative methods to solicit for consulting needs that may arise within the next year. This is in order to keep the momentum of the MCBEE project going. The findings adopted by the board for the original exemption included some key positions in Finance and Information Technology. However, they will continue to require the assistance of outside technical consultants to help them move forward with the project.

MOTION: Commissioner Carlson moved approval of a board order granting a class special procurement authorized under board order #06-165 for the business process improvement project (MCBEE project) through fiscal year 2008-09, ending June 30, 2009. Commissioner Milne seconded; motion carried. A voice vote was unanimous.

HEALTH

4. Consider renewal to receive \$2,977,350 from the Department of Human Services to operate and contract for the operation of public health services for the fiscal year 2008-09. – Rod Calkins

Rod Calkins, Health Department director, said this is the FY 2008-09 contract for public health services. This contract is composed of state and federal funding for the services described in the Public Health Annual Plan that he presented to the board earlier this spring. This contract makes up about one-third of the public health budget for Marion County services. The actual funding formula in Oregon is complex. Instead of disbursing funds on a per capita basis by population, there is a funding formula that takes place between the state Public Health Division and the Conference of Local Health Officials, which consists of representatives from the 36 counties in Oregon. The formula takes into account such things as population density and the minimum base necessary to operate a public health program in rural

counties, along with some of the needs of the larger and more urban counties. The formula weighs all of these elements, and the contract before the board today is a result of those funding formula discussions.

The funds come from state and federal sources. The state generally takes a portion of the federal money, usually around half the money, to operate the statewide program, and the remainder is passed on to the counties through the funding formula distribution described earlier.

Mr. Calkins highlighted that this contract contains some significant decreases from last year. One of the largest decreases is in their emergency preparedness fund, which is down by about \$63,000 for the year. Another significant decrease is in the family planning grant, which is down by about \$47,000 to a total of \$155,000 for the year. On the plus side, Mr. Calkins said they are seeing quite an increase in the state general fund support for public health, which is up by slightly less than \$64,000. This is partly due to a funding formula adjustment that recognizes the greater need for services in this area, especially in communicable disease prevention, investigation and immunization.

The other increases are in tobacco prevention and education and chronic disease prevention, which total about \$88,000 in additional money. These moneys are the result of competitive grants that the county was awarded last year. The last item is the Women Infants Children (WIC) program, which continues to grow. Marion County has two of the five largest WIC clinics in the state, and they have received an additional \$39,000 in funding for the WIC program.

Commissioner Milne asked if this contract included family planning, and Mr. Calkins said that it does fund family planning at a cost of \$155,000 per year. Commissioner Milne said that because of this, she would be unable to support this funding, which is the same position she has taken in the past. She said this is because of health, safety, and parental involvement issues.

MOTION: Commissioner Carlson moved to approve the renewal to receive \$2,977,350 from the Department of Human Services to operate and contract for the operation of public health services for the fiscal year 2008-09. Seconded by Commissioner Brentano; motion carried. A voice vote was 2 for, 1 against (Commissioner Milne voted against).

PUBLIC WORKS - PLANNING

5. Consider adoption of administrative ordinance granting zone change, case #ZC08-03, AB Valley Properties, LLC, Clerk's File #5586. Notice of adoption of administrative ordinance was June 18, 2008. – Sterling Anderson

Sterling Anderson, planning manager, reported that this is an application to change the zone from Urban Transition-Five Acre Minimum (UT-5) to Commercial General with a Limited Use overlay zone (CG-LU). This case involves an 8-acre portion of an 8.59-acre parcel located at 2155 Molalla Avenue in Woodburn.

The Marion County hearings officer held a public hearing on this application on March 5, 2008, and on March 21, the hearings officer issued a report recommending that the board grant the requested changes subject to certain conditions. The board held the application for the mandatory appeal period, and no appeal has been received. The notice of adoption has been given, so this case is now before the board for adoption.

Commissioner Milne pointed out that there are some conditions that the applicants will have to comply with, including issues of access, driveways, and other related matters.

MOTION: Commissioner Milne moved to adopt the administrative ordinance granting zone change, case #ZC08-03, AB Valley Properties, LLC. Clerk's File #5586. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

6. Consider hearings officer's recommendation granting vested rights determination, case #VRD 05-034, Sims, Clerk's File #5026. – Sterling Anderson

Sterling Anderson, planning manager, explained that this case involves a vested rights determination. The request was to determine whether the applicant had a common law vested right to complete and continue the use granted to them under the state and county waivers issued during the Measure 37 review process, and, based on conditional use case CU05-59, to receive approval of the placement of a non-farm dwelling on this property zoned Special Agriculture (SA) at 8633 Redstone Avenue SE, Salem. The public hearing on this application was held before the hearings officer on February 6, 2008. The hearings officer issued a decision recommending that the vested rights claim be granted. No appeal has been submitted in this case, and it is now back before the board for consideration.

Commissioner Carlson noted that the expenditure ratio for this case is well within what is suggested as an acceptable range for these vested rights cases.

MOTION: Commissioner Carlson moved approval of the hearings officer's recommendation granting vested rights determination, case #VRD 05-034, Sims, Clerk's File #5026. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

FINANCE

A. Public hearing to consider adopting third supplemental budget for fiscal year 2007-08. – John Lattimer, Jeff White, Richard Minaker, Jerry Woelke

Richard Minaker, senior budget analyst, reported on the third supplemental budget for FY 2007-08. He said there are supplemental budget changes suggested for 19 funds, including the General Fund. The net increase to the budget is \$2,666,201. This increases the total budget to slightly over \$311,000,000. In some cases, additional appropriation authority will cover unanticipated expenditures. This is accomplished by shifting savings from one category, such as contingency, to another category within a fund. In other cases, recently received grant funds not anticipated at the time of the budget development will be allocated to special expenditure purposes.

Some highlights of the supplemental budget include a Health Department budget increase of \$1.7 million to record new grants, a County Schools Fund increase of \$442,000 to allocate to school districts the unexpected additional State Chapter 530 timber sales revenue, and a \$70,000 transfer from the General Fund to the Central Services Fund to cover increased costs of gas and electric utilities.

Mr. Minaker said the budget changes were presented to the board and discussed in a recent management update meeting. The necessary public notices and budget information have been published in the local newspaper, and the budget information is posted on the county's website.

Commissioner Milne said the board has had an opportunity to go over this supplemental budget in detail. Commissioner Carlson said the third supplemental budget is the board's last chance to make any kind of adjustments in order to be certain the budget is appropriately aligned and meets the requirements of the budget law, since June 30 is the end of the fiscal year. She said she appreciated all the hard work from the Budget Office on this supplemental budget.

Commissioner Brentano said that nobody had signed up to speak for or against the proposed supplemental budget.

MOTION: Commissioner Milne moved to close the public hearing and adopt the third supplemental budget for fiscal year 2007-08. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Commissioner Brentano read the 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

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