

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, September 17, 2008
Marion County Courthouse Square

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

PRESENT: 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.

ABSENT: Commissioner Brentano

Commissioner Milne called the meeting to order.

PUBLIC COMMENT

None.

PRESENTATION

Marion County Dog Fest 2008 – Allison Barrows

Allison Barrows, Public Works, gave a presentation on the Marion County Dog Fest 2008. She reported the Dog Fest is scheduled for September 20, 2008. There will be various events that dogs and their owners can participate in, as well as fund raisers, with all funds going to the dog shelter and homeless dogs.

CONSENT

HEALTH

Approve renewal of an agreement to receive \$136,426 from the Oregon Health Sciences University for continued support under the Maternal and Child Health Services Block Grant.

Approve a contract for \$250,000 with DenMed, Inc. for medical transcription services.

PUBLIC WORKS

Schedule a public hearing for October 15, 2008, to consider the adoption of proposed revisions to the Marion County Noise Ordinance.

Schedule a public hearing for October 15, 2008, to consider the adoption of proposed revisions to the Marion County Off-Road Vehicle Ordinance.

SHERIFF

Approve renewal of a contract for approximately \$202,300 with FSH Communications, LLC, for the inmate telephone system in the correction facilities.

Approve renewal of a contract for \$191,280 with Cascadia Behavioral Healthcare for mentor services and an outpatient substance abuse program.

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

ACTION

BOARD OF COMMISSIONERS

1. Consider approval of a proclamation designating September 17 –23, 2008, as Constitution Week in Marion County. – Commissioner Carlson

Commissioner Carlson introduced Karen Heuberger, from the Chemeketa Chapter of the National Society of Daughters of the American Revolution. Ms. Heuberger asked members of the chapter in attendance to stand. Ms. Heuberger said there are 37 chapters in Oregon. World wide there are approximately 170,000 members of the Daughters of the American Revolution. She explained they are a service organization that is patriotic in mission and are truly America's biggest cheerleaders. Today marks the 221 anniversary of the signing of the Constitution and it is the most important and beloved document in history. Today starts the national celebration for the week of September 17 – 23. The tradition of celebrating the Constitution was started by the Daughters of the American Revolution (DAR) and adopted by Congress in 1956. Ms. Heuberger said love of country was their founding purpose and ancestors who fought in or contributed to the American Revolution is their bond.

Commissioner Milne said this is such an important week and was pleased with the write up in the Statesman Journal because the Oregonian didn't have anything.

Commissioner Carlson read a couple paragraphs from a textbook she had about the Constitution.

MOTION: Commissioner Carlson moved approval of a proclamation designating September 17 – 23, 2008, as Constitution Week in Marion County. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

The commissioners then read the proclamation.

BUSINESS SERVICES – HUMAN RESOURCES

2. Consider approval of Health Insurance Study Committee's recommendation for the 2009 non-MCLEA health plans. – Theresa VanDusen, Karen Samson

Theresa VanDusen, human resources manager, and Karen Samson, benefits manager, came forward to present information regarding the county's health plan renewal for 2009. Ms. VanDusen said that last year they had some challenges regarding their health insurance plans. She said they wanted to keep a long-standing partnership with Kaiser, but ran into some difficulty with CIGNA, which was the county's previous health care provider. She said that CIGNA had proposed rate increases of almost 20 percent last year. With the assistance of a benefit consultant, Beecher Carlson, and a thorough search of alternative health carriers, they renewed a previous partnership with ODS. This year they have enjoyed health carrier partnerships with Kaiser and ODS and they are now getting ready to renew for 2009.

Karen Samson provided a brief overview of the health plan renewal developments that occurred throughout the summer this year. ODS initially proposed a 7 percent increase for both plans, the ODS traditional PPO plan and the high deductible PPO plan with the health savings account.

Ms. Samson said that after negotiations with ODS, Beecher Carlson was able to get the 7 percent increase reduced to a 3.5 percent increase. This results in a much lower cost/loss ratio. Ms. Samson said Beecher Carlson was able to negotiate this lower increase by insisting that ODS review the claims run out from last year. This will decrease the employee's share amount on the ODS traditional plan. If an employee has the ODS traditional plan and ODS dental plan, their monthly premium share will decrease from \$52.85 to \$14.32. This amounts to an annual savings of \$462.36 for the employee. For employees who have the ODS traditional and the Kaiser dental, their monthly premium share will decrease from \$89.86 to \$48.00, which is an annual savings of \$503.62 for those employees.

Ms. Samson said that Kaiser Permanente came in with a proposal of a 16.9 percent increase. For the first time ever, the Kaiser HMO medical and dental plans combined premiums would be over the 2009 health insurance cap of \$1,058, by \$15.99. Kaiser was asked to submit several different plan design changes and the Health Insurance Study Committee (HISC) reviewed these plan design changes and discussed them with their employee groups. Further negotiations with Kaiser resulted in a renewal rate of 14.1 percent. This decrease wasn't enough to keep the employee premiums share out of the picture. The HISC decided to make one plan design change to the Kaiser HMO plan.

Ms. Samson said the Health Insurance Study Committee (HISC) recommendation to the board for the 2009 health plan year is to increase the Kaiser HMO plan copay from \$5 to \$10. This \$10 copay would apply to office visits, inpatient surgery, urgent care visits and outpatient services. This recommendation includes maintaining our current ODS PPO traditional plan, the ODS high deductible PPO plan with the health savings account, the ODS dental plan and the Kaiser dental plan, with no plan design changes to these plans. She added that it also includes the continuation of the county's contribution of one half of the deductible to the health savings account. Ms. Samson said this recommendation includes continuing to allow employees to waive their health coverage with no incentive to do so. The result of the Kaiser copay change will help the combined premiums for the Kaiser medical and dental plan to remain under the cap. This change will also bring the plans copay more in line with other counties.

Commissioner Carlson commented that health insurance is a fundamental part of our compensation package. She said that Marion County is not the only one that struggles with the increases in health insurance costs. She believes that our use of health care affects our rates for the next year. She reiterated kudos for the consultants that helped negotiate the county's health care rates. Commissioner Carlson spoke about the Health Insurance Study Committee and thanked them for their time and effort.

Commissioner Carlson asked Ms. VanDusen to talk about the wellness program that had been brought back to Marion County. Ms. VanDusen said they have a Safety and Wellness Coordinator that has brought back the wellness program. Her name is Beth Hawk and she previously worked for Marion County approximately 10 years ago. Ms. Hawk is very energetic and very assertive and they hope to see a reduction in the utilization of our health care because utilization drives the cost up.

MOTION: Commissioner Carlson moved approval of the Health Insurance Study Committee's recommendation for the 2009 non-MCLEA health plans. Seconded by Commissioner Milne; motion carried.

CHILDREN AND FAMILIES

3. Consider approval of a proclamation designating the fourth Monday of each month as Family Day in Marion County. – Alison Kelley

Alison Kelley, Department of Children and Families director, said she was here to ask the commissioners to approve a proclamation approving the fourth Monday of each month as Family Day in Marion County. Ms. Kelley said the mission of the Department of Children and Families is to promote wellness for children and families and that includes prevention of drug and alcohol use. They believe that families and parents play a key role in that prevention. She said there are approximately 81,000 children in Marion County between the ages of under one year old to eighteen. Alcohol and drug use is on the rise and she wants to encourage all families in Marion County to play an active role in steering their children to a more positive future.

Ms. Kelley said they also know that when parents are actively involved in the lives of their kids they are more likely to succeed and less likely to drink and use drugs. Statistically, when families eat dinner together on a regular basis, those children will be less likely to engage in drug and alcohol use. In the last 20 years there has been a steep decline in the number of families that actually eat dinner together on a regular basis. Relationships help kids succeed and if there is no time spent together it is a lot harder to build that relationship. Eating dinner together provides that opportunity for conversation and relationship building. Ms. Kelley said the main thing to do is engage kids in conversation and find out what is going on in their lives. Ask them questions, tell stories and talk about school. Most importantly for parents is to use that dinnertime to listen to what is going on in the lives of your children.

Commissioner Carlson thanked Ms. Kelley for bringing this proclamation forward. She added that having dinner once a month is a minimum standard. She said that parents should have permission to share their values with their children. Over time there has been this feeling that somehow as adults we shouldn't impose our values on our youth. If we do not want our children to drink and do drugs, we need to tell them that it is wrong to do these things.

Commissioner Milne said she supported the proclamation and that Ms. Kelley's comments were right on. She said it is a challenge to get everyone to the dinner table at the same time. She asked what was wrong with making it a priority, because our children are the priority.

MOTION: Commissioner Carlson moved approval of a proclamation designating the fourth Monday of each month as Family Day in Marion County. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

The commissioners then read the proclamation.

PUBLIC WORKS

4. Consider approval of an order accepting twenty-six roads into the county road system. – Bill Worcester

Bill Worcester, Public Works director, and Mark Riggins, county surveyor, gave a presentation regarding the acceptance of 26 roads into the county road system. Mr. Worcester said that in the past there have been a number of subdivisions developed. Typically when times were better the county would commit to recommending acceptance of new roads that were built by the developers into the county road system. In this case, there are 26 small pieces of roads that were built under those circumstances and will add approximately 2.08 miles. Mr. Worcester said that in each case, the developer on the plat makes a dedication to the public.

Mr. Riggs said that in the process of platting, roads are essentially shown on the face of the plat and through that process platting the developer dedicates the road to the public. He reiterated that the roads he was speaking of are small segments and they are actually tying together subdivision roads that will be brought into the county system. Mr. Riggs said all roads are dedicated by plats with the exception of one which is a deed. All these segments have satisfied their one-year warranty.

The commissioners said that by not accepting these segments into the system, the roads would not get any attention. It appears that most of these are on the east side of Salem and outside the urban growth boundary.

MOTION: Commissioner Carlson moved approval of an order accepting twenty-six roads into the county road system for future maintenance. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

PUBLIC WORKS – PLANNING

5. Consider Planning Director's recommendations to deny relief under the provision of ORS 195.305(g), Measure 49, in cases:

M06-48, Unger, Clerk's File #5443
M06-73, Duncan, Clerk's File #5268
M06-162, Cupp, Clerk's File #5461
M06-309, Wallace, Clerk's File #5452
M06-229, Clark, Clerk's File #5507
M06-224, Morin, Clerk's File #5518
M06-276, Miller, Clerk's File #5425

Sterling Anderson, planning director, said that during the period when Marion County was processing Measure 37 applications for waivers, there were seven applications that were or are now located within the urban growth boundary in one of the cities in Marion County. In each case the county issued a waiver on these applications. On December 6, 2007, Measure 49 went into affect and substantially revised Measure 37, creating new provisions and rules regarding the processing of these previously filed claims. In the provisions there are requirements for the claimant to satisfy before receiving relief under that section of the ORS 195. It also outlines the process that local governments must follow when a

claim that received a waiver from the county for property where any portion of that property is located within an urban growth boundary. After each claim was reviewed by staff, it was determined they all lacked some information they needed to determine whether or not those seven claims were entitled to some form of relief. The claimants were all mailed letters on February 14, 2008, requesting additional information that needed to be submitted within 90 days. In the Unger case, the applicants responded that they had actually sold the property. In the Wallace case, they stated that they would like to withdraw their claim, however, there are no provisions in ORS 195 regarding the sale of the property or withdrawal. He said that planning felt they had to process those claims. In the Duncan case, they responded that they would not be submitting the required appraisal that was required under ORS 195.

In the Miller Trust case, the applicants responded that since the Woodburn urban growth boundary was on appeal to the courts and it was the expansion that brought this property into the urban growth boundary after the claim had been filed and the waiver granted, it was not in the urban growth boundary and felt their case needed to be processed by the Land Conservation and Development Commission. However, since the Woodburn urban growth boundary expansion has been acknowledged by the state, it was concluded that the claim had to be processed as required under ORS 195. In the Cupp, Clark and Morin cases, no response was received from the claimants. On July 9, 2008, the planning director issued a tentative review of the claims and concluded that based on the information that was available, the claimants do not qualify for relief under ORS 195 and no dwellings would be authorized under these claims. Mr. Anderson said the tentative review was mailed to the claimants and all other persons entitled to notice of that tentative review. The claimants were given 15 days or until July 24, 2008, to submit any additional evidence or arguments in support of their claim.

In six cases, no additional information was provided. In the Miller Trust case, they again submitted the same argument regarding the property location in the urban growth boundary or properties not being in the urban growth boundary, depending on your point of view. One of the requirements of ORS 195 is the submission of an appraisal meeting very specific standards and requirements regarding that appraisal. In none of the cases was an appraisal submitted that met any of the requirements. Based on the available information the planning director concluded that none of the seven claims qualified for relief and no dwellings would be authorized under these claims. Therefore, the recommendation is that the board find that the claimants do not qualify for relief under ORS 195.

Commissioner Milne asked if any of these claimants have other courses of action to take or was this the end. Mr. Anderson said that at the local level this certainly was the end. He said he felt a writ of review could occur.

MOTION: Commissioner Carlson moved to approve the planning director's recommendations to deny relief under the provision of ORS 195.305(g), Measure 49, in cases: M06-48, Unger, Clerk's File #5443; M06-73, Duncan, Clerk's File #5268, M06-162, Cupp, Clerk's File #5461, M06-309, Wallace, Clerk's File #5452, M06-229, Clark, Clerk's File #5507, M06-224, Morin, Clerk's File #5518, and M06-276, Miller, Clerk's File #5425. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

6. Consider hearings officer's recommendation to approve vested rights determination, case #VRD 05-31, Etzel, Clerk's File #5023. – Sterling Anderson

Sterling Anderson, planning director, reported this particular case is a request for a determination of vested rights. In this case the question is whether or not the trust in this case has a common law vested right to complete and continue the use granted to them under the trust's state and county waivers that were granted under Measure 37.

Mr. Anderson said the development was initiated in Marion County through partitioning case #P06-51 to divide a 230 acre parcel for residential homesites in an exclusive farm use zone located at 14271 Fern Ridge Road, Stayton, Oregon. The public hearing on this case before the hearings officer was held on May 21, 2008. On September 5, 2008, the hearings officer issued a recommendation to grant the approval and recognize the vested right.

Commissioner Carlson pointed out there were no objections to this and the ratio of expenditures is within the courts parameters.

MOTION: Commissioner Carlson moved to approve the hearings officer's recommendation to approve the vested rights determination, case #VRD 05-31, Etzel, Clerk's File #5023. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

7. Consider hearings officer's recommendation to approve vested rights determination, case #VRD 06-56, Buyserie, Clerk's File #5185. – Sterling Anderson

Sterling Anderson, planning director, said this was a request for determination of vested rights. The determination is to whether they have a common law vested right to complete and continue the use granted to them under their state and county waivers under Measure 37. This was initiated through a conditional use case #CU07-07 and to establish a gun club for paintball use on a 103.75 acre parcel zoned exclusive farm use. This property is located at 20794 French Prairie Road NE, St. Paul, Oregon. A public hearing was held on this application on June 25, 2008. On September 9, 2008, the hearings officer issued a decision recommending that this case did meet the vested rights of common law requirements and recommended approval.

MOTION: Commissioner Carlson moved approval of the hearings officer's recommendation to approve vested rights determination, case #VRD 06-56, Buyserie, Clerk's File #5185. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Mr. Anderson said he wanted to let the viewing public know that there is a volunteer opportunity available in Marion County. He said that currently the Marion County Planning Commission, which is a volunteer body, has three positions available.

PUBLIC HEARINGS

9:30 A.M.

None.

Commissioner Milne read the calendar.
Commissioner Milne adjourned the meeting at 10:25 a.m.

Attachments: Agenda

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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