

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 16, 2019
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97305

PRESENT: Commissioner Kevin Cameron, Commissioner Sam Brentano, and Commissioner Colm Willis. Also present were Jane Vetto as county counsel, John Lattimer as chief administrative officer, and Brenda Koenig as recorder.

Commissioner Cameron called the meeting to order at 9:00 a.m.

PUBLIC COMMENT

(Video time 0:01:18)

David Beem

- Spoke on behalf of the special needs population;
- Many people with special needs may not be able to read or write:
 - May live in foster or group homes.
- Mr. Beem stated that some of these issues can prevent special needs individuals from working at the fair; and
- He would like a system developed so that they can work.

CONSENT

(Video time 0:03:22)

BOARD OF COMMISSIONERS

Approve an order appointing Colm Willis as director and Cary Moller as director's designee to the Willamette Valley Community Health, LLC.

PUBLIC WORKS

Schedule the adoption of an ordinance for January 23, 2019, amending Urban and Rural Zone Codes.

TAX OFFICE

Approve an order for a property tax refund in the amount of \$36,337.64 to Village East, LLC.

MOTION: Commissioner Willis moved for approval of the consent agenda. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

ACTION

(Video time 0:04:36)

HEALTH AND HUMAN SERVICES

1. Consider an order approving director's designees to authorize emergency actions in the community mental health and developmental disabilities program. – Bruce Armstrong and Anne-Marie Bandfield

Summary of presentation:

- Marion County operates its own community mental health program;
- The director of the program has the authority to direct certain custodies, keeping people suffering from a mental illness safe:
 - Has the authority to designate other individuals for this role.
- The director's designees are appointed by the board;
- Law enforcement can be directed to take an individual into custody, who has a mental illness and found to be an imminent danger to themselves or others, so they can receive further evaluation and care;
- Salem Hospital, a holding facility for Marion County, provides service:
 - The service is also provided to smaller hospitals within the county that are not designated as holding facilities.
- Employees at the Psychiatric Crisis Center (PCC) with this designation must have the following credentials:
 - One year of experience post master's degree;
 - Six months of experience working in the crisis center; and
 - Must pass a test that shows they know what the laws state and when the emergency action can be used.
- The county has a 24-hour need for this service; and
- A proposed order listing the director's designees has been submitted for consideration.

Board discussion:

- The director's designees was last updated in 2015:
 - Names were added, but none were removed.
- In the last six months, there have been three holds;
- It's an important tool to be able to use when there is someone who is imminently at risk in the PCC office, or in local hospitals that do not have the holding status;
- The law allows for the director to determine where and how an emergency action will be used;
- The county mainly uses an emergency action:
 - At the PCC;
 - Silverton Hospital;
 - Santiam Hospital; and
 - Partners in the mobile crisis teams who ride with law enforcement.
- Police officers are able to do a police officer custody, which is a different type of custody than the emergency hold:
 - The emergency room can receive five to fifteen police officer custodies every day, depending on the day of the week, and the time of the year.

- There are 24 names listed on the order before the board, and the names can change often;
- The board would like to discuss a monitoring system to update the designations at a future management update meeting.

MOTION: Commissioner Brentano moved for approval of an order approving director's designees to authorize emergency actions in the community mental health and developmental disabilities program. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video time 0:12:01)

2. Consider approval of an order appointing Angelica Palomino-Lopez and reappointing Cari Fiske-Sessums, Wendy Holihan, and Ray Wilson to the Local Alcohol and Drug Planning Committee (LADPC) with terms ending January 31, 2021. – Lisa Miller and Cary Moller

Summary of presentation:

- Ms. Miller is the county volunteer services coordinator responsible for recruiting and onboarding new volunteer advisory board members;
- The LADPC serves the public interest by participating with Marion County Health and Human Services in planning local programs for the prevention of alcohol and other drug abuse, and the treatment and rehabilitation of people with alcohol and drug abuse problems.
- The appointees were unable to attend the meeting.

Board discussion:

- Ms. Palomino-Lopez represents Family Building Blocks:
 - Has an interest in the Neonatal Opioid Withdrawal Syndrome (NOWS) Program at Salem Health, which helps mothers with addictions.
- The LADCP is working with Salem Health to address the opiate problem in the community.

MOTION: Commissioner Willis moved for approval of an order appointing Angelica Palomino-Lopez and reappointing Cari Fiske-Sessums, Wendy Holihan, and Ray Wilson to the Local Alcohol and Drug Planning Committee (LADPC) with terms ending January 31, 2021. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video time 0:16:48)

3. Consider approval of an order reappointing Rev. Dr. Deborah Patterson to the Intellectual and Developmental Disabilities Advisory Committee (IDDAC) with a term ending December 31, 2022. - Lisa Miller

Summary of presentation:

- The Intellectual and Developmental Disabilities Advisory Committee (IDDAC) was established to provide oversight with Marion County Community Developmental Disabilities Program;

- Rev. Dr. Patterson adopted a daughter who has an intellectual and developmental disability;
- With the support of good schools, great teachers, and wonderful services, her daughter is now employed and contributing back to the community as a teacher's helper at the YMCA; and
- She would be honored to continue to serve in this capacity.

Board discussion:

- The commissioners wanted to get some feedback regarding the program;
- Rev. Dr. Patterson stated that the staff at Health and Human Services works very hard with the growing number of people with intellectual and developmental disabilities;
- The state legislature has to make difficult decisions regarding funding;
- Awareness is a big issue when people can't always speak for themselves;
- Families are stretched to the max when they have to go beyond just caring for their loved ones;
- Trying to identify new advisory committee members can be difficult because of time constraints and communication issues;
- Employers need more funding to hire people with intellectual and developmental disabilities; and
- Records show that employees with disabilities are:
 - Very committed;
 - Arrive for work on time;
 - Work hard;
 - Don't leave for better employment opportunities; and
 - Love their jobs when they see that they are appreciated.

MOTION: Commissioner Brentano moved for approval of an order reappointing Rev. Dr. Deborah Patterson to the Intellectual and Developmental Disabilities Advisory Committee (IDDAC) with a term ending December 31, 2022. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video time 0:22:05)

PUBLIC WORKS

4. Receive and consider appeal of the hearings officer's second remand decision approving Conditional Use (CU) 17-020/Brush Creek Solar, LLC and Klopfenstein. – Joe Fennimore

Summary of presentation:

- Conditional Use (CU) 17-020 is an application to establish a solar power generating facility on a 12-acre portion of a 14.5-acre parcel in an Exclusive Farm Use (EFU) zone located in Silverton;
- The planning director originally approved the request on June 19, 2017;
- The decision was appealed to the hearings officer, who issued an order denying the application on October 30, 2017;

- On November 14, 2017, the applicant appealed the hearings officer's decision to the board;
- The board accepted the appeal on November 24, 2017;
- On December 4, 2017, an order was issued remanding the matter back to the hearings officer;
- The hearings officer held a public hearing for the remand on January 3, 2018;
- On February 8, 2018, the hearings officer issued a remanded decision approving the application;
- The remanded decision was appealed to the board on February 15, 2018;
- The board denied the appeal on February 28, 2018, and adopted the hearings officer's decision as its own;
- The board's decision was appealed to the Oregon Land Use Board of Appeals (LUBA);
- On September 26, 2018, LUBA issued an order remanding the matter back to the county;
- Reasons for the remand:
 - Determine whether police services are a "rural service" under the Marion County Code, and if so, whether adequate police services are, or will be, available; and
 - Determine whether the solar array will create unnecessary negative impacts on agricultural operations on any portion of the property not occupied by the solar array.
- On October 24, 2018, the board issued an order remanding the application back to the hearings officer to conduct a public hearing limited to issues that were the basis for the LUBA remand;
- The hearings officer conducted a public hearing on November 15, 2018, where additional evidence and testimony was presented;
- On December 21, 2018, the hearings officer issued a decision approving the request;
- That decision was appealed to the board on January 4, 2019;
- In the appeal, the appellant claims and argues the following:
 - The hearings officer erred in concluding that the facility will not preclude more than 12-acres from use as a commercial agricultural enterprise;
 - The hearings officer misinterpreted the ordinance, by only considering land that is currently being farmed, when determining whether land is being precluded;
 - That a small strip of land is being left out of the consideration of the 12-acres, therefore the criterion in the code is not being met; and
 - There is not adequate evidence in the record that adequate police service is available.
- Options for board consideration:
 - Accept the appeal and remand the matter back to the hearings officer for further consideration;
 - Accept the appeal and schedule a de-novo public hearing;
 - Accept the appeal and schedule a public hearing limited to issues that were the basis for LUBA's remand; or
 - Deny the appeal and uphold the hearings officer's decision approving the request.

Board discussion:

- The original application was submitted before the board made the decision not to accept new applications for solar arrays;
- When siting solar arrays, the board tries to make sure they are not taking up prime farmland and interfering with farming practices;
- The county has stopped processing applications until siting issues can be reviewed;
- The board is waiting for the state's rules to be finalized before evaluating the county's rules for the future;
- The information before the board is the same information that the board had to make its original decision; and
- The rules have not changed since the original decision was issued.

MOTION: Commissioner Willis moved to deny the appeal and uphold the hearing officer's decision approving Conditional Use (CU) 17-020/Brush Creek Solar, LLC and Klopfenstein. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

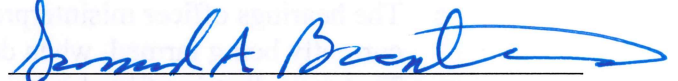
9:30 A.M.

None.

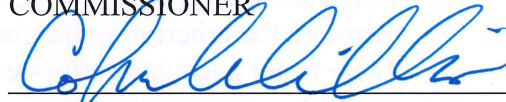
Commissioner Willis read the calendar;
Commissioner Cameron adjourned the meeting at 9:36 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at

<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>