

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 17, 2018
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97305

PRESENT: Commissioner Kevin Cameron and Commissioner Sam Brentano. Also present were Bruce Armstrong as county counsel, John Lattimer as chief administrative officer, and Kristy Witherell as recorder.

ABSENT: Commissioner Janet Carlson

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

PUBLIC COMMENT

None.

CONSENT

(Video Time 00:00:12)

FINANCE

Approve the 2016-17 Comprehensive Annual Financial Report.

PUBLIC WORKS

Approve Amendment #1 the Intergovernmental Agreement with Oregon Department of Transportation to add \$60,000 for the 45th Avenue bicycle and pedestrian improvement project.

Approve an order changing the membership status of Chris Ream from Community Organization Member to Member at Large and retain his position as vice-chair on the Solid Waste Management Advisory Committee.

Receive notice of decision recommending approval of Zone Change (ZC) Case #17-005/North Lancaster Business Park, LLC, Clerk's file #5738.

Schedule the final consideration to adopt an administrative ordinance granting Zone Change/Comprehensive Plan Amendment (ZC/CP) 17-002/Video Acquisitions, Inc. Clerk's file #5737 for January 31, 2018.

SHERIFF'S OFFICE

Approve the Contract for Services with Center for Hope and Safety for \$258,090.90 for Abuse Advocate Services.

Approve the Contract for Services with Liberty House for \$167,644.46 for Victim Assistance Services to the Sheriff's Office inmates and to the Juvenile Department's youth.

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

ACTION

(Video Time 00:01:00)

COMMUNITY SERVICES

1. Consider approval of an order appointing Gloria Roy to the Oregon Garden Foundation Board with a term ending January 2021. – Commissioner Sam Brentano

Summary of presentation:

- Ms. Roy most recently worked for Marion County as head of Legal Counsel and retired a month ago;
- Worked very hard with Commissioner Brentano regarding the Oregon Garden Foundation;
- Expressed interest in serving on the board; and
- Ms. Roy brings institutional knowledge and insight.

MOTION: Commissioner Brentano moved for approval of an order appointing Gloria Roy to the Oregon Garden Foundation Board with a term ending January 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:02:18)

HEALTH

2. Consider approval of the Contract for Services with Community Action Agency for \$152,000 to provide alcohol and drug treatment services for the Marion County Drug Court. – Scott Richards, Teri Morgan

Summary of presentation:

- Drug Court has been around since 2001;
- Started by Judge Dennis Graves:
 - Provided variety of support and involvement with the drug court since its inception.
- Two years ago the Health Department became the treatment provider;
- Important to provide methadone and suboxone to help address the opiate epidemic;
- Provides services for 120 participants:
 - 30 are currently in treatment;
 - 37 successful graduates;
 - 50 percent success rate; and
 - 50 percent of participants are participating in medication assisted treatment.
- Employs two half-time professional recovering mentors who work with the participants;
- Court meets weekly;

- Expectations for participants are:
 - Work on GED,
 - Employed; or
 - Participating in community service each week.
- Holistic approach of reintegration into the community; and
- 75 percent of drug court participants do not reoffend after graduation.

Board discussion:

- 37 participants have graduated in the last two years; and
- The commissioners appreciate the hard work of the employees.

MOTION: Commissioner Brentano moved for approval of the Contract for Services with Community Action Agency for \$152,000 to provide alcohol and drug treatment services for the Marion County Drug Court. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:07:23)

3. Consider approval of the Intergovernmental Agreement with Oregon Health Authority for \$290,277 for HIV early intervention and outreach services. – Pamela Hutchinson, Tessa Robinson

Summary of presentation:

- One of two competitive grants that the Health Department applied for;
- Targeting communicable diseases;
- Annual renewal over five years;
- Targets individuals who are HIV positive and not linked to care;
- Outreach services with a mobile unit;
- Targeted toward populations and individuals who engage in high risk behaviors;
- The Health Department will connect with high risk individuals who have case managers;
- Part of prevention is keeping HIV positive individuals from passing it onto others;
- Mobile team will go out to the community to meet with individuals where they live or congregate;
- Health Department does basic case prevention, but this will expand the ability to get help earlier;
- There is a significant population of people who have HIV that don't know they have it;
- Target homeless population:
 - Homeless youth; and
 - IV drug users.

MOTION: Commissioner Brentano moved for approval of the Intergovernmental Agreement with Oregon Health Authority for \$290,277 for HIV early intervention and outreach services. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:13:02)

4. Consider approval of an order appointing Dr. Paul Coelho to the Local Alcohol and Drug Planning Committee (LADPC) with a term ending December 31, 2019. – Scott Richards

Summary of presentation:

- With recent reorganization at the Health Department, Mr. Richards recently became staff to the committee;
- Through an email exchange with Ms. Hutchinson, Dr. Coelho expressed interest in the committee;
- The chair of the committee wanted to recruit Dr. Coelho to participate years ago; and
- Mr. Richards believes Mr. Coelho will make many positive contributions to the committee.

Paul Coelho:

- Employed physician at Salem Health;
- Interested in pain management and opioid harm reduction;
- Opioid overdose on the rise in the emergency department;
- Opioid related complications on the rise in the hospital;
- Passion for being involved in the community; and
- Oregon Health Authority has given funding to hold town hall meetings and two summits to reduce harms of opioid use.

Board discussion:

- As the epidemic has morphed to an illicit epidemic, cartels have moved in to supply opioids all over the United States;
- The commissioners have attended three opioid alternatives presentations:
 - Haven't seen the worst yet; and
 - The epidemic is moving from the east coast towards the west.
- The commissioners appreciate Dr. Coelho's willingness to serve.

MOTION: Commissioner Brentano moved for approval of an order appointing Dr. Paul Coelho to the Local Alcohol and Drug Planning Committee (LADPC) with a term ending December 31, 2019. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:20:19)

5. Consider approval of an order appointing Jacqueline Leung and Sharon Heuer to the Health Advisory Board with terms ending December 31, 2021. – Pam Hutchinson

Summary of presentation:

- The Health Department has been making an effort to revitalize the Health Advisory Board;
- The two applicants are from the public health side;
- Jacqueline Lueng is the leader of a Micronesian Island Community Non-Profit Organization in the community;

- Ms. Heuer is a longtime partner of public health:
 - Ms. Heuer works for Salem Health and was instrumental in the development of the Community Health Education Center; and
 - Great partner with the Health Department on Community Health Assessment process.

Sharon Heuer:

- Moved to Salem in 2008;
- Impressed with the community and nonprofits that come together in a noncompetitive way;
- Passion is around food insecurity and food systems development;
- Lives in Jefferson; and
- Instrumental in bringing food banks to the rural communities.

Board discussion:

- Appreciates the volunteers' willingness to serve on the Health Advisory Board.

MOTION: Commissioner Brentano moved for approval of an order appointing Jacqueline Leung and Sharon Heuer to the Health Advisory Board with terms ending December 31, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:27:15)

SHERIFF'S OFFICE

6. Consider approval of the Contract for Services with Dr. Loberg for \$152,250 to provide physician services to the Sheriff's Office inmates and to the Juvenile Department's youth. – Commander Tad Larson, Troy Gregg

Summary of presentation:

- Contract is for medical services;
- It is required by statute to have physician services;
- The two contracts represent a unique opportunity for the Juvenile Department and the Sheriff's Office to collaborate;
- Will be a slight increase of the cost due to a doctor retiring:
 - Still below the market value that is expected to pay for medical services.
- Contract includes 24-hour on call services.

Board discussion:

- This contract is retroactive from October 29, 2017 and goes through June 30, 2019.

MOTION: Commissioner Brentano moved for approval of the Contract for Services with Dr. Loberg for \$152,250 to provide physician services to the Sheriff's Office inmates and to the Juvenile Department's youth. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:30:44)

7. Consider approval of the Contract for Services with Dr. Mitchell for \$152,250 to provide physician services to the Sheriff's Office inmates and to the Juvenile Department's youth. – Commander Tad Larson, Troy Gregg

Summary of presentation:

- Back-up doctor to ensure 24-hour on call services will be covered.

MOTION: Commissioner Brentano moved for approval of the Contract for Services with Dr. Mitchell for \$152,250 to provide physician services to the Sheriff's Office inmates and to the Juvenile Department's youth. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

(Video Time 00:31:52)

PUBLIC WORKS

A. Continuation of a public hearing to consider the removal of the dedication of the Mater Dolorosa Cemetery. – Phil Jones

Summary of presentation:

- Cemetery is located in Sublimity, OR;
- Petition was filed in Marion County by Ernmaur, Inc. requesting the removal of the dedication of the cemetery and to vacate all streets that were created by the plat;
- The cemetery was created on April 6, 1964;
- Currently five residential buildings, an access road, and a portion of a parking lot on the cemetery;
- The cemetery is a 0.62 acre parcel with 184 lots;
- The cemetery is in the center of Marian Estates;
- The petitioner provided documentation of 11 burials that were disinterred and moved to St. Boniface Cemetery;
- No objections to the proposed vacation had been received prior to the public hearing; and
- Staff recommends approval of the removal of the dedication, removal of the cemetery, and the vacation of the public streets, alleys, and walkways.

Board discussion:

- Commissioner Brentano discussed the case with George Gerspacher, who is a local parishioner and he did not have a problem with the disinterment of the Servite Sisters:
 - Steve States tried to reach Commissioner Brentano by phone regarding the final disposition of a Pieta Statue that was at the cemetery:
 - Commissioner Brentano did not take the call, but is interested in that information.

- Refused to talk to an Oregonian reporter wanting Commissioner Brentano's comments on the hearing.

Testimony:

Support:

Alan Sorem, Saalfeld Griggs, PC:

- Provided a few letters to enter into the record responding to questions from last week's public hearing: *(See Attachment A and Exhibits A-E)*
 - Included are letters from St. Boniface Parish:
 - Letter from Emery and Sons regarding excavation work that was performed;
 - Copy from the official records of St. Boniface;
 - Service proposal letter regarding ground penetrating sonar;
 - Letter from Ms. Gander-Vo regarding communication between her and Mr. Hendricks; and
 - Packet of photos showing headstones.
- Originally submitted the 11 permits for disinterment, travel, and reinterment of remains from the state;
- It was difficult to find all 11 headstones:
 - Four were vandalized:
 - Small markers now identify the gravesites.
- ORS 97.440 gives the applicant the right to petition for removal of the plat dedication:
 - All required noticing occurred.
- Oregon Commission of Historical Cemeteries has been notified and has no objection;
- The remains in question were not buried prior to 1909;
- The evidence in the record satisfies the criteria;
- Staff has reviewed the materials and are in support of the vacation;
- Santé operations reached out to the archdiocese and they refused to comment;
- Commissioner Cameron's one week timeline was a bit aggressive, but were able to get the materials in on time;
- The Confederated Tribes of Grand Ronde do not believe there are Native American remains on that site;
- Regarding the records from St. Boniface that Steve States entered into the record, the online records are not the official records, which is highlighted in Exhibit C;
- The site where the cemetery once was is now fully developed;
- No reason to believe that there are human remains on site;
- Ground penetrating sonar is not a requirement:
 - Because there are a number of trees, shrubs and buildings, the sonar may not be able to pick up human remains.
- Feels confident the applicant has done everything possible to go above and beyond the call of the criteria to try and create a record where the board can feel comfortable making an informed decision.

Opposition:

Steve States:

- Oregon Commission of Historical Cemeteries cannot comment or object because it has no jurisdiction;
- The Confederated Tribes of Grand Ronde cannot come before the county and object because they are an independent government agency;
- The ground penetrating radar cannot be used by the buildings, but can be used in parking lots and around trees;
- Few concerns:
 - Buildings built in 1986 without dedication removal;
 - No one has explained how Weddle disinterred bodies from Mater Dolorosa Cemetery before the cemetery was created; and
 - The death certificates from the two nuns, Sister Ziegler and Romano, state they were buried at Mater Dolorosa, but they died before the cemetery was platted.
- Someone sent Mr. States an original Oregonian article stating that the Five Sisters of Servite ordered a Pieta that is hand carved and identical to the Pieta at St. Peters Basilica:
 - Three-quarter size of the original Pieta;
 - Made from the same marble as the original;
 - Placed in the memorial portion of the cemetery;
 - Money was raised by the nursing staff through the parishioners in Sublimity;
 - The previous owner of the assisted living center had a large redwood cross in the memorial portion of the cemetery;
 - The Pieta and cross were removed from the cemetery to a different location of the property; and
 - Mr. States believes that because the parishioners paid for the Pieta, it should be moved to St. Boniface Cemetery.

Support:

Alan Sorem:

- The Confederated Tribes of Grand Ronde were willing to comment on the issue with the applicant and Mr. States;
- The Oregon Commission of Historical Cemeteries submitted direct comments to staff:
 - It may not have jurisdiction over the case, but is willing to comment.
- Personal property is between the property owner and the parish.

Margaret Gander-Vo:

- Mr. Hendricks recalls moving the three sisters from the St. Boniface Cemetery to Mater Dolorosa when it opened and moving them back again per the permits;
- Does not have record of permits for the bodies being moved the first time; and
- Both moves were done at the request of the church.

Board discussion:

- Commissioner Brentano was Mayor of Sublimity during this time;
- Highly confident that there are not bodies still buried on site; and

- There is a large subdivision built right next to Marian Estates with no issues with gravesites being found.

MOTION: Commissioner Brentano moved to close the public hearing and approve the removal of the dedication of the Mater Dolorosa Cemetery. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

B. Continuation of a public hearing to consider the vacation of all public streets, alleys, and walkways created by the plat of the Mater Dolorosa Cemetery. – Phil Jones


MOTION: Commissioner Brentano moved to close the public hearing and approve the vacation of all public streets, alleys, and walkways created by the plat of the Mater Dolorosa Cemetery. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Cameron read the calendar.

Commissioner Cameron adjourned the meeting at 10:20 a.m.

Not Present At Meeting

CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7178>.