

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, November 30, 2016
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

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

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

PUBLIC COMMENT

(Video Time 00:01:10)

David Beem:

- Would like to be the ambassador for the Marion County Fair next year.

PRESENTATION

(Video Time 00:03:46)

Economic Development – Oregon Garden Foundation 1st Quarter Report, Conifer Garden Update and Draft Budget Proposal. – Tamra Goettsch, Mark Hunter

Summary of presentation: (See Attachment A)

- Per the agreement between the Oregon Garden Foundation and Marion County, annually establishes their budget draft in November;
- The final budget will not be formally adopted until January 2017 by foundation members;
- Once adopted, the Oregon Garden Foundation will bring it back to Marion County Board of Commissioners for consideration;
- The total gross revenue being proposed for 2017 is \$855,000;
- The City of Silverton has the budget on their agenda for Monday, December 5, 2016;
- Aligned the budget with goals and the strategic plan that was developed earlier in the year;
- There was not an Oregon Garden Foundation presence at the Oregon Garden:
 - Able to raise money to create office space.
- Ken Hector has agreed to chair an education program fundraising golf tournament in October 2017;
- Continue to improve collateral material;
- Has had three planned gift conversations;
- The Conifer Expansion Campaign:

- Started in 2008 but didn't gain a lot of traction;
- Through the strategic plan, the program has been revitalized;
- Minimized an expense by removing a water feature and pavilion;
- Cost expected to be \$600,000-\$700,000; and
- Features Oregon Conifers.

Board Discussion:

- There are currently 2,500 members of the Oregon Garden Foundation;
- Marion County has an economic development contract that helps support the Oregon Garden:
 - The contract is for five years; and
 - The contract is in its fourth year.
- The expectation is for the commissioners to agree to the draft budget:
 - The commissioners would like this to come to Management Update so they can look deeper into the budget.

CONSENT

(Video Time 00:36:36)

COMMUNITY SERVICES

Approve an order reappointing Commissioner Sam Brentano to the Oregon Garden Foundation Board with a term ending January 31, 2019.

HEALTH

Approve Amendment #1 to the contract for services with Pelton Projects, Inc. to add \$284,000 in funding to provide personal care and Habilitative Services for the county's Community and Provider Services (CAPS) through June 30, 2017.

Approve orders appointing Health Department staff to various boards, committees and roles.

Approve an order appointing Commissioner Sam Brentano as Ambulance Service Area Plan Administrator.

PUBLIC WORKS

Approve the dedication of a one foot reserve strip for public road purposes known as Reserve Block A., Ditter Hill Tracts.

Receive hearings officer's recommendation approving Zone Change (ZC) case #16-002/Lancaster Opportunities, LLC.

Receive hearings officer's recommendation denying Zone Change/Comprehensive Plan Amendment (CZ/CP) case #16-001/Gray.

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

ACTION

(Video Time 00:43:13)

PUBLIC WORKS

1. Consider approval of an ordinance adopting amendments to the Salem-Keizer Urban Growth Boundary. – Joe Fennimore

Summary of presentation:

- Matter comes before the board at the request of the City of Salem for consideration and concurrence with the Urban Growth Boundary to add land in Polk County to the Salem-Keizer Urban Growth Boundary for right-of-way purposes for third bridge crossing of the Willamette river;
- Process comes as a result of a shared Urban Growth Boundary between Salem and Keizer;
- Both of the city's comprehensive plans recognize that amendments to a shared boundary must be concurred on by all four jurisdictions:
 - Salem;
 - Keizer;
 - Polk County; and
 - Marion County.
- On October 12, 2016, the board participated in a joint hearing with other jurisdictions involved;
 - Received testimony of interested persons;
 - Board left county's record open until October 19, 2016 for all testimony;
 - At October 26, 2016 Board Session, considered whether to concur in amendments of Salem Urban Growth Boundary:
 - The Board approved the concurrence of the amendments and directed staff to return with an ordinance reflecting the decision.
- The City of Salem must receive the county's decision before its final ordinance reading on December 5, 2016.

Board discussion:

- Very large public hearing with many jurisdictions involved;
- Took massive amounts of testimony into account;
- All jurisdictions are going through this same process;
- Commissioners are not taking the matter lightly;
- This action is not deciding whether or not a third bridge will be built:
 - This action moves forward the next steps needed in order to have a third bridge.

MOTION: Commissioner Brentano moved for approval to read the ordinance by title only twice. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous

Commissioner Cameron read the ordinance by title only twice.

MOTION: Commissioner Brentano moved for approval of an ordinance adopting amendments to the Salem-Keizer Urban Growth Boundary by

emergency procedure. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

(Video Time 00:50:15)

PUBLIC WORKS

A. Public Hearing for Legislative Amendment (LA) 16-002/Zone Code amendments regarding marijuana businesses. – Joe Fennimore

Summary of presentation:

- On November 8, 2016, the citizens of Marion County passed Measure 24-404 to allow medical marijuana businesses in unincorporated Marion County;
- Measure 24-405, allowing recreational marijuana businesses in unincorporated Marion County, did not pass;
- The zone codes now need to be amended to regulate medical marijuana businesses;
- On March 2, 2016, the board adopted Resolution 16R-4 initiating revision to the Marion County Zone Codes if the citizens of Marion County elected not to continue the prohibition on marijuana businesses;
- The matter was referred to the Marion County Planning Commission for a recommendation;
- The commission held a public hearing on August 16, 2016 and at a subsequent work session on August 23, 2016;
- The commission issued a recommendation on the type of regulations that should be applied to marijuana businesses and presented it to the board at a work session on September 13, 2016:
 - The board directed staff to prepare code amendments and schedule a public hearing for November 30, 2016.
- The proposed amendments will allow the production of medical marijuana as farm use in the Exclusive Farm Use (EFU) and Special Agriculture (SA) zones:
 - It must be conducted indoors and have visible grow lights turned off between the hours of 7:00 p.m. to 7:00 a.m.
- Producing would also be allowed in all industrial zones upon obtaining a conditional use permit;
- The Conditional Use Standards in the Urban Code are added to Chapter 16.32 and to Rural Code Chapter 17.120 and include:
 - The activity is conducted indoors;
 - Emit no light or odors detectable to neighboring properties;
 - Shall comply with the alarm system control ordinance;
 - The person or entity shall keep all real and personal property tax accounts current for the business for which it is the taxpayer;
 - No minors allowed on the business premises;
 - Owners and employees must pass a background check;
 - No consumption allowed on the business premises unless otherwise allowed for employees in OAR 333-008-1200;
 - The business must comply with the Oregon Indoor Clean Air Act that prohibits indoor tobacco smoking; and

- The business may not be co-located with a tobacco smoking lounge, or any kind of marijuana social club where marijuana is consumed.
- Medical marijuana processors will be allowed in the EFU and SA zones upon obtaining an administrative review approval;
- The activity would have to be conducted indoors with no lights visible or odors detectable to adjacent neighboring properties;
- Other medical marijuana processors will be allowed in all industrial zones upon obtaining a conditional use permit and are also subject to the same conditional use standards as outlined above for producers;
- Medical marijuana dispensaries will be allowed in all of the commercial zones, except the Commercial Office (CO) zone, upon obtaining a conditional use permit;
- Specific conditional use requirements are as follows:
 - The facility may not be located within 1,000 feet of a property containing a pre-kindergarten, Head Start program, community learning center, certified child care facility, relief nursery, public park, public or private elementary, secondary, or career school primarily attended by minors;
 - May not be open any day before 7:00 am or after 10:00 pm.;
 - Shall comply with the alarm system control ordinance;
 - The person or entity shall keep all real and personal property tax accounts current for the business for which it is the taxpayer;
 - No minors are allowed on the business premises unless the minor is an Oregon Medical Marijuana Program (OMMP) cardholder and is accompanied by a parent or guardian and not in areas prohibited by OAR 333-008-1200;
 - No consumption of medical marijuana is allowed on the business premises unless otherwise as allowed for employees in OAR 333-008-1200;
 - The business must comply with the Oregon Indoor Clean Air Act that prohibits indoor tobacco smoking; and
 - The business may not be co-located with a tobacco smoking lounge, or any kind of marijuana social club where marijuana is consumed.
- Other amendments proposed are as follows:
 - Medical marijuana businesses cannot be home occupations;
 - Income from marijuana cannot be used to justify a farm dwelling; and
 - Farm stands and agri-tourism events may not be used for the sale of or to promote the sale of marijuana products or extracts.

Board discussion:

- Marion County has an existing ordinance that covers medical marijuana facilities;
- The state allowed current medical marijuana dispensaries to sell both recreational and medical marijuana through the end of 2016;
- At the end of the year, depending on what the jurisdiction has decided, medical marijuana dispensaries will no longer be able to sell recreational marijuana;
- Marion County elected not to allow recreational marijuana sales in unincorporated areas of Marion County;
- This particular ordinance had to be revised to add provisions around medical marijuana processors; and
- Marion County Code Enforcement will be enforcing violations.

MOTION: Commissioner Carlson moved to close the public hearing. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Cameron read the calendar.

Commissioner Cameron adjourned the meeting at 10:08 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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

EXHIBIT D – QUARTERLY REPORT



Economic Development Allocations Quarterly Report

Organization:	OREGON GARDEN FOUNDATION		
Quarter Ending:	September 2016		
Allocation:	\$100,000.00	Received YTD:	\$25,000

Instructions: Provide an update on the following objectives, including brief overview of activities to date, successes, challenges or anticipated challenges, and/or any changes made to the objective.

1. Objective – Launch & implement elements of the development plan.

- Launched campaign development for Conifer Campaign. Public launch May 9, 2017. Key committed partners for campaign thus far are the Oregon Association of Nurseries and American Conifer Society.
- Attained the goal of \$20,000 for the first year of the HEFund. 25% which will be invested in Garden Horticulture program.
- Although gross proceeds were down, we experienced an Increase in net revenue from OFEST fundraiser by 26% over previous year. This was a result of improved expense management.
- Secured the commitment of 2 members for a planned gift through their individual estate plan.
- Created liaison position in partnership with Oregon Association of Nurseries. Current designated Liaison is Ali Pennell.
- Marketing: In partnership with Moonstone Conference Management team, created an opportunity to provide the welcome and/or Garden Foundation talk at conferences and meeting's held on sight. Presented at Retired Educator Association; and Oregon Supported Employment Center for Excellence.
- Set up speaking bureau, identifying and engaging local and regional service clubs, govt. agencies, business, chamber of commerce's, and the general public. Spoke at 2 Rotary Clubs, 1 Kiwanis Club, and Silverton Chamber of Commerce.
- Pending grant decisions with OFEST Foundation, Stanley Smith Horticulture Trust, and Spirit Mountain Trust & Collins Foundation. Total requested \$55,000.
- Recruited Ken Hector to chair our first Education Golf Tournament, scheduled for October 2, 2016. First year goal is \$15,000 net designated to education & scholarship program.

2. Objective – Complete sp2020 – Seeding the Future (Strategic Plan).

- Adapted & approved at our September board meeting sp2020 Seeding the Future.
- Scheduled presentation for Silverton City Council for their review and approval for November 7, 2017.
- Scheduled presentation for Marion County on November 30 for their review and approval.

EXHIBIT D – QUARTERLY REPORT

3. Objective – Develop new collateral marketing materials, and overhaul of website messaging on The Oregon Garden website.

- In partnership with the Marketing Department at The Oregon Garden Resort, we continue to improve collateral material for the Foundation’s fund development Program.
- Created new direct mail piece, will be increasing our direct mail from once a year to three times a year.

5. FY 16-17 2nd Quarter Objective

- Recruit campaign chair for Conifer Garden Campaign.
- Finalize Conifer Garden Conceptual Design, cost and campaign goals.
- Recruit remaining committee for annual golf tournament.
- Complete annual Holiday appeal, raise \$15,000 (an expected increase over previous year of 30%).
- Publish strategic plan upon approval from key partners.
- Finalize Foundation budget, gain Foundation board approval, and necessary partner approvals.

6. Performance Measurements.

Metric	Q1 FY16	Q1 FY17	+/-	Total FY17
Event Fundraising	\$6,800*	\$9,200*	+\$2,400*	\$6,600
Annual Giving	\$125	\$980	+\$855	\$980
Pathway to Giving (HEFund)	450	\$4,500	+\$4,050	\$4,500
Legacy Giving Program	0	\$5,000	+\$5,000	\$5,000
Grants Pending	0	3	+3	NA
Grants Awarded	0	0	0	1000
Planned Gift Conversations	0	3	+3	NA
Planned Gift Commitment	0	0	0	NA

* 3rd of July event & OFEST.

EXHIBIT D – QUARTERLY REPORT

CONIFER GARDEN EXPANSION CAMPAIGN

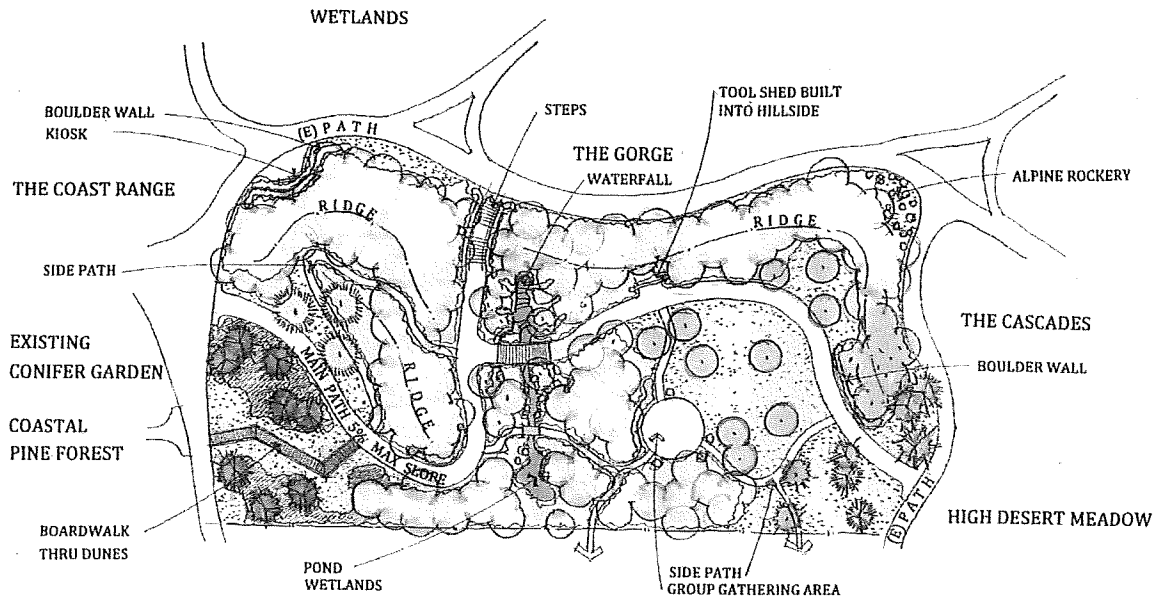
Date 2016-2018

Campaign Goals

- Through thoughtful and organized fundraising, promote the Mission of the Oregon Garden: *To welcome and inspire all visitors with an appreciation for the extraordinary ecology of the Pacific Northwest, and to provide a meaningful educational experience for gardeners of all skill levels and ages.*
- By partnering with the American Conifer Society, Moonstone Properties, and the Oregon Association of Nurseries expand the existing Conifer Garden, creating a world class display of conifers native to the Pacific Northwest.
- Reach out to the surrounding communities, providing an opportunity for advanced communications and marketing in support of the Oregon Garden Foundation and sp2020 Seeding the Future.
- Enhance relations with new and existing donors of the Oregon Garden Foundation by partnering with supportive Foundations, Corporate & Business's and individual donors.
- Through cash giving and in-kind giving raise \$650,000* for the expansion of the Conifer Garden. Additionally, secure commitments for a Conifer Garden Endowment fund to help with long term sustainability and staff support. Goal for Endowment would be \$500,000.

*Estimated – Actual amount to be determined through design phase by December.

EXHIBIT D - QUARTERLY REPORT



THE OREGON GARDEN CONIFER GARDEN EXPANSION

SEPTEMBER 12, 2016



2017 Fiscal Objectives & Budget Proposal

Key Objectives

1. Align budget planning with intent of funding from Marion County board allocations fund. The intent of this funding was to 1) create a Capital Improvement Fund & 2) enhance the ability of the Foundation to fund raise.
2. To address the movement towards stronger fiscal operation stability. Within two years the Marion County board allocations fund comes to its conclusion. We must ensure that we are addressing stronger streams of revenue for the foundations operations budget.
3. To provide an updated and more accurate budget report for board members and key leadership, by implementing nonprofit best practices for fiscal management.
4. Provide clear fundraising objectives for Development Staff.
5. Align budget planning with aspects of sp2020 Seeding the Future.
 - Community Outreach Goal 3; Objective 5:
 - Launch and implement a re-organized Resource Development Committee in support of board fund development initiatives.
 - Community Outreach Goal 4; Objective 4:
 - Complete an in-depth review, property/facility assessment and audit. Resulting in the re-directing of resources in support of sp2020 initiatives.
 - Community Outreach Goal 4; Objective 5
 - Complete an in-depth review of current operational policies & management/contract agreements, recommending changes as necessary.
 - Education Enrichment Goal 1; Objective 4:
 - Enhance the current partnership with the Oregon Forest Resource Institute through optimum funding and program expansion.
 - Garden & Facilities Goal 2
 - Advance progress to complete new projects outlined in the 2016 Master Project List.
 - Garden & Facilities Goal 3; Objective 2:

- Implement specific endowment giving programs and opportunities that will promote the long term sustainability of the Garden.

Oregon Garden Foundation
2017 Budget Proposal

	Revenue	Project Fund			General		TOTAL
		Operating	Development	Restricted	Endowment		
1	2016 Carryover	\$ 5,000	\$ 18,661	\$ 172,401	\$ 86,408	\$	\$ 282,470
2	Annual Giving	\$ 15,000	-	\$ 3,300	\$ -	\$	\$ 18,300
3	Major Gifts	\$ 15,000	-	\$ 7,200	\$ -	\$	\$ 22,200
4	Sponsorships	\$ -	\$ 20,000	\$ 11,550	\$ -	\$	\$ 31,550
5	Legacy Bench/Commerative Brick	\$ 500	-	\$ 20,000	\$ -	\$	\$ 20,500
6	Direct Mail	\$ 33,000	-	\$ -	\$ -	\$	\$ 33,000
7	Events	\$ 16,300	-	\$ 55,800	\$ -	\$	\$ 72,100
8	Released Restricted Funds	\$ -	-	\$ -	\$ -	\$	\$ -
9	Marion County Allocations	\$ 90,000	-	\$ 10,000	\$ -	\$	\$ 100,000
10	Grants	\$ 3,500	-	\$ 35,000	\$ -	\$	\$ 38,500
11	Interest Income	\$ 4,034	-	\$ 100	\$ 2,329	\$	\$ 6,463
12	Bequests	\$ 5,000	-	\$ -	\$ 15,000	\$	\$ 20,000
13	Transit Occupancy Tax (TOT)	\$ 100,000	-	\$ -	\$ -	\$	\$ 100,000
14	Garden Membership Dues	\$ 110,000	-	\$ -	\$ -	\$	\$ 110,000
15	Total Gross Revenue	\$ 397,334	\$ 38,661	\$ 315,351	\$ 103,737	\$	\$ 855,083
Expenditures							
16	Debt Repayment (TOT)	\$ (100,000)	\$ -	\$ -	\$ -	\$	\$ (100,000)
17	Capital Improvement Projects	\$ -	\$ (8,000)	\$ (91,287)	\$ -	\$	\$ (99,287)
18	Special Projects/Sponsorship	\$ -	\$ -	\$ (11,550)	\$ -	\$	\$ (11,550)
19	MGM Membership Fees	\$ (110,000)	\$ -	\$ -	\$ -	\$	\$ (110,000)
20	Dividend	\$ -	\$ -	\$ -	\$ (4,034)	\$	\$ (4,034)
21	Fundraising	\$ (25,247)	\$ (13,150)	\$ (29,329)	\$ -	\$	\$ (67,726)
22	Total Expenditures	\$ (235,247)	\$ (21,150)	\$ (132,166)	\$ (4,034)	\$	\$ (392,597)
23	Total Net Revenue (TGR-TE=TNR)	\$ 162,087	\$ 17,511	\$ 183,185	\$ 99,703	\$	\$ 462,486

Oregon Garden Foundation
2017 Budget Proposal

Expenses	Operating	Project Fund		General		Endowment	TOTAL
		Development	Restricted	Restricted	Endowment		
23 Accounting Services	\$ 13,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,000
24 Professional Fees	\$ -	\$ 5,000	\$ -	\$ -	\$ 250	\$ -	\$ 5,250
25 State Corporate Fees	\$ 600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600
26 Facility Rentals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27 Meeting Food	\$ 1,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,200
28 Association Memberships	\$ 1,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000
29 Mileage/Food Reimbursement	\$ 2,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000
30 Cell phone reimbursement	\$ 1,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,200
31 D/O Insurance	\$ 2,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500
32 Marketing & Graphic Design	\$ 2,500	\$ -	\$ 500	\$ -	\$ -	\$ -	\$ 3,000
33 Printing	\$ 2,000	\$ -	\$ 500	\$ -	\$ -	\$ -	\$ 2,500
34 Office Supplies	\$ 650	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 650
35 Payroll	\$ 117,303	\$ 10,000	\$ 33,073	\$ -	\$ -	\$ -	\$ 160,376
36 Recognitions Programs	\$ 1,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,500
37 Technology	\$ 4,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,000
38 Professional Development	\$ 1,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,500
39 USPS	\$ 500	\$ -	\$ 100	\$ -	\$ -	\$ -	\$ 600
40 Vehicle Fees	\$ 500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500
41 Banking Fees	\$ -	\$ -	\$ 1,200	\$ -	\$ -	\$ -	\$ 1,200
41 Total Expenses	\$ 151,953	\$ 15,000	\$ 35,373	\$ 250	\$ 99,453	\$ 202,576	
42 Contingency/Balance	\$ 10,134	\$ 2,511	\$ 147,812	\$ 99,453	\$ 259,910		

**Restricted Fund Balance
2017 Budget Summary**

Fund	Budgeted		Budgeted		Fund Purpose
	Balance	Revenue	Expenses	Release	
ACS Grant - Plant Sign	3,000	-	-	(2,500)	Plant Signing in Conifer Garden
Conifer Expansion Fund	23,162	-	-	(22,662)	Conifer Expansion Campaign
Marylou A. Edgerton Trust	1,200	-	-	-	Unrestricted balance
Heritage Garden	10,000	-	-	-	For Heritage Garden Design
Tram Pathway	50,000	-	-	(50,000)	Support in the building of the tramway
Operational Reserve	20,000	8,300	-	(10,000)	Reserve for operational emergencies
Rediscovery Forest	27,173	-	-	-	Reserve for Rediscovery Forest Projects
NREP Fund	18,050	54,681	(19,654)	(33,073)	Fund for educator Salaries
Hort Scholarship Fund	-	14,619	(9,675)	-	Scholarship fund for future student program
HEFund	10,000	25,000	-	(5,000)	Horticultural Maintenance
Secret Garden Fund	6,691	1,500	-	(1,000)	Supportive Fund for Secret Garden
Zig Zag Hill	125	-	-	(125)	Supportive Fund for Zig Zag Hill
Capital Improvement Projects	3,000	25,000	-	-	Supportive Fund for garden capital projects
4th of July Fund	-	11,550	-	(11,550)	Supportive Fund for annual fireworks
Total	172,401	140,650	(29,329)	(135,910)	147,812
Expenses					