

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, November 29, 2023
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Colm Willis, Commissioner Kevin Cameron, and Commissioner Danielle Bethell. Also present were Jan Fritz, chief administrative officer, Scott Norris as county counsel, and Brenda Koenig as recorder.

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

(Video Time 00:04:40)

PUBLIC COMMENT

None.

(Video Time 00:04:43)

CONSENT

BUSINESS SERVICES

1. Approve an order ratifying the delegation of authority to Jan Fritz, Marion County Chief Administrative Officer, to execute the purchase agreement for real property described as Tax Lot 093E27DC03000 (541700), located in the City of Gates, Oregon.

HUMAN RESOURCES

2. Approve the ratification of the new Marion County District Attorney's Association (MCDAA) Collective Bargaining Agreement (CBA) for 2023-2026.

PUBLIC WORKS

3. Schedule final consideration to adopt an administrative ordinance for December 6, 2023, to amend the Marion County Rural Zone Code, Chapter 17, to permit accessory dwelling units in the Acreage Residential (AR) zone.

4. Schedule final consideration to adopt an administrative ordinance for December 6, 2023, for Zone Change/Comprehensive Plan Change (ZC/CP) Case #23-001/Pacific-Beaverton Land Company, LLC.

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SHERIFF'S OFFICE

5. Approve the Intergovernmental Agreement with the City of Stayton Police Department and the City of Woodburn Police Department for inter-agency Special Weapons And Tactics (SWAT) team collaboration through December 31, 2028.

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

(Video Time 00:06:36)

ACTION

BOARD OF COMMISSIONERS

Board Committee Appointment – Parks Commission

6. Consider approval of an order appointing Herschel Sangster as Chair for the Marion County Parks Commission with a term ending November 29, 2025. –Brian May

Summary of presentation:

- The Marion County Parks Commission is comprised of 11 members who make recommendations to the Board of Commissioners;
- The county's recovery efforts following the 2020 wildfires is ongoing;
- Mr. Sangster joined the Marion County Parks Commission in March 2022;
- The commission chair recently stepped down from the role;
- On September 21, 2023, the commission voted for Mr. Sangster to fill the chair position; and
- Staff recommends the commissioners approve Mr. Sangster as the Marion County Parks Commission Chair.

Herschel Sangster:

- The commissions biggest challenge is currently parks that are located in the Santiam Canyon;
- County parks are frequented by everyone including:
 - Seniors;
 - Bicyclists;
 - Walkers;
 - Families; and
 - Individuals who are disabled.
- One major focus for Mr. Sangster will be restoring parks in the Santiam Canyon;
- It is an opportunity to make parks great recreational areas and improve economic development; and
- He would like the parks to be beautiful and benefit the citizens well into the future.

Board discussion:

- Mr. Sangster volunteers and serves the community in multiple ways;
- County staff and other commission members are passionate about the parks;
- The commissioners expressed their appreciation to Mr. Sangster for his service on the commission;
- Rebuilding parks in the Santiam Canyon continues to be a priority;
- The county hopes to have some parks open in the Little North Fork area by next spring or summer;
- A meeting is scheduled with the following entities to discuss the Little North Fork area:
 - The Oregon Bureau of Land Management (BLM);
 - The United States Forest Service (USFS); and
 - The Marion County Sheriff's Office.
- It is hard to recover from a disaster; but
- Restoring parks is important.

MOTION: Commissioner Bethell moved to approve an order appointing Herschel Sangster as Chair for the Marion County Parks Commission with a term ending November 29, 2025. Seconded by Commissioner Cameron. A voice vote was unanimous.

(Video Time 00:13:21)

Board Committee Appointment – Solid Waste Management Advisory Council

7. Consider approval of an order appointing Brad Barker as a Citizen-At-Large to the Marion County Solid Waste Management Advisory Council (SWMAC) with a term ending June 30, 2027. –Brian May

Summary of presentation:

- Mr. Barker recently completed the Marion Resourcers Movement class;
- The county has a process for individuals applying to serve on the Solid Waste Management Advisory Council (SWMAC); and
- Mr. Barker has provided valuable input to SWMAC members.

Brad Barker:

- Mr. Barker is a native Oregonian;
- His career entailed working in global health;
- After retirement Mr. Barker researched ways to get involved in his community:
 - Environment is one area that he wanted to engage in;
 - Finding and joining the Marion Resourcers Movement felt like a good match for him;
 - Joining SWMAC will allow for more involvement in policy;
 - He has been able to participate as a guest in multiple meetings;

- He feels SWMAC will be a forum where he can contribute to environmental issues; and
- SWMAC is local and addresses concerns in his community.

Board discussion:

- The Marion Resources Movement class provides knowledge on solid waste management;
- SWMAC has been discussing the design of a solid waste master plan for several months;
- Mr. Barker feels his career experience in public health, monitoring, and evaluation will be beneficial to SWMAC;
- He would like to contribute to developing the next solid waste master plan;
- Mr. Barker's concerns include:
 - Food waste; and
 - The recycling of film and plastic.
- Grocery stores do not give produce that has expired to local farms;
- The county would like to encourage businesses to partner locally to reduce food waste;
- Businesses are encouraged to transfer food waste that cannot be reduced into an agricultural space;
- Composting has been successful, but it does have some challenges; and
- Poultry farmers do a good job of reducing food waste.

Motion: Commissioner Cameron moved to approve an order appointing Brad Barker as a Citizen-At-Large to the Marion County Solid Waste Management Advisory Council (SWMAC) with a term ending June 30, 2027. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:21:02)

COMMUNITY SERVICES

8. Consider approval of Amendment #3 to the Intergovernmental Agreement with the Mid-Willamette Valley Council of Governments (MWVCOG) to add \$114,574 for a new contract total of \$236,414 to reallocate unspent funds for wildfire recovery efforts and extend the term date to June 30, 2024. –Chris Eppley

Summary of presentation:

- The contract with the Mid-Willamette Valley Council of Governments (MWVCOG) has been in effect since the 2020 wildfires;
- The contract provides enhanced planning services for the City of Gates and the City of Detroit;
- The two cities are engaged in wildfire recovery efforts;
- MWVCOG is assisting with some of the following:
 - Processing building permits; and
 - Code amendments:

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- The Municipal Wildfire Grant, through Business Oregon, provides funding to assist with these tasks.
- Oregon Legislature has allowed unspent funds to be carried over to the next biennium:
 - This allows funding to be allocated; and
 - MWVCOG can continue to provide planning services to the City of Gates and the City of Detroit for the next two years.

Board discussion:

- The contract is for one year;
- It is anticipated that the contract will be extended one additional year;
- The funding amount for the contract is for a two-year period;
- The MWVCOG is working to update the code for the two cities:
 - The organization is working with communities and citizen groups to determine what their long-term goals are; and
 - They want to update the code to ensure communities can reach their goals.
- Without the contract the two cities would need to provide the funding for the services.

MOTION: Commissioner Bethell moved to approve Amendment #3 to the Intergovernmental Agreement with the Mid-Willamette Valley Council of Governments to add \$114,574 for a new contract total of \$236,414 to reallocate unspent funds for wildfire recovery efforts and extend the term date to June 30, 2024. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:24:41)

HEALTH AND HUMAN SERVICES

9. Consider approval of Amendment #1 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$4,672,807.46 for a new contract total of \$11,091,829.46 and extend the term date to June 30, 2025, for Behavioral Health Resource Network (BHRN) drug addiction treatment and recovery services. –Carol Heard

Summary of presentation:

- Amendment #1 to the Intergovernmental Agreement (IGA) with the Oregon Health Authority will provide additional funding for the Behavioral Health Resource Network (BHRN) grant;
- The funds will continue to allow addiction treatment programs to provide services to individuals with limited or no resources;
- Services provided may include:
 - Substance use screening;
 - Intervention services;
 - Substance use disorder treatment;
 - Peer related services;

- Employment support services; and
- Housing barrier removal supports.
- There have been approximately 1,000 individuals served since July 2022; and
- The grant has provided funding for both staff and services.

Board discussion:

- The county will contract with the following Community Based Organizations (CBOs):
 - Catholic Community Services;
 - Church at The Park;
 - PODER, Oregon’s Latino Leadership Network;
 - Soaring Heights Recovery Homes; and
 - Santiam Hospital and Clinics.
- The funding is through the current year;
- The contracts will allow the CBOs to continue to provide services through June 2024;
- Further discussion is anticipated to determine next steps once the contracts expire;
- The individuals are directly receiving services from the county’s addiction treatment services and not the CBOs;
- An updated report was requested detailing the following:
 - The origin of the clients being served; and
 - The services provided by the CBOs.
- Services provided in each contract with the CBOs may vary based on:
 - Focuses;
 - Client locations; and
 - Campaigns.
- No one associated directly with the Marshallese or the Chuukese populations applied.

MOTION: Commissioner Cameron moved to approve Amendment #1 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$4,672,807.46 for a new contract total of \$11,091,829.46 and extend the term date to June 30, 2025, for Behavioral Health Resource Network (BHRN) drug addiction treatment and recovery services. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:30:46)

10. Consider approval of the Contract for Services with Pelton Project, Inc. in the amount of \$500,000 to provide Home and Community Based Services (HCBS) for qualified Medicaid recipients retroactive to July 1, 2023, through December 31, 2023. –Phil Blea

Summary of presentation:

- The contract with Pelton Project, Inc. is for a not-to-exceed amount of \$500,000;
- The contract has an ending term date of December 31, 2023;

- Staff is requesting a six-month extension in order to align with the Oregon Health Authority (OHA) extension;
- Pelton Project, Inc. serves qualified Medicaid recipients with the following services:
 - Home rehabilitation;
 - Behavioral health rehabilitation; and
 - Psychological rehabilitation.
- The qualified recipients have been diagnosed with a mental illness.

Board discussion:

- Individuals receiving the services are housed in community homes;
- It is important for the county to hire qualified staff;
- It is better to have an extension and sign a good contract versus signing a bad contract that can have negative impacts;
- All counties within Oregon are negotiating contracts with OHA;
- Good contracts are needed to benefit both employees and the individuals receiving the services; and
- The services provided should meet the needs of the individuals.

MOTION: Commissioner Bethell moved to approve the Contract for Services with Pelton Project, Inc. in the amount of \$500,000 to provide Home and Community Based Services (HCBS) for qualified Medicaid recipients retroactive to July 1, 2023, through December 31, 2023. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:34:59)

11. Consider approval of the Addendum to the Oregon Supplement to Statewide Allocation Agreement with the State of Oregon to extend the settlement allocations and clarify the use of proceeds and related administrative details. –Ryan Matthews

Summary of presentation:

- The Addendum to the Oregon Supplement to Statewide Allocation Agreement is related to the opioid epidemic from 2020 and 2021:
 - Two class action lawsuits were filed against pharmacies that over prescribed drugs and manufacturers that provided misleading information in their marketing:
 - Individuals that were prescribed the drugs were not aware that the drugs were addictive; and
 - Addiction and overdoses were occurring nationwide and impacting local communities.
- Oregon participated in the lawsuits and received a percentage of the nationwide proceeds from the settlement;
- Oregon passed the compensation proceeds down to counties and cities within the state;
- There is no dollar amount associated with the contract:

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- Cities can choose to opt out and not receive any of the settlement allocations because they may not provide the services;
- If cities opt out, then the settlement allocations will go to the counties that the cities operate in; and
- Allocations can change if new pharmacies or entities are named in the settlement.
- Additional pharmacies named in the addendum include:
 - Allergen Finance, LLC;
 - Teva Pharmaceutical Industries Ltd;
 - Walgreens Company;
 - CVS Pharmacy, Inc.; and
 - Walmart, Inc.
- The addendum acknowledges that Mallinckrodt Pharmaceuticals has filed bankruptcy which has resulted in restructuring of the settlement agreement;
- The addendum updates the language and includes the parties that will be settling with the recipients;
- Marion County has received approximately \$1.8 million to date from the two settlements:
 - It is anticipated that the county will receive approximately \$7 million total.
- No settlement funds have been spent to date:
 - The board has been prioritizing to determine where to invest the settlement funds.
- Staff recommended approval of the addendum to the Oregon Supplement to Statewide Allocation Agreement so that the county can continue to receive the settlement distributions.

Board discussion:

- Mallinckrodt Pharmaceuticals has filed for bankruptcy, but the company will still be required to pay a portion of the settlement;
- It is difficult to plan where to invest the funds if the settlement amount and the payment schedule is unclear;
- The county has received five settlement distributions in the past year:
 - Every payment amount has been different; and
 - The arrival of the distribution payments has been random.
- It is difficult to utilize the settlement distribution funds for on-going programs because the funding will eventually come to an end;
- There have been discussions in prior meetings of potential capital investment options; and
- Commissioner Bethell clarified for the record that the Addendum to the Oregon Supplement to Statewide Allocation Agreement is related to the opioid settlement.

MOTION: Commissioner Cameron moved to approve the Addendum to the Oregon Supplement to Statewide Allocation Agreement with the State of Oregon to extend the settlement allocations and clarify the use of proceeds and related administrative details. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:41:22)

PUBLIC WORKS

12. Consider approval of Amendment #1 to the Construction Manager and General Contractor Contract with Slayden Constructors, Inc. to add \$103,259 for a new contract total of \$478,477 to clear vegetation and dig test pits for field services associated with the North Santiam Canyon Sewer Project through December 31, 2026. –Chris Einmo

Summary of presentation:

- The current contract provides for pre-construction services;
- It is anticipated that there will be another amendment in the future for full construction of the North Santiam Canyon Sewer Project;
- The construction manager portion of the contract provides for the execution of early work amendments:
 - This allows timelines to be met; and
 - It supports the engineering design process.
- The alignment of the sewer pipeline for the project has been selected and identified:
 - This will allow the City of Gates to connect to the system; and
 - It provides biosolids for the operation of the City of Mill City plant.
- Slayden Constructors, Inc. submitted a proposal to clear and grub the alignment area which allows for the following:
 - A traversable work area for surveying;
 - Environmental and archeological clearances; and
 - The geotechnical investigation along the alignment which provides:
 - Information on constructability;
 - Mitigating landslide risks; and
 - Trenching requirements for the sewer pipeline.
- Slayden Constructors, Inc. will also provide the support to physically dig the test pits.

Board discussion:

- The test pits allow the county to collect soil samples:
 - The pits will be located approximately every 300 feet;
 - They provide information on the soil conditions down to the depth that the pipeline will sit underground; and
 - They will provide a snapshot of the subsurface conditions including identifying rocks and boulders.

- It is anticipated that the work for Amendment #1 will start in January 2024 once the permits and geotechnical information are ready;
- The project is located within the boundaries of Marion County and is not in Linn County; and
- The permitting process will need to be completed by both Marion County and the Oregon Department of Transportation's (ODOT):
 - ODOT owns and maintains an old railroad right-of-way.

MOTION: Commissioner Bethell moved to approve Amendment #1 to the Construction Manager and General Contractor Contract with Slayden Constructors, Inc. to add \$103,259 for a new contract total of \$478,477 to clear vegetation and dig test pits for field services associated with the North Santiam Canyon Sewer Project through December 31, 2026. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:47:08)

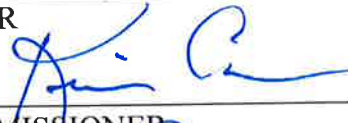
**PUBLIC HEARINGS
9:30 A.M.**

None.

Commissioner Willis adjourned the meeting at 9:49 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at

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