

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 22, 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, Jane Vetto as county counsel, and Brenda Koenig as recorder.

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

(Video Time 00:00:43)

PUBLIC COMMENT

David Beem:

- Mr. Beem is a spokesperson for individuals with disabilities in Marion County; and
- He is requesting that the policy for setting rent amounts for individuals with disabilities be reviewed:
 - Rent payments are too high; and
 - A lot of individuals will lose their housing.

(Video Time 00:01:39)

PRESENTATION

1. Letter presentation appointing David Beem as an honorary member of the Marion County Mental Health Advisory Committee. –Ryan Matthews

Summary of presentation:

- Mr. Matthews recommended David Beem as an honorary member of the Marion County Mental Health Advisory Committee;
- The committee serves as an advisory group for the county’s community mental health program;
- Mr. Matthews is the Community Mental Health Program Director;
- Mr. Beem is a regular contributor at board session who has a compassion for advocating for the needs of the community:
 - He champions underserved populations and populations that are often marginalized.
- Mr. Beem will bring a unique perspective and passion to the committee.

Board discussion:

- Commissioner Willis read the letter that was presented to Mr. Beem.

(Video Time 00:06:06)

2. Public Defender of Marion County Board of Trustees. –Sherry Lintner and Shaney Starr

Summary of presentation:

- The Public Defender of Marion County Board of Trustees is a seven-member board:
 - One of the positions is appointed by the Marion County Board of Commissioners:
 - Ms. Starr has served in this position since August 2018.
- The Public Defender of Marion County (PDMC) team consists of the following:
 - 18.5 full time equivalent (FTE) attorneys;
 - One supervising attorney;
 - One full time trainer;
 - One operations manager;
 - Eight staff members and legal assistants;
 - Two bilingual case managers;
 - One interpreter;
 - Two discovery clerks;
 - Six law students; and
 - One social work intern.
- The primary goal of the PDMC is to ensure and uphold ethical practice standards in public defense;
- There is a significant shortage of public defenders locally and across the country;
- The PDMC is embarking on a project to implement a holistic defense model, which includes finding funding to hire two case managers who collaborate with the attorneys to help clients navigate and gain access to social services:
 - Previously the attorneys were having to serve as social workers.
- Their public defense workload has increased by seven full time attorneys:
 - Budget was used to hire an experienced attorney to train the new attorneys.
- PDMC has started to pay its law students who are serving as law clerks;
- They are active in collaboration with stakeholders through the Office of Public Defense Services, and locally:
 - Attorneys, staff, and leadership worked with Marion County Jail staff to allow attorneys to bring wi-fi hotspots into the jail:
 - This allows attorneys to review discovery and other information more effectively with their clients.
- PDMC and the Board of Trustees will be working on implementing more sustainable funding initiatives to maintain the holistic defense model.

Board discussion:

- PDMC could use more case managers, but they must balance offering competitive attorney salaries with the need for more social workers:
 - There may be an opportunity for collaboration with the Marion County Health and Human Services team.
- The commissioners thanked Ms. Starr for the work she does for the community; and
- The ethical workload model uses standards for how many cases, and what types of cases, an attorney can be responsible for while ensuring that an appropriate amount of time is given to each of those cases.

(Video Time 00:22:11)

CONSENT

BOARD OF COMMISSIONERS

Board Appointment – Justice Reinvestment Council

3. Approve an order appointing Jim Hope to the Marion County Justice Reinvestment Council with a term ending December 31, 2024.

Board Appointment – Compensation Board

4. Approve orders appointing Lore Christopher, Jolene Kelley, and Melessa Villoria to the Marion County Compensation Board with terms ending December 31, 2023.

OLCC Application – Recommended Approval

5. J’s Teriyaki – Salem, Oregon

OLCC Licenses –Recommended Approval

6. Approve an order recommending renewal of 94 Oregon Liquor Control Commission Licenses referenced in Exhibit A.

OLCC Licenses –Recommended Denial

7. Approve an order recommending denial of one Oregon Liquor Control Commission License referenced in Exhibit A.

PUBLIC WORKS

8. Schedule final consideration to adopt an administrative ordinance for March 1, 2023, amending the Marion County Comprehensive Plan by adopting a 7.2-acre amendment to the City of Sublimity Urban Growth Boundary (UGB) for public right-of-way.

TAX OFFICE

9. Approve an order for a property tax refund in the amount of \$31,468.34 for May Trucking Company tax account number 591685.

10. Approve an order designating the Woodburn Independent as the newspaper for publication of the 2023 tax foreclosure list.

TREASURER'S OFFICE

11. Approve an order distributing Oregon State Forestry timber revenue in the amount of \$89,704.39 as per ORS Chapter 530.

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

(Video Time 00:24:47)

ACTION

FINANCE

12. Consider approval of the Contract for Services with Government Portfolio Advisors in the amount of \$450,000 to provide investment advisory services through February 28, 2028.

–Jeff White

Summary of presentation:

- Over one year ago the county entered into a contract with Government Portfolio Advisors (GPA) for the handling of the county's investments:
 - The county has been very happy with their services, and they are doing a good job for the county.
- The initial contract was for one-year;
- Staff would like to enter into a five-year contract with GPA, with an option to renew for an additional five years;
- GPA charges the county three-tenths of one percent of the county's investment portfolio;
- The initial contract was for \$80,000 and the new contract is for approximately \$90,000 per year; and
- The county's investment portfolio balance will drop as American Rescue Plan Act (ARPA) dollars are spent.

Board discussion:

- Contracting with GPA was part of the restructuring of the county's Treasurer's Office and the Finance Department, and it has been good for the citizens of Marion County:
 - Staffing costs in the Treasurer's Office have been reduced significantly.

MOTION: Commissioner Bethell moved to approve the Contract for Services with Government Portfolio Advisors in the amount of \$450,000 to provide investment advisory services through February 28, 2028. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:28:47)

HEALTH AND HUMAN SERVICES

13. Consider an order amending and certifying the Marion County Ambulance Service Area (ASA) Plan for a five-year term ending December 31, 2027. –Katrina Griffith and Matt Neuenheim

Summary of presentation:

- The plan includes response time zone maps and Ambulance Service Area (ASA) boundary adjustments;
- The ordinance will also need to be updated because it references the ASA Plan;
- The ASA Plan is updated every five years;
- The ASA Plan describes how the county and the ASA committee work together to ensure coordinated, timely, and safe service delivery of pre-hospital emergency services;
- The plan details the following:
 - Ten ASA boundaries;
 - The locations of all public safety answering points;
 - The locations of fire districts; and
 - Response time zones.
- If required, the plan can be updated before the term ending date;
- In developing the plan 2020 census data and response time zones were reviewed;
- The Oregon Health Authority issued a letter with updates and recommendations for the new plan:
 - Two of the findings were related to updating the maps and making them clearer;
 - There were several areas noted in the county’s ordinance related to problem resolution and quality improvement programs that were not well defined in the plan, so the language from the ordinance was inserted into the ASA Plan; and
 - One finding stated that the county needed to name the agencies and key personnel for specialized services including hazmat, search and rescue, and specialized rescue and extrication:
 - Since this is a five-year plan, the finding does not make sense for Marion County:
 - The county’s Emergency Management Program keeps an updated list of the emergency management services; and
 - The list will be referenced in the ASA Plan.
- Definitions were updated to align with Oregon Administrative Rules:
 - Language that was noted differently between documents was made consistent; and
 - Formatting was updated; and
 - Font was updated.
- Most of the updates made were to the response time zone maps;
- Between 2012 and 2020 Marion County saw an increase in population of approximately 8.2 percent:

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- Most of the population growth was in the City of Salem and the City of Keizer area; and
- There were increases in north Marion County and the area east of the City of Salem.
- Response time zones are based on population density;
- Following are the response time categories:
 - Urban - 8 minutes:
 - Incorporated communities of 50,000 or more.
 - Suburban - 15 minutes:
 - Not an urban area, but an area that is contiguous to an urban community;
 - Includes the area within a 10-mile radius of the community center; and
 - Includes areas beyond the 10-mile radius which are contiguous to the urban community and have a population density of 1,000 or more persons per square mile.
 - Rural 1-20 minutes:
 - Areas within an ASA that are not urban, not suburban, and are either an incorporated city of greater than 2,000 and less than 9,000, or an area that is within a 30 mile radius of such a city center.
 - Rural 2-45 minutes:
 - A geographic area ten or more miles from a population center of 50,000 or more, with a population density greater than six persons per square mile.
 - Frontier - 120 minutes:
 - An area with six or fewer persons per square mile that is not accessible by paved roads; and
 - Within frontier areas there are also search and rescue areas which are not easily accessible by paved roads:
 - Search and rescue areas do not have an established pre-hospital response time due to the complicated nature of the types of emergencies.
- Following are a few of the major changes to the response time zone maps:
 - Changes to the City of Woodburn ASA include:
 - Part of the northern area changed from Rural 1 to Suburban;
 - Part of the southern area changed from Rural 2 to Suburban;
 - A large area on the eastern boundary of Marion County changed from Rural 2 to Rural 1; and
 - Two small areas west of Interstate 5 changed from Suburban to Rural 2.
 - Changes to the Santiam ASA include a small area along Highway 22 that changed from Rural 1 to Suburban.
- Staff worked extensively with all the ASAs, and they support the changes to the response time zone maps;
- Following are changes to response times:
 - Rural 2 changed from 43 minutes to 45 minutes; and

- Frontier changed from 268 minutes to 120 minutes.
- There were minor updates to ADA boundaries and street names including:
 - Changed the name of the Salem Parkway to Martin Luther King (MLK) Jr. Parkway;
 - Adjusted the City of Salem and the City of Turner ASA boundaries to align with fire district boundaries; and
 - Adjusted the City of Jefferson and City of Turner ASA boundaries to align with fire district boundaries.
- The plan requires maps for 911 dispatch service areas and fire district boundaries; and
- There are additional updates that will be coming to the board throughout the year including:
 - Updates to the franchise agreement language;
 - Updates to the application process;
 - The purchase of a software system that will allow staff better access to response time data and provider self-reports;
 - Updates to the ASA committee bylaws; and
 - The establishment of a system review and quality assurance committee that would meet quarterly or as issues arise.

Board discussion:

- If an area within the county has a significant increase in population within the next five years, call volume and response time data will be analyzed, and the ASA Plan could potentially be reviewed:
 - Response times are longer for those areas of the county where travel is more difficult; and
 - In the application process to become a franchise the applicant provides a description of what services they have available and how they are staffed.

MOTION: Commissioner Cameron moved to read the title of the ordinance once and approve the ordinance to amend and certify the Marion County Ambulance Service Area Plan for a five-year term ending December 31, 2027, and bring the ordinance back in two weeks. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

Commissioner Willis read the title of the ordinance once.

(Video Time 00:48:34)

PUBLIC WORKS

14. Consider approval of the incoming funds Grant Agreement with the Oregon Department of Transportation (ODOT), Safety Office in the amount of \$186,161.63 for the creation of a Transportation Safety Action Plan through September 30, 2023. –Lani Radtke and Janelle Shanahan

Summary of presentation:

- The Transportation Safety Action Plan will help staff analyze the county’s safety data and identify and prioritize safety needs;
- The plan will help staff when preparing grant applications:
 - One of the main goals is for the county to become eligible for the Safe Streets and Roads for All grants.
- The plan would also help staff develop proactive approaches; and
- The Oregon Department of Transportation (ODOT) is aware that developing the plan will take longer than the September 30, 2023, deadline, and that the county will be filing for an amendment.

Board discussion:

- A consultant will be hired to perform the following:
 - Data analysis;
 - Identify crash history; and
 - Identify where the greatest need is.
- Public outreach will be performed, and public input will be taken;
- Commissioner Bethell would like Public Works staff to work with Mr. Heynen on their communication efforts to ensure that public messaging is conducted county wide; and
- Commissioner Willis suggested that a schedule is developed for the board to interact with staff regularly regarding this plan so that they are involved throughout the process.

MOTION: Commissioner Bethell moved to approve the incoming funds Grant Agreement with the Oregon Department of Transportation (ODOT), Safety Office in the amount of \$186,161.63 for the creation of a Transportation Safety Action Plan through September 30, 2023. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:55:27)

15. Consider approval of Amendment #2 to the incoming funds Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) to add \$155,700 for a new contract total of \$1,279,700 for Supplemental Project # 34018: Connecticut Avenue, Macleay Road to Rickey Street. –Ryan Crowther

Summary of presentation:

- The project is located northeast of the City of Salem, just west of Lancaster Drive and north of Highway 22;
- The existing conditions include sidewalk and bike lanes on only one side of the road;
- The project scope includes the following:
 - Construct missing sections of sidewalk on the west side of Connecticut Avenue;
 - Construct bike lanes;
 - Replace non-compliant Americans with Disabilities Act (ADA) sidewalk ramps;
 - Upgrade the concrete refuge island at the Connecticut Avenue and Macleay Road intersection; and
 - Construct required stormwater conveyance and treatment facilities.
- Houck Middle School is just south of the project area:
 - A lot of students and pedestrians move through the area; and
 - The goal of the project is to provide facilities for students and pedestrians to get safely to their destinations.
- Amendment #2 does not change the project scope;
- Amendment #2 adds additional federal funding and county match to fully fund right-of-way acquisition;
- The previous project estimate was \$1,124,000;
- Amendment #2 increases the project budget by \$155,700:
 - An estimated \$139,709 is federal funding; and
 - The county pays its standard county match.
- The new project estimate is \$1,279,700.

Board discussion:

None.

MOTION: Commissioner Cameron moved to approve Amendment #2 to the incoming funds Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) to add \$139,709.61 in federal funds and \$15,990.39 in county funds for a new contract total of \$1,279,700 for Supplemental Project # 34018: Connecticut Avenue, Macleay Road to Rickey Street. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:59:30)

**Recess as Board of Commissioners.
Convene as Contract Review Board.**

CONTRACT REVIEW BOARD ACTION

PUBLIC WORKS

1. Consider approval of an order to set a public hearing date for March 15, 2023, to consider granting an exemption to allow an alternative competitive process pursuant to the Marion County Public Contracting Rules. –Brian Nicholas and Camber Schlag

Summary of presentation:

- Staff is requesting the board approve a public hearing for March 15, 2023, to receive testimony on a proposed alternative competitive process to solicit construction management and general contractor services for the North Santiam Canyon Sewer Project;
- Marion County received \$50 million in American Rescue Plan Act (ARPA) dollars from the state legislature, administered through the Oregon Business Development Department:
 - The money is partial funding for the design and construction of the North Santiam Sewer Project.
- The project consists of the following:
 - Design and construction of a new sewer plant and collection system for the cities of Mill City and Gates;
 - Design and construction of a new sewer plant for the cities of Detroit and Idanha; and
 - Design and construction of interim commercial septic systems serving the commercial core of the City of Detroit.
- Keller and Associates was awarded the contract for architectural and engineering services:
 - The initial phase of design development is underway.
- The engineer's estimate for the cost of the project is \$106 million:
 - The estimate was prepared in 2021; and
 - Construction costs have increased since then.
- The currently awarded funding is estimated to be enough to construct the cities of Mill City and Gates sewer system and the City of Detroit interim commercial septic infrastructure;
- If sufficient additional funding is received, then the project will also construct the cities of Detroit and Idanha sewer system;
- The project has two significant challenges including:
 - ARPA funding has aggressive funding obligations and expenditure deadlines:

- Funds must be under contract by December 31, 2024, and fully expended by December 31, 2026.
 - There have been a large number of public infrastructure projects in western Oregon, and it has been difficult to get construction contractors interested in doing remote work.
- Staff is hoping to address these two challenges with the method that is used to solicit contracting services;
- Finance has identified the competitive Construction Management/General Contractor (CM/GC) solicitation method as the preferred contract delivery option due to the complex nature of the project work:
 - The project work requires a greater emphasis on the general contractor's experience and technical ability, as well as meeting the very strict expenditure deadline associated with the funding.
- In order to utilize a competitive CM/GC solicitation for public improvements, Oregon Revised Statutes 279C.335 requires the local contract review board to make certain findings as part of authorizing the use of an alternative contracting method;
- In reviewing the exemption from competitive bidding, the local contract review board shall consider the following factors:
 - That it is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts, or substantially diminish competition:
 - The CM/GC solicitation will be publicly advertised to ensure a fair, open, and competitive process;
 - The process allows the county to select the firm based on the following factors:
 - Experience;
 - Ability to respond to the technical complexity;
 - The unique character of the project;
 - Past performance;
 - Price;
 - Value; and
 - Other factors specific to the project.
 - The selection process to determine the highest-ranking proposal will be based on a team review of weighted evaluation criteria that will be identified in the solicitation; and
 - The CM/GC solicitation will include requirements pursuant to federal, state, and local public contracting code to ensure fair and open competition for all subcontractors and sub-consultants.
 - That the awarding of public improvement contracts under the exemption will likely result in substantial cost savings and other substantial benefits to the county due to the following:
 - The price will be a significant factor in the scoring of the proposals; and

- Selecting a firm that is capable of complying with the project timelines and is able to manage a highly technical and complex project will provide additional resource savings to the county.

Board discussion:

None.

MOTION: Commissioner Bethell moved to close the Contract Review Board and approve an order to set a public hearing date for March 15, 2023, to consider granting an exemption to allow an alternative competitive process pursuant to the Marion County Public Contracting Rules. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 01:05:48)

***Adjourn as Contract Review Board.
Reconvene as Board of Commissioners.***

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

None.

Commissioner Bethell commented that the commissioners were in Washington, D.C. last week, and while there they interacted with commissioners from across the country, in addition to Senator Wyden and Senator Merkley's staff.

Commissioner Willis commented that he is interested in whether or not the county will be able to use Medicaid funding for mobile crisis response teams:

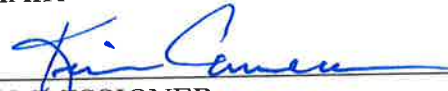
- The state had given the county direction that the funding could not be used for the county teams that are co-located with police officers; and
- Senator Wyden said that his intention was that the money could be used to support those teams.

(Video Time 01:17:56)

Commissioner Willis adjourned the meeting at 10:18 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at

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