

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, March 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 Scott Norris as county counsel and Brenda Koenig as recorder.

ABSENT: Jan Fritz, chief administrative officer.

Commissioner Willis called the meeting to order at 9:00 a.m.
Commissioner Bethell arrived at 9:04 a.m.

(Video Time 00:01:05)

PUBLIC COMMENT

None.

(Video Time 00:01:07)

CONSENT

BOARD OF COMMISSIONERS

1. Approve the Intergovernmental Agreement with Linn, Polk, and Yamhill Counties for the governing of the Mid-Willamette Jobs Council through December 31, 2024.

HEALTH AND HUMAN SERVICES

2. Approve Amendment #13 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$19,228.88 for a new contract total of \$20,068,155.63 for Program Element (PE) 12-01, Public Health Emergency Preparedness and Response (PHEP) through June 30, 2023.

3. Approve Amendment #5 to the Contract for Services with Interface Network, LLC to add \$50,000 for a new contract total of \$868,896.77 to provide culturally specific services and supports to individuals in the local community in response to COVID-19 through June 30, 2023.

HUMAN RESOURCES

4. Approve the recommendation to update the classification and adjust the pay grade upward for class codes #019, Legal Assistant Supervisor and #532, Medical Billing Specialist; and reactivate class code #510, Nurse Practitioner, Mental Health, update the classification, and adjust the pay grade upward.

PUBLIC WORKS

5. Schedule final consideration to adopt an administrative ordinance for March 29, 2023, amending the Marion County Urban and Rural Zone Codes, Chapters 16 and 17, and the Marion County Comprehensive Plan to conform to changes in state law and adopt clarifying amendments.

TAX OFFICE

6. Approve an order for a property tax refund in the amount of \$43,968.40 for DD Salem Center Two, LLC tax account number 589157.

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

(Video Time 00:03:39)

ACTION

HEALTH AND HUMAN SERVICES

7. Consider approval of Amendment #1 to the incoming funds Intergovernmental Agreement with Lane County, Oregon to add \$160,000 for a new contract total of \$341,000 for on-line food handler testing for Marion County residents through December 31, 2024. –Katrina Griffith

Summary of presentation:

- Lane County provides and administers a food handler training and testing website that all Oregon counties use;
- A food handler card is \$10, and Marion County receives \$8 of this:
 - In 2023 and 2024 Marion County will receive \$7.
- In the past the county has conducted in-person classes, and there is a bilingual sanitarian working for the county who would be able to provide classes in Spanish; and
- Individuals can also take the test at the county and receive their card there:
 - This is mainly for individuals who do not have access to a computer.

Board discussion:

None.

MOTION: Commissioner Cameron moved to approve Amendment #1 to the incoming funds Intergovernmental Agreement with Lane County, Oregon to add \$160,000 for a new contract total of \$341,000 for on-line food handler testing for Marion County residents through December 31, 2024. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:06:21)

8. Consider approval of Amendment #9 to the Contract for Services with Advanced Security, Inc. to add \$100,000 for a new contract total of \$1,845,000 to provide 24/7 unarmed security services for the Psychiatric Crisis Center and overnight vehicular patrols at the Health and Human Services, Center Street campus through June 30, 2023. –Rhett Martin

Summary of presentation:

- Advanced Security has provided unarmed security and patrol services to various Health and Human Services locations since 2017; and
- For the safety and wellbeing of clients and staff it was decided that security needs to be increased to 24/7 coverage at the Psychiatric Crisis Center, and a vehicular patrol needs to be added two times a night at the Center Street campus.

Board discussion:

- This contract will be going out for a Request for Proposals (RFP) in the near future; and
- Staff does not know if Advanced Security also provides security for the hospital:
 - Maybe there is a way that the county could partner with the hospital for security, potentially saving both parties money.

MOTION: Commissioner Bethell moved to approve Amendment #9 to the Contract for Services with Advanced Security, Inc. to add \$100,000 for a new contract total of \$1,845,000 to provide 24/7 unarmed security services for the Psychiatric Crisis Center and overnight vehicular patrols at the Health and Human Services, Center Street campus through June 30, 2023. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:09:21)

PUBLIC WORKS

9. Consider approval of the Public Improvement Agreement with Dirt and Aggregate Interchange, Inc. in the amount of \$474,444 in state funding, for the 2023 North Fork (Beachie Creek) Guardrail Replacement Project for segments of Pioneer, Gates Hill, and North Fork Roads through December 31, 2024. –Ryan Crowther

Summary of presentation:

- Guardrail throughout the corridor was damaged during the 2020 wildfires;
- The project scope includes the following:

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- Remove damaged guardrail;
- Replace approximately 3,600 feet of fire damage guardrail;
- Add approximately 1,900 feet of new guardrail near Camp Cascade:
 - Trees and other roadside vegetation burnt during the fire, and this opened a hazard that needs to have guardrail.
- Install gravel shoulders as required to match the road surface; and
- The use of steel posts is the current county standard, so they will be used instead of wood posts for this project.
- The low bid of \$474,444 was received from Dirt and Aggregate Interchange, Inc.:
 - The project is being funded by money the county received from the state through House Bill 5202; and
 - There is no county match.
- The project will be completed by July 31, 2023.

Board discussion:

None.

MOTION: Commissioner Cameron moved to approve the Public Improvement Agreement with Dirt and Aggregate Interchange, Inc. in the amount of \$474,444 in state funding, for the 2023 North Fork (Beachie Creek) Guardrail Replacement Project for segments of Pioneer, Gates Hill, and North Fork Roads through December 31, 2024. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:12:40)

Commissioner Willis recessed at 9:12 a.m.

Commissioner Willis reconvened at 9:32 a.m.

(Video Time 00:32:33)

MOTION: Commissioner Willis asked for and received unanimous consent to return to the consent agenda to allow Commissioner Bethell an opportunity to vote. Commissioner Bethell voted yes on the consent agenda.

(Video Time 00:33:07)

PUBLIC HEARINGS

9:30 A.M.

PUBLIC WORKS

A. Public hearing to consider Zone Change/Comprehensive Plan Amendment (ZC/CP) Case #22-004/Rafael Hernandez Mercado. –Jared Bradford

Summary of presentation:

- The application is a request to change the comprehensive plan designation on a 0.69-acre parcel from rural residential to community commercial, and to change the zone from acreage residential to community commercial:
 - The parcel is located at 8792 Portland Road NE in Salem, in the unincorporated community of Brooks-Hopmere.
- The applicant is proposing to develop the subject property with an administrative office, and to use the property as storage for his business;
- The subject property is located 745 feet south of the intersection of Portland Road NE and Brooklake Road NE;
- Currently there is a dwelling and three accessory structures on the property;
- Properties surrounding the parcel are zoned acreage residential and community commercial;
- Surrounding properties are developed with a mixture of residential and commercial uses;
- The Planning Division requested comments from various government agencies:
 - The comments that were received are located in the staff memorandum and the file for reference; and
 - The comments are also located in the hearings officer's decision.
- The hearings officer approved the application on January 30, 2023, after considering staff's recommendation to approve the proposed comprehensive plan and zone change:
 - The decision is based on the criteria in the Brooks-Hopmere Community Plan, the policies in the rural development element of the Marion County Comprehensive Plan, the Oregon Statewide Planning Goals, and the zoning criteria found in Marion County Code 17.123.060, 17.176.010, and 17.143.050.
- All findings that the decision is based on can be found in the staff memorandum and the hearings officer's decision.

Testimony:

Support:

Nick Rhoten, attorney for the applicant:

- The application is for a comprehensive plan and zone change;
- The record of the case meets all the applicable criteria to accomplish the comprehensive plan and zone change;

- The applicant believes that the Board should adopt the hearings officer's findings, including conditions A through E;
- The property will be used for small scale commercial use, and this fits with the existing uses and development in the surrounding area; and
- The hearings officer did not recommend including conditions 1 and 2.


Board discussion:

- The hearings officer recommended conditions A through E be imposed as conditions of approval;
- Conditions 1 and 2 were proposed by Public Works, but the hearings officer recommended not imposing these as conditions of approval:
 - In the staff memorandum conditions 1 and 2 are referred to as conditions F and G; and
 - The hearings officer recommended that the Board not include conditions F and G in their decision of approval.
- The Rural Transportation System Plan (RTSP) includes specific requirements for county roadways, and the county's engineering team includes these requirements as recommended conditions for applications requesting changes to zone and comprehensive plan designations:
 - The engineering team then negotiates these conditions with the applicant when they come forward with any future applications.
- Commission Bethell is not comfortable with this process because the county has difficulty meeting RTSP requirements due to cost, so it does not seem fair to put these requirements and costs onto an individual business owner.


Rafael Hernandez and Rafael Hernandez Jr. both declined to provide testimony.

MOTION: Commissioner Cameron moved to close the public hearing and approve Zone Change/Comprehensive Plan Amendment (ZC/CP) Case #22-004/Rafael Hernandez Mercado, and accept the hearings officer's report with conditions A through E and excluding items 1 and 2 in the report. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

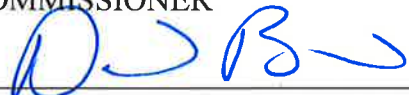
Commissioner Willis adjourned the meeting at 9:46 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at
<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>