

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, April 8, 2020
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Colm Willis, Commissioner Sam Brentano, and Commissioner Kevin Cameron. 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.

PUBLIC COMMENT

None.

PRESENTATION

(Video Time 00:00:39)

COVID-19 (Novel Coronavirus) update. –Katrina Rothenberger

- Ms. Rothenberger reports the following updates for the COVID-19 pandemic as of Tuesday, April 7, 2020:
 - An estimated 218 individuals have tested positive;
 - An estimated 1,958 individuals have tested negative;
 - An estimated 64 individuals have been hospitalized throughout the duration of the pandemic; and
 - Nine individuals have died from symptoms related to COVID-19.
- Marion County Health and Human Services (MCHHS) continues to encourage community members to maintain social distancing practices in order to slow the spread of COVID-19;
- Individuals who must go out into public and cannot maintain the six feet social distancing practice have been asked to wear a cloth mask:
 - Medical grade masks are being reserved for health care workers; and
 - Community members are encouraged to refrain from purchasing surgical masks or N95 masks.
- MCHHS has instituted a warmline:
 - The telephone line is available to the community seven days a week from 8:00 a.m. to 8:00 p.m.;
 - Individuals using the warmline can learn about resources related to the following:
 - Financial supports;

- Utilities;
 - Rent;
 - Accessing mental health care;
 - Food pantries;
 - Food boxes; and
 - In-home entertainment.
 - The warmline phone number has been posted to the county’s social media website.
- National Public Health Week is April 6-12, 2020:
 - Public health addresses the causes of the following:
 - Poor health; and
 - Disease risks.
 - An individual’s health and life expectancy is determined by where they:
 - Live;
 - Work;
 - Play; and
 - Worship:
 - Individuals are impacted when they are denied these options.
 - Ms. Rothenberger recognized the following individuals and expressed her appreciation for their services:
 - Nurses;
 - Epidemiologists;
 - Disease detectives;
 - Public health workers;
 - Environmental health specialists;
 - Health educators;
 - The MCHHS management team;
 - Information Technology support;
 - Office support; and
 - Individuals assisting with the COVID-19 pandemic.

Board discussion:

- The commissioners expressed their appreciation to the MCHHS team for their hard work;
- Marion County was the first county in Oregon to receive national accreditation in public health in 2014:
 - The county was reaccredited in March of 2020.
- Public health in the county encompasses a variety of services which includes some of the following:
 - Immunizations;
 - Environmental health;
 - Women, Infants, and Children (WIC); and
 - Promoting healthy behaviors.
- Wearing a mask when out in public can protect individuals and reduce the spread of COVID-19.

MOTION: Commissioner Brentano moved to approve a proclamation designating the week of April 6-12, 2020 as National Public Health Week in Marion County. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

The commissioners read the proclamation.

CONSENT

(Video Time 00:08:57)

BOARD OF COMMISSIONERS

OLCC Application – Recommended Approval
Santiam Golf Club, Inc. – dba Santiam Golf Club

BUSINESS SERVICES

Approve a recommendation to establish new classifications and pay grades for classification #652, Support Specialist, Non-Information Technology (IT); #185, Data Specialist; and adjust upward the pay grade for #650, Support Specialist, (IT).

Approve an order appointing Susan Wilson to the Marion County Compensation Board with a term ending December 31, 2020.

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

ACTION

(Video Time 00:09:58)

BOARD OF COMMISSIONERS

1. Consider approval of an order adding Addendum #1 and Addendum #2 to Administrative Policy #305, Protected Leave, to include temporary emergency rules related to the Federal Families First Coronavirus Response Act and the Oregon Family Leave Act. –Michelle Shelton and Lisa Trauernicht

Summary of presentation:

- The two addenda are being added to the current Policy #305, Protected Leave, which includes the following:
 - The Family Medical Leave Act; and
 - The Oregon Family Leave Act.
- The addenda are part of the COVID-19 emergency response:
 - The policy is being amended to assist with the county's rapidly changing employee benefits in response to the pandemic.

- The United States (U.S.) Congress passed the Federal Families First Coronavirus Response Act:
 - The act went into effect April 1, 2020.
- The U.S. Department of Labor (DOL) guidelines are changing daily in response to the COVID-19 pandemic:
 - The county's chief administrative officer and chief human resource officer will be continuously reviewing the guidelines to ensure that county policies are accurate, up-to-date, and in compliance with federal and state laws.
- The addenda focuses on two elements of the policy:
 - Emergency Paid Sick Leave (EPSL):
 - The leave will be open to all county employees;
 - All employees are eligible to receive 80 hours of sick leave;
 - There are three levels of designation under the sick leave:
 - An employee's own medical condition;
 - An employee caring for another individual; and
 - An employee caring for a child whose school or place of care is closed.
 - Expanded Family Medical Leave Act (EFMLA):
 - It does not give you more leave time; and
 - It provides more options that are necessary during the pandemic.
- The addenda will be in effect until December 31, 2020;
- The U.S. DOL exclusions include individuals employed as the following:
 - Emergency responders; and
 - Health care providers.
- County exclusions to the EFMLA include the following departments:
 - The Board of Commissioners Office;
 - The District Attorney's Office;
 - The Dog Services Department;
 - The Health and Human Services Department;
 - The Juvenile Department;
 - The Office of Legal Counsel;
 - The Public Works Department; and
 - The Sheriff's Office.

Board discussion:

- Qualified employees are required to apply for the EFMLA;
- All of the EFMLA requests will be managed by the county's Human Resources Department and approved by the county's chief human resources officer;
- A draft of the added addenda for Policy #305, Protected Leave, was presented to the employee's union leadership;
- Changes to the county's operation practices related to the COVID-19 pandemic include the following:
 - Telecommuting was made available to employees;

- County offices were closed to in-person appearances by the public:
 - Individuals needing services were urged to utilize the following when contacting county departments:
 - The internet; or
 - Telephones.
- Employees are able to utilize the additional 80 hours of EPSL if needed:
 - The 80 hours are in addition to the following:
 - Current accrued vacation hours; and
 - Current accrued sick leave hours.
 - The 80 hours of EPSL are specific to circumstances related to the COVID-19 pandemic:
 - The additional hours cannot be carried over as accrued sick leave.
 - Federal law states the 80 hours will not apply to first responders, however the commissioners have extended the hours to all employees;
 - The additional 80 hours are for full time employees; and
 - Employees who are not full time will be able to utilize the leave on a pro-rated basis.

MOTION: Commissioner Cameron moved to approve an order adding Addendum #1 and Addendum #2 to Administrative Policy #305, Protected Leave, to include temporary emergency rules related to the Federal Families First Coronavirus Response Act and the Oregon Family Leave Act. Seconded by Commissioner Brentano. A voice vote was unanimous.

(Video Time 00:22:47)

LEGAL COUNSEL

2. Consider approval of an Interim Intergovernmental Agreement (IGA) between the Member Governments of the Mid-Willamette Valley Homeless Alliance and the Mid-Willamette Valley Council of Governments to continue to provide administrative support and other resources, in addition to serving as the Collaborative Applicant for the Alliance through August 13, 2020. – Jane Vetto

Summary of presentation:

- The IGA is between the member governments of the Mid-Willamette Valley Homeless Alliance (M WVHA) and the Mid-Willamette Valley Council of Governments (MWVCOG);
- In August of 2019, the following bodies formed a regional Continuum of Care to prevent and end homelessness in the Mid-Willamette Valley:
 - Marion County;
 - Polk County;
 - The City of Salem;
 - The City of Independence;
 - The City of Monmouth;
 - The City of Keizer;

- The Salem-Keizer School District;
- The Confederated Tribes of Grand Ronde;
- Salem Health;
- The Union Gospel Mission; and
- United Way.
- Former Commissioner Janet Carlson spearheaded the formation and was very involved in the process;
- One function of the alliance is to provide funding through the following:
 - Member contributions;
 - Private grants; and
 - Federal grants.
- The application for a federal grant is processed through the U.S. Department of Housing and Urban Development (HUD):
 - A legal entity is required to apply; and
 - The alliance is a collaboration of governments:
 - It is not a legal entity.
- The MWVHA contracted with the MWVCOG in September of 2019, to provide the following:
 - Administration support; and
 - Contract management.
- The MWVHA also made the decision to start applying for federal grants;
- The MWVCOG, a legal entity, has agreed to the following:
 - Providing administrative support; and
 - They will continue to apply for the grants until the member governments of the alliance are able to form an ORS.190 entity.
- The member governments of the alliance have agreed to the following:
 - Continuing to provide financial contributions to support the alliance for the 2019-2020 Fiscal Year; and
 - Creating a new IGA to serve as the collaborative applicant.
- The IGA has an expiration date of August 13, 2020; and
- The IGA is for member governments only.

Board discussion:

- The commissioners expressed their appreciation to Ms. Vetto for her hard work.

MOTION: Commissioner Brentano moved to approve an Interim Intergovernmental Agreement between the Member Governments of the Mid-Willamette Valley Homeless Alliance and the Mid-Willamette Valley Council of Governments to continue to provide administrative support and other resources, in addition to serving as the Collaborative Applicant for the Alliance through August 13, 2020. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

The commissioners convened at 9:27 a.m.
The commissioners reconvened at 9:30 a.m.

PUBLIC HEARINGS

9:30 A.M.

(Video Time 00:30:44)

PUBLIC WORKS

A. Public Hearing to consider Legislative Amendment (LA) 20-001, amending Marion County Code, Title 17, related to temporary hardship dwellings. –Joe Fennimore

Summary of presentation:

- A resolution initiating amendments to the Rural Zone Codes related to temporary hardship dwellings was approved on March 3, 2020;
- Under Marion County Code Section 17.120.040, a property owner located in rural Marion County can qualify for placement of a temporary mobile home or recreational vehicle to provide care for a family member:
 - This section of the code was last updated in 2008.
- County staff developed amendments for the board to consider that focuses on the following issues:
 - Addressing how absences from the hardship dwelling impact the permit;
 - Refining language regarding licensed medical professional assessments; and
 - Adding criteria for the conversion of existing structures to be used as temporary hardship dwellings.
- Options for the board to consider include the following:
 - Continue the public hearing;
 - Close the public hearing and leave the record open; or
 - Close the public hearing and approve, deny, or modify the request.
- This public hearing was scheduled and the required public notice was posted prior to the emergency declaration which closed the Courthouse Square building to the public due to the COVID-19 pandemic:
 - A section in the actual notice explains how the public can participate; and
 - The notice states an individual can appear in person or with representation at the hearing.
- Due to the building closure of Courthouse Square, staff recommends the commissioners vote to continue the public hearing with a suggested hearing date of May 6, 2020.


Commissioner Willis read two letters of written testimony. (See attachment A)

Board discussion:


- Ms. Vetto stated the issues in the written testimony have been considered and will be addressed when the public hearing is resumed at a later date; and
- The requirements under the Americans with Disabilities Act will be taken into account.

MOTION: Commissioner Cameron moved to continue the public hearing for May 6, 2020 and leave the record open. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

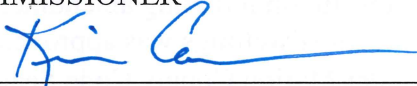
Commissioner Willis read the calendar.
Commissioner Willis adjourned the meeting at 9:55 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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

Attachment "A"

APR 3 '20 PM 2:33

Marion County Planning
Re: Legislative Amendment 20-001

March 31, 2020

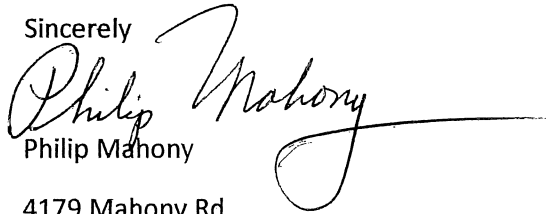
Regarding placement of temporary homes for medical hardship purposes, I am not opposed to helping those truly in need. However, it seems that to some folks temporary means permanent and after the temporary need no longer exist, the temporary home is never removed. It becomes a permanent residence for others.

We must have assurances that those temporary homes be carefully controlled. They must be removed after the need no longer exist.

Also the medical hardship must be carefully reviewed so that only those cases are approved for a temporary home are truly in need.

We must protect against an erosion of current land use planning especially in those areas designated EFU.

Sincerely

A handwritten signature in black ink that reads "Philip Mahony". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Philip Mahony

4179 Mahony Rd.

Saint Paul OR 97137

Attachment "A"

From: Laurel Hines <laulehines@gmail.com>
To: Gilman Fennimore <gfennimore@co.marion.or.us>
Date: 4/2/2020 9:35 PM
Subject: Re: Legislative amendment 20-001

Here are my comments re the proposed legislative amendment for the upcoming hearing:

Regarding section E, number 3d(i and ii)

It seems to me that giving a whole year for a medical professional to provide for an assessment regarding whether the aged or infirm person would be able to return to the property may be an excessive amount of time.

Perhaps there are reasons for allowing this much time that I am not aware of, but otherwise it seems excessively long.

Also, If the medical professional cannot provide an assessment by then, who decides whether the hardship is still necessary? This is not delineated. Perhaps a county staff should be authorized to go out and investigate the need, or contract with a local social worker to do this.

Both of these areas seem to be weaknesses in the legislation that could invite misuse of it, especially leaving un clear who would investigate.

These are the only two areas I had concerns about.

Laurel Hines AAC #2 (I think)

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