

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, May 6, 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 Jane Vetto 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.

**PUBLIC COMMENT**

None.

**PRESENTATION**

*(Video Time 00:00:41)*

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

- Ms. Rothenberger reported the following updates for the COVID-19 pandemic as of Tuesday, May 5, 2020:
  - An estimated 575 individuals have tested positive:
    - An estimated 200 individuals have recovered.
  - An estimated 4,778 individuals have tested negative;
  - An estimated 109 individuals have been hospitalized from the start of the pandemic; and
  - Nineteen individuals have died from symptoms related to COVID-19.
- The Oregon Health Authority (OHA) will be providing a weekly statistics report which will include the following information:
  - The inclusion of presumptive cases:
    - An individual that has no positive test, but has COVID-19 like symptoms and has had close contact with a confirmed case is considered presumptive; and
    - Presumptive cases have a high probability of having COVID-19, due to the specific nature of the symptoms and the individual's known exposure.
  - The underlying medical conditions for individuals that have died can include some of the following:
    - Diabetes;

- Heart disease; and
    - Lung disease.
  - Cases by zip code:
    - The county has been providing zip code data for several weeks; and
    - The data has helped to mobilize the community into action.
- Marion County Health and Human Services (MCHHS) continues to encourage community members to practice the following when in public settings:
  - Maintaining social distancing; and
  - Wearing cloth masks.

***Board discussion:***

- COVID-19 updates are provided by the OHA;
- Individuals with symptoms are categorized into three classifications:
  - Suspects;
  - Presumptive:
    - An individual has been in close contact and has a known link with someone who has tested positive;
    - The individual has COVID-19 symptoms;
    - The individual has had conversations with a doctor regarding their symptoms;
    - They have not been tested;
    - They have been asked to self-isolate;
    - MCHHS contacts and questions the individual to determine their symptoms;
    - They are tracked by MCHHS; and
    - They become a priority for testing once a test becomes available.
  - Confirmed.
- It is estimated that 200 individuals have recovered out of the 575 individuals that have tested positive:
  - The estimate may be low due to the length of time needed to contact individuals experiencing symptoms.
- The total number of individuals hospitalized since the first case on March 7, 2020, is estimated at 109:
  - The estimate is a cumulative count from the first diagnosis;
  - Individuals with COVID-19 symptoms have been released from the hospital within the last eight weeks; and
  - The estimate is not the current number of individuals being hospitalized.

**CONSENT**

*(Video Time 00:06:13)*

## BOARD OF COMMISSIONERS

Approve Amendment #1 to the Contract for Services with CFM Advocates, Inc. to add \$549,744 for a new total of \$1,052,837.70 and extending the term through June 30, 2025, for lobbying services for federal grants, and long-term economic development strategies for the North Santiam Canyon.

## FINANCE

Approve two Contracts for Sale and one quitclaim deed for the private sale of Tax Foreclosed Properties ID #R47826, #R100554, and #R69878.

## HEALTH AND HUMAN SERVICES

Approve Amendment #9 to the Intergovernmental Agreement with the Oregon Health Authority to add \$12,083 for a new total of \$3,134,544 for Maternal Child Health Services funding for public health services.

## PUBLIC WORKS

Receive notice of the hearings officer's recommendation for Zone Change/Comprehensive Plan (ZC/CP) Case #20-001/Chemeketa Community College on property owned by A & S Real Estate Management, LLC and schedule a public hearing for May 27, 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 00:07:55)*

## BOARD OF COMMISSIONERS

2. Consider approval of a proclamation designating the month of May as Older Americans Month in Marion County. –Commissioner Sam Brentano and Tanya Dehart, Executive Director, NorthWest Senior and Disability Services (NWSDS)

### ***Summary of presentation:***

- NWSDS serves the following counties:
  - Marion:
    - Offices are located in the City of Salem and the City of Woodburn.
  - Polk;
  - Yamhill;
  - Clatsop; and
  - Tillamook.
- NWSDS provides a variety of services for some of the following:
  - Seniors; and
  - Adults with physical disabilities.

- Older Americans Month has been celebrated for an estimated 60 years by the following entities:
  - States;
  - Counties;
  - Cities; and
  - Groups.
- The celebration recognizes older Americans and their community contributions:
  - Their time, experience, and talents can benefit the following:
    - Family;
    - Peers; and
    - Neighbors.
  - The 2020 theme is titled “Make Your Mark”:
  - It highlights the difference everyone can make in the lives of older adults.
  - The celebration can include some of the following:
    - Proclamations;
    - Ceremonies;
    - Events;
    - Fairs; and
    - Other activities.

***Board discussion:***

- An estimated 30,000 individuals receive services from NWSDS which include:
  - Medicaid;
  - The Supplemental Nutrition Assistance Program; and
  - The Older Americans Act (OAA) services, which includes some of the following:
    - Home delivered meals; and
    - An estimated 17 dining centers located within the five counties.
- NWSDS staff includes the following:
  - An estimated 280 full time employees; and
  - An estimated 1,000 volunteers.
- Anyone that meets the basic age criteria for the OAA is eligible for NWSDS services;
- NWSDS contracts with the state of Oregon to provide services:
  - The two year contract is estimated at \$67 million.
- Meals are provided out of central kitchens that are located in Pacific City and the City of Salem.

**MOTION:** Commissioner Brentano moved to approve a proclamation designating the month of May as Older Americans Month in Marion County. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

The commissioners read the proclamation.

*(Video Time 00:17:31)*

1. Consider approval of a resolution adopting the Community Roadmap for reopening Marion County. –Barb Young and Katrina Rothenberger

**Summary of presentation:**

- The county's plan is a three phased community roadmap for a limited reopening of the following:
  - Businesses;
  - Child care facilities;
  - Parks; and
  - Other venues.
- The plan is based off of guidelines presented by the Oregon Governor and information obtained from the following:
  - MCHHS staff;
  - County hospitals; and
  - Three stake holder meetings with representatives from the following:
    - North Marion County;
    - The City of Salem and the City of Keizer; and
    - South and East Marion County.
- The plan is a living document that will continue to change and evolve as needed;
- The commissioners have been very involved in the process and development of the plan, which includes discussions with some of the following:
  - Local businesses;
  - The governor's work groups;
  - The governor's staff; and
  - Stake holders.
- Phase I is a roadmap for reopening businesses and addresses some of the following:
  - Sanitation protocols;
  - Physical distancing;
  - Crowd size; and
  - Masks.
- Phase II and Phase III of the plan will not be implemented until Phase I criteria have been met:
  - This involves continuous monitoring by MCHHS staff and hospital representatives.
- The plan is a measured approach for a limited reopening:
  - Business practices will be different and will have recommended guidelines.
- The packet that will be submitted to the governor includes the following:
  - The official letter to the governor:
    - The letter has a proposed target date of May 15, 2020, for reopening businesses.
  - Gating criteria and preparedness;
  - Meeting the governor's prerequisites, which include some of the following:
    - A declining prevalence of COVID-19:
      - This includes a decline in emergency department utilization.
    - Minimum testing requirements:

- Sufficient testing sites are accessible for under-served communities;
- The county is receiving some testing from the Oregon State Public Health Lab; and
- The tests are being mobilized to areas in need.
- A contact tracing system:
  - Currently there are 22 full time employees;
  - MCHHS is in the process of hiring more individuals;
  - Select staff are fluent in Russian and Spanish;
  - Follow-up is more frequent; and
  - Staff is available 7 days a week for 12 hours every day.
- Isolation facilities that are available for individuals unable to self-isolate:
  - MCHHS has established policies and procedures; and
  - The county has contracts with hotels to assist with self-isolation.
- MCHHS is able to respond to outbreaks in multiple congregate care settings, which include some of the following:
  - Agriculture:
    - Food processing facilities; and
    - Farm labor housing.
  - Senior care facilities; and
  - Correctional institutions.
- Health care capacity:
  - The three hospitals located within the county have submitted letters of commitment discussing the following:
    - Capacity;
    - Accommodating a 20 percent bed surge;
    - Personal Protective Equipment (PPE) capacity; and
    - Daily reporting of PPE to the OHA.
- PPE is available for first responders.
- A summary of businesses that the county has proposed for Phase I reopening include some of the following:
  - Restaurants;
  - Bars;
  - Breweries;
  - Brew pubs;
  - Wineries;
  - Retail space;
  - Child care;
  - Personal services;
  - Outdoor recreation;
  - County parks;
  - Churches;
  - Synagogues;
  - Places of worship;
  - Health clubs; and

- Bowling alleys:
      - There are detailed guidelines for entities to follow before opening their doors for business.
  - Individual citizen responsibilities:
    - There is a limited reopening of businesses;
    - Social distancing is still requested;
    - Face masks are requested in public settings where social distancing is not available;
    - Practicing good hand hygiene; and
    - Covering your mouth when you cough or sneeze.
  - Guidelines for a business or work place;
  - Continuous evaluations of the three phase plan;
  - A letter from the county's health officer supporting the county's plan is enclosed; and
  - A board resolution to adopt the plan if approved.

***Board discussion:***

- The pandemic has impacted community health, with concerns for some of the following:
  - Loss of employment;
  - Lack of funds for bill payments; and
  - An increase in domestic violence.
- Communication can be improved with conference calls and virtual meetings;
- Communities are concerned with a potential rise in positive testing once the county and businesses reopen;
- Reopening businesses will still entail some of the following:
  - Wearing face masks;
  - MCHHS monitoring; and
  - Hospital monitoring.
- The county is requesting that individual citizens and business owners implement good social distancing practices and follow the governor's guidelines;
- The commissioners expressed their desire to get businesses and citizens back to work in a safe manner:
  - Community health and safety is important.
- The county's Community Roadmap is for a limited reopening;
- The county has received letters from the following hospitals attesting that they are capable of managing individuals with COVID-19 symptoms:
  - Salem Health;
  - Santiam; and
  - Legacy Silverton Medical Center.
- It is believed that COVID-19 will be present for the foreseeable future:
  - It is the commissioners' intention to move forward in a manner that is safe for citizens':
    - Physical health;
    - Mental health; and

- Economic health.
- Vulnerable populations within the county have been greatly impacted by the pandemic;
- The county's Community Roadmap plan is a working document that can be changed if the need arises:
  - It is tailored to the county's needs;
  - Federal guidelines change frequently; and
  - Work on the plan will continue.
- The county's case count is above the state's average:
  - The higher count areas were identified;
  - Face masks and hand sanitizer were dispatched to the areas;
  - Efforts have been made to make the public more aware; and
  - Educational information is provided in several languages.
- The commissioners expressed their appreciation to all county staff for their hard work during the pandemic;
- Input and suggestions from communities with cultural differences are welcome; and
- The county's Community Roadmap plan will be posted on the county's website.

**MOTION:** Commissioner Cameron moved to approve a resolution adopting a plan for the re-opening of Marion County. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

The commissioners read the resolution.

*(Video Time 00:53:51)*

SHERIFF'S OFFICE

3. Consider approval of a proclamation declaring May 10-16, 2020, as Police Recognition Week in Marion County. –Sheriff Joe Kast and Commander Jeff Stutrud

***Summary of presentation:***

- Police Recognition Week originated in 1962 when President Kennedy declared May 15<sup>th</sup> as National Peace Officers Memorial Day:
  - The week is dedicated to honoring America's law enforcement community.
- A 2010 census study estimated the county's population to be 315,000;
- The Marion County Sheriff's Office (MCSO) patrols approximately 1,194 square miles of county roads in the following areas:
  - Urban;
  - Rural; and
  - Wilderness.
- The MCSO provides police services to the following:
  - An estimated 20 incorporated cities:
    - The MCSO has contracts with three of these cities.
  - An estimated 37 unincorporated communities.



- In 2019, the MCSO assigned an estimated 31,371 case numbers that were generated from police reports:
  - It is estimated that the case numbers for 2020 will be only slightly lower; and
  - The MCSO has seen a slight decrease in calls for service with the COVID-19 stay-at-home order.
- MCSO deputies have been addressing the following issues:
  - In the north county:
    - Speeding;
    - Traffic related issues;
    - Accidents; and
    - Fatality crashes.
  - In the east county:
    - Fire mitigations;
    - Door-to-door notices;
    - Evacuation routes; and
    - Signage.
  - The day-to-day response to calls; and
  - Citizens have been calling to express their appreciation for MCSO services.
- MCSO deputies have been adaptable and flexible during the operation changes due to the pandemic; and
- Sheriff Kast requested the approval of the proclamation declaring May 10-16, 2020, as Police Recognition Week in Marion County.

***Board discussion:***

- The commissioners expressed their appreciation to the MCSO for the services they provide, their level of professionalism, and their community support.

**MOTION:** Commissioner Cameron moved to approve a proclamation declaring May 10-16, 2020, as Police Recognition Week in Marion County. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

The commissioners read the proclamation.

*(Video Time 01:02:42)*

HEALTH AND HUMAN SERVICES

4. Consider approval of Amendment #10 to the Intergovernmental Agreement with the Oregon Health Authority to add \$236,856 for a new total of \$3,371,400 for COVID-19 Response funding for public health services. –Ryan Matthews

***Summary of presentation:***

- The Oregon Health Authority (OHA) contracts with the county to provide public health services;
- The county has two federal funding awards from the OHA related to COVID-19:
  - The first award was provided in Amendment #8 of an Intergovernmental Agreement (IGA); and

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- Amendment #10 to the IGA will be the second award.
- Amendment #10 provides \$236,856 in federal funds:
  - The funds are triggered by a federal emergency declaration; and
  - They are specifically for emergency response activities related to COVID -19.
- The funds will be used for some of the following:
  - The MCHHS Operations Center;
  - PPE for first responders;
  - PPE for hospitals;
  - Testing supplies;
  - Establishing criteria; and
  - Guidance communication from the following:
    - The Center for Disease Control (CDC); and
    - The OHA.
- Amendment #8 provided \$210,034 in state general funds:
  - The funds were released when the governor declared an emergency at the state level;
  - The funds were used to maintain and sustain the county’s local public health authority’s role during the COVID-19 incident; and
  - It assisted with financing for some of the following:
    - Contact tracers;
    - Disease investigation; and
    - Core public health functions.
- The county established a project code in the accounting system for tracking COVID-19 activities all the way back to the start of the pandemic:
  - This allowed expenses to be easily identified; and
  - It helped to determine the appropriate area to apply the funding source.
- The IGA is retroactive back to March of 2020; and
- The county appreciates the funding assistance from both the state and the federal level.

**MOTION:** Commissioner Brentano moved to approve Amendment #10 to the Intergovernmental Agreement with the Oregon Health Authority to add \$236,856 for a new total of \$3,371,400 for COVID-19 Response funding for public health services. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 01:06:03)*

**PUBLIC WORKS**

5. Consider approval of the Contract for Services with ADCOMM Engineering, LLC in the amount of \$523,300 to provide consulting services for the Marion County radio communications system through December 31, 2023. –Brian Nicholas

***Summary of presentation:***

- The county owns a portion of a county wide public safety radio network:
  - The system consists of 14 radio sites located throughout the county; and
  - The county partnered with METCOM 911 to construct the system:

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- Both parties own a portion of the system and cooperatively maintain the system.
- The following agencies located throughout the county rely on the system:
  - The Marion County Sheriff's Office (MCSO);
  - METCOM 911;
  - Rural fire districts;
  - Emergency Medical Services (EMS) districts;
  - Multiple city police departments; and
  - Multiple city fire departments.
- Marion County Public Works (MCPW) owns and operates a separate radio system for the following:
  - Road maintenance operations;
  - Emergency response activities; and
  - Occasional utilization by the MCSO.
- Both radio systems rely on dated radio technology and are in need of replacement;
- MCPW has a three part program that will transition the county from the current radio system to a more reliable radio system:
  - Phase I involves the following:
    - Development of a strategic plan;
    - Preliminary system design;
    - Specifications; and
    - A long term governance model.
  - Phase II involves construction of the new system; and
  - Phase III involves commissioning and maintaining the system.
- The county will need the assistance of a qualified radio engineering consultant to assist in all three phases of the project;
- MCPW issued a Request For Proposal (RFP) for consulting services in October, 2019:
  - Six proposals were received;
  - The proposals were jointly evaluated by the county and METCOMM 911; and
  - ADCOMM Engineering, LLC was selected to consult on the project.
- ADCOMM Engineering, LLC will perform the following services for Phase I of the project:
  - Compile a complete inventory of system components;
  - Compile radio site condition data for each the 14 radio sites;
  - Facilitate stakeholder engagement to better understand the needs of the agencies using the system;
  - Perform radio coverage and frequency analysis;
  - Identify locations for new radio sites;
  - Assist in selecting a system configuration that provides balance between the following:
    - Functionality;
    - Performance; and

- Affordability.
  - Assist in developing a system governance model;
  - Develop a strategy that outlines a step-by-step construction sequence to transition from the current radio system to the new radio system; and
  - Develop design components and documents for bid packages that will be deployed in Phase II of the project.
- The total budget for Phase I of the project is \$523,300.

***Board discussion:***

- A detailed description of the project was discussed at a Management Update meeting;
- Locating replacement parts has become increasingly difficult; and
- Replacing the radio system is important for public safety and for communication purposes for the entities using the system.

**MOTION:** Commissioner Cameron moved to approve the Contract for Services with ADCOMM Engineering, LLC in the amount of \$523,300 to provide consulting services for the Marion County radio communications system through December 31, 2023. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

**PUBLIC HEARINGS**

9:30 A.M.

*(Video Time 01:12:30)*

**PUBLIC WORKS**

A. Public hearing to consider adding parks services to the East Salem Service District (ESSD).  
–Dennis Mansfield and Scott Norris

***Summary of presentation:***

- Today’s hearing is the first of two public hearings that are required to add parks services to the ESSD;
- In August, 2019, the Santana Village Park Association requested financial support for the maintenance and upkeep of the Santana Village Park located within the boundaries of the ESSD;
- The park was given to the association by the county in 2012, due to the rising expense of park maintenance:
  - Local residents created the association as a non-profit organization;
  - The association has been maintaining the park with the help of the following:
    - Donations;
    - Fundraisers; and
    - Volunteers.
  - The annual expenditures for park maintenance is estimated at \$8,000; and

- No government funding has been provided since the inception of the association.
- The request will assist with funding for the following park maintenance aspects:
  - Year round portable restroom services;
  - Garbage service; and
  - Ground coverage for walking trails.
- Parks services must be added to the ESSD before any support services can be considered;
- The following parks are located within the ESSD:
  - Santana Village Park;
  - Denny Park; and
  - Parkdale Park.
- Both Denny Park and Parkdale Park are owned and maintained by the county;
- Three board orders need to be adopted before park services can be added to the ESSD:
  - The first board order was presented at a Board Session meeting held on March 18, 2020:
    - The order was to initiate the formation procedure and set the date for today's public hearing.
- This first public hearing provides the public with the opportunity to provide testimony either in support or opposition for adding parks services to the ESSD;
- The public hearing was noticed to the following:
  - The MCPW website; and
  - The Statesman Journal newspaper on the following dates:
    - April 21, 2020; and
    - April 30, 2020.
- Following public testimony, the board will have the following options:
  - Approve a second public hearing; or
  - Close the public hearing and stop the process for adding parks services to the ESSD.

***Board discussion:***

- No public comment has been received;
- Notice of the public hearing was posted on the MCPW website and in the newspaper;
- No notification was sent to area residents in the ESSD; and
- If a second public hearing is approved, then notifications will be sent out to ESSD area residents.

**MOTION:** Commissioner Brentano moved to close the public hearing and approve the recommendation to prepare an order scheduling a second public hearing and also provide additional advertising information to ESSD area residents for the addition of parks services in the area. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 01:19:14)*

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B. Continue the public hearing to consider Legislative Amendment (LA) #20-001, amending provisions of the Marion County Code (MCC), Title #17, related to temporary hardship dwellings. –Joe Fennimore and Joe Miller

***Summary of presentation:***

Joe Fennimore:

- The board adopted a resolution on March 3, 2020, initiating amendments to MCC, Title #17:
  - Temporary hardship dwellings was added to the MCC.
- County staff developed amendments for the board to consider at a public hearing held on April 8, 2020:
  - A motion was made to continue the public hearing;
  - Today’s hearing is a continuance from that original public hearing; and
  - No additional information was submitted.
- 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 proposed amendments.
- Staff recommends the board adopt the amendments as proposed.

Joe Miller:

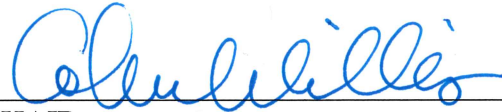
- The code provides criteria for the receipt of applications for temporary use permits related to hardship dwellings;
- The revision provides better clarity for the application review criteria which includes some of the following:
  - Granting permits;
  - The renewal process;
  - Required applicant information to be submitted for consideration;
  - Gathering information from licensed medical professionals to determine if the dwelling is necessary for the care of an individual; and
  - Understanding the facts from the applicant’s perspective:
    - Applicants typically have a medical hardship.
- The previous code did not provide any definitions in the Conditional Use permit criteria:
  - A definition section has been added to the code to help with clarification.
- Timelines were added; and
- Legal frameworks were reviewed for the following:
  - Calculating habitation days in a dwelling per year;
  - Reviewing the state income tax code to determine residency; and
  - Ensuring that temporary dwellings are not used as permanent residential structures for individuals who do not have a needed hardship.

**Board discussion:**

- Two emails were submitted and read into the record at the original public hearing held on April 8, 2020;
- No additional written public comment and telephone public comment was received for today's hearing;
- The county was served with a lawsuit alleging county practices related to temporary hardship dwellings was not sufficient:
  - As part of the resolution, the court recommended the county amend and clarify the code; and
  - The main change was made to the timeline.

**MOTION:** Commissioner Cameron moved to close the public hearing and approve Legislative Amendment (LA) #20-001, amending provisions of the Marion County Code, Title #17, related to temporary hardship dwellings. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

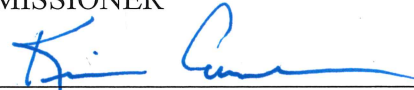
Commissioner Cameron read the calendar.  
Commissioner Willis adjourned the meeting at 10:38 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

**Board Sessions can be viewed on-line at**

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